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Department of Water Resources  
Adjudication Bureau

OFFICE OF THE  
ATTORNEY GENERAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No. 36-02080

) STIPULATION TO VACATE  
) SETTLEMENT CONFERENCE  
)

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The claimant, the United States, on behalf of the Bureau of Reclamation, and the objector, the A & B Irrigation District, by and through its counsel, Roger D. Ling, hereby stipulate and request that the Court vacate the mandatory settlement conference currently set in the above-captioned subcase. In support of this stipulation, the parties state that:

1. Claim No. 36-02080 was recommended as a water right in the name of the United States. A&B Irrigation District objected to IDWR's recommendation. It is currently set for a settlement conference on June 14, 1995, at 3:00 p.m.

2. Claim No. 36-02080 is a claim for diversion of ground water. There were expansions of use under the license supporting Water Right No. 36-02080 pursuant to I.C. 42-1416 and 42-1416A. The expansions of use were identified in several separate claims. This claim has issues common with the expansion claims, which to date were stayed pending a decision as to the constitutionality of the amnesty provisions. Though this particular claim is not itself a claim under the amnesty provisions, it is a claim affected by such provisions and related to these other expanded claims.

3. The Court has recently granted permissive appeal on

Basin-Wide Issue No. 4, which involves the issue of the constitutionality of these amnesty provisions.

4. Given the above, it may be most efficient to await holding a settlement conference on this claim until the stay on the other claims pending the final decision on Basin-Wide Issue No. 4 is lifted and that final decision is rendered.

5. In addition, there are also certain procedural matters before the Court. These involve potential additional parties.

6. Specifically, currently pending before the Court is the Motion to Intervene of the Idaho Conservation League, Idaho Rivers United, Idaho Wildlife Federation and Northwest Resource Information Center (hereinafter Conservation Groups) and Amended Objections. The Conservation Groups are a potential party.

7. Magic Valley Underground Pumpers Association, Inc. has also filed a Motion to File Late Objection. Magic Valley Underground Pumpers Association, Inc. is also a potential party.

8. Because all parties must participate in a settlement, before the Court can proceed, it would be in the interest of justice and efficiency for the Court to await setting a settlement conference until these matters are resolved and all parties are before the Court. A briefing schedule and argument can be set to decide these procedural matters.

9. Counsel for the Magic Valley Underground Pumpers and the Conservation Groups have been contacted and have no objection to proceeding in this manner.

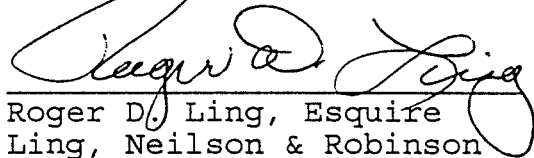
10. Counsel for the Idaho Department of Water

Resources has also been contacted and agrees to proceeding in this manner.

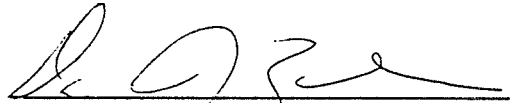
WHEREFORE, for the foregoing reasons, the claimant and objector request that the Court vacate the settlement conference and all requirements related thereto and stay this matter until final adjudication of the amnesty provisions issues.

Alternatively, the claimant and objector request that the Court vacate the settlement conference until the issues of parties are resolved and set a briefing and hearing schedule to resolve each of these issues.

Respectfully submitted,



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U.S. Dept of Justice  
Env. & Nat. Res. Div.  
Washington, DC 20004  
202/272-8351

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of May, 1995, I served copies of the foregoing Stipulation to Vacate Settlement Conference upon:

**Original to:**

Clerk of the District Court  
Snake River Basin Adjudication  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

**Copies to:**

Chief, Natural Resources Division  
Nick Spencer, Assistant Attorney General  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

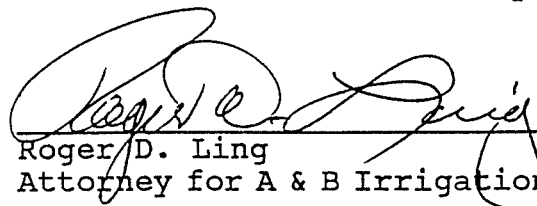
Daria J. Zane  
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by depositing copies thereof in the United States mail, postage prepaid, in an envelope addressed to said attorneys at the foregoing addresses.

  
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Roger D. Ling  
Attorney for A & B Irrigation District