

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division

PETER C. MONSON
LEIF JOHNSON
Attorneys, Department of Justice
Indian Resources Section
Environment and Natural Resources Division

DARIA J. ZANE
R. LEE LEININGER
MICHAEL GHELETA
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351, (202) 272-4692

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	)	Subcase Nos. 34-00129B
	)	
	)	
Case No. 39576	)	UNITED STATES' MOTION
	)	TO WITHDRAW OR DISMISS
	)	OBJECTION AND
	)	TO VACATE SETTLEMENT
	)	CONFERENCE
	)	

Descriptive Summary

This is the United States' Motion to Withdraw or
Dismiss Its Objection and to Vacate Settlement Conference set for
February 7, 1995.

Subcase No. 34-00129B

- 1 -

The United States hereby moves to withdraw its objections to these claims. In support of this motion, the United States states that:

1. On or before March 1, 1993, the United States, on behalf of the Bureau of Land Management, filed a timely objection in subcase no. 34-00129B.

2. On May 28, 1993, the Idaho Department of Water Resources (IDWR) filed its response to this objection.

3. On June 18, 1993, the United States filed its notice of withdrawal to withdraw this objection.

4. On August 15, 1993, IDWR filed its response to this notice of withdrawal stating it had not objection to the withdrawal.

5. Shortly thereafter, at a monthly status conference, the Court ruled that the United States' Notices of Withdrawal would be accepted if IDWR or the claimant had not filed a response to the particular objection prior to receiving the United States' notice. In cases where a response had previously been filed, such as this one, the parties would have to resolve the matter as with any other subcases.

6. Prior to resolving this subcase, the Court stayed these matters pending resolution of the impact of the new legislation passed in early 1994.

7. In December 1994, the stay was lifted. Shortly thereafter, the Court set this subcase for settlement conference.

8. The United States has decided not to pursue this

objection. There are no other objections in this subcase currently pending before the Court.

9. A settlement conference is currently scheduled in this subcase and initial disclosures have already been filed.

10. Because the United States does not intend to pursue this objection, there are no outstanding issues regarding this objection remaining. Thus, there is no reason to hold a settlement conference.

11. The United States has attempted to contact claimant without success. Claimant has not served any initial disclosures, and, presumably, therefore does not intend to proceed with this matter or have objection to the withdrawal.

WHEREFORE, for the foregoing reasons, the United States requests that the Court permit it to withdraw this objection or that the Court dismiss this objection. The United States also requests that the Court vacate the settlement conference scheduled.

Respectfully submitted,

UNITED STATES OF AMERICA
on behalf of the Bureau of Land
Management

Dated:

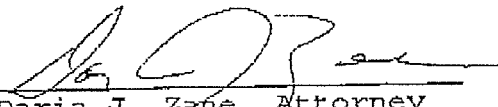

by: DARIA J. ZANE/R. LEE LEININGER
Attorneys
Env. and Natural Resources Division
U.S. Department of Justice
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351/4692

CERTIFICATE OF SERVICE

I certify that on the 24th day of January, 1995, I served a true and correct copy of the Motion to Withdraw/Dismiss Objection and to Vacate Settlement Conference in Subcase No. 34-00129B upon the following individuals:

Daniel Steckel/A. Lynne Krogh
Deputy Attorney General
State of Idaho
1301 N. Orchard St.
Boise, Idaho 83702
BY FAX:208/327-7866

Cartee J. & Catherine Wood
Rt. 1, Box 49
Darlington, Idaho 83231



Daria J. Zane, Attorney
Department of Justice
General Litigation Section
Environment & Natural
Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351