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UNITED STATES OF AMERICA

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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. 34-07124, 34-07407,
	)	34-07106, 34-00509, 34-07245B, 34-
	)	00376A, 34-10400, 34-10555, 34-
	)	12399, 34-10206, 34-00523B, 34-
	)	13193, 34-02466B, 34-00439A and 34-
	)	10717
Case No. 39576	)	MOTION TO CONTINUE SETTLEMENT
	)	CONFERENCES SCHEDULED FOR
	)	FEBRUARY 1, 2 AND 3.
	)	

Descriptive Summary

MOTION TO CONTINUE SETTLEMENT
CONFERENCES SCHEDULED FOR
FEBRUARY 1, 2 AND 3.

This is the United States motion to continue remaining mandatory settlement conferences involving the United States as a party scheduled for February 1, 2 and 3, 1995 to February 6, 1995. The subcases involving the United States scheduled for settlement conference pursuant to court order on February 1, 2 and 3 include 34-07124, 34-07407, 34-07106, 34-00509, 34-07245B, 34-00376A, 34-10400, 34-10555, 34-12399, 34-10206, 34-00523B, 34-13193, 34-02466B, 34-00439A and 34-10717.

Motion

The United States hereby moves for a continuance of the mandatory settlement conferences for the above-captioned subcases that have not already been resolved or vacated. In support of its motion the United States states the following.

1. Attorneys for the United States, Daria Zane and Lee Leininger, are scheduled to attend the 1995 National Water Law Conference in California and are, therefore, unavailable. The dates of this conference are February 2 and 3, 1995 with a preconference meeting on February 1, 1995.

Conferences Set for February 1, 1995

2. Subcases 34-07106 & 34-00509B--Two of the three settlement conferences involving the United States on February 1, subcases 34-07106 and 34-00509B, have been vacated or withdrawn.

3. Subcases 34-07124/34-07407--The United States seeks to withdraw its objections to the remaining subcases set for settlement conference on February 1st, subcases 34-07124 and-

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07407. A motion to vacate the settlement conference and withdraw or dismiss these objections was filed on January 24, 1995.

Conferences Set for February 2, 1995

4. Subcases 34-10206 & 34-00376/34-10400--The parties have reached agreement in these subcases. A Standard Form 5 signed by the claimant and the United States for subcase 34-10206 was delivered to IDWR on January 23, 1995, and is expected to be filed with the court shortly. An agreement has been reached in subcases 34-00376 and 34-10400. The United States transmitted Standard Form 5s to resolve these subcases to the claimant on December 22, 1994. The claimant signed the Standard Form 5 and mailed the document to the Department of Justice in Boise. The United States did not receive the document. Claimant has indicated his willingness to sign and assist in fully executing another Standard Form 5. A fully executed Standard Form 5 resolving the objections to these subcases will be filed with the Court in the near future. The United States requests that this conference be vacated and the parties given leave to file a fully-executed Standard Form No. 5 by February 14, 1995.

5. Subcase No. 34-07245B--As of this date, the claimant and the United States have reached agreement and executed an SF5. Apparently, IDWR has some other minor changes which do not involve the United States. It is uncertain whether these will be completed before the scheduled conference. Because the claimant is in California and it appears likely that an agreement will be

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reached, the United States requests that this conference be vacated and the parties given leave to file a fully-executed Standard Form No. 5 by February 28, 1995. Should no SF5 be filed by then, the Court could then schedule a settlement conference. IDWR has no objection to proceeding in this fashion. IDWR is attempting to contact claimant. In the past, claimant has expressed an interest in avoiding having to travel to such a conference so this plan should be acceptable.

6. Subcase No. 34-10555/34-12399--The remaining settlement conference set for February 2 involves subcases 34-10555 and 34-12399. The attorney for claimant, Patrick Brown, has been contacted and has no objection to resetting the settlement conference to February 6, 1995. In fact, he currently has another conference involving the same client, 34-00322A scheduled for February 6, 1995. Although the United States has moved to vacate that conference, if it is still pending, these two conferences could probably be handled at the same time, though the matters are not appropriate for consolidation.

Conferences Set for February 3, 1995

7. Subcase Nos. 34-00439A/34-10717--An agreement has been reached in subcases 34-00439A and 34-10717 scheduled for settlement conference on February 3, 1995. A Standard Form 5 resolving the objections to these subcases will be filed with the court in the near future.

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8. Subcase Nos. 34-00523B & 34-02466B--The United States wishes to withdraw its objections to subcase 34-00523B and subcase 34-02466. A motion to vacate the settlement conference and dismiss/withdraw these objections was filed January 24, 1995.

9. Subcase No. 34-13193--The remaining settlement conference set for February 2 involves subcase 34-13193. The attorney for the objector, Patrick Brown, has been contacted and has no objection to resetting the settlement conference to February 6, 1995. In fact, since Mr. Brown currently has conferences set for 8:00 a.m. that day, it might be feasible to handle immediately or shortly thereafter.

10. No prejudice should result in the continuance of these matters. For the most part, they have been resolved. The continuance as to the remaining subcases is brief.

11. The attorney of record for Idaho Department of Water Resources, Lynne Krogh, was contacted concerning this motion and has no objection to the rescheduling of the above referenced subcases remaining for settlement conference to February 6, 1995.

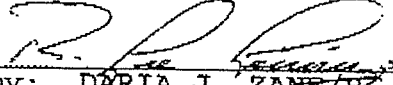
WHEREFORE, for the foregoing reasons, the United States respectfully requests that the settlement conferences on subcases set for February 1, 2, and 3, 1995, that have been resolved be vacated. The United States further requests that the remaining settlement conferences involving the United States on February 1,

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2 and 3, 1995, 34-10555/34-12399 and 34-13193 be reset to
February 6, 1995.

Respectfully submitted,

DATED: 1/25/95


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CERTIFICATE OF SERVICE

I certify that on the 22nd day of January, 1995, I served a true and correct copy of the Motion to Continue Settlement Conferences Scheduled For February 1, 2 and 3 upon the following individuals:

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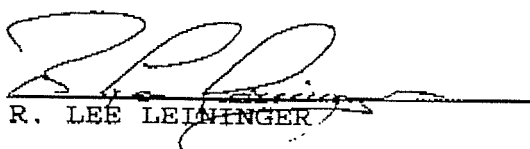
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