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DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED CLH

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. 34-00436

)
) ORDER VACATING MANDATORY
) SETTLEMENT CONFERENCE and
) REQUIRING SUBMISSION OF
) STANDARD FORM 5

The parties to this subcase have not yet filed a *Standard Form 5, Proposed Elements of a Water Right* for this subcase. However, on January 18, 1995, the United States filed a *Motion to Vacate Mandatory Settlement Conference (Motion)*. In that *Motion*, the United States represents that the first objection filed by the United States on behalf of the United States Department of Agriculture, Forest Service has settled. In support of this representation, the United States attached a copy of a *Joint Settlement Agreement* which was apparently signed by the claimant Lloyd A. Bingham and the United States. The United States further represents that the claimant, Lloyd A. Bingham is currently out of the country serving a religious mission. The *Motion* states that Mr. Bingham will be out of the country for some time until the end of his mission.

Normally, this Court will only vacate settlement conferences where all the parties to the subcase have reached a settlement. The *Motion* fails to clearly explain whether the *Joint Settlement Agreement* signed by Mr. Bingham and the United States is intended to settle this matter. The court notes that a second objection was filed by the United States on behalf of the United States Department of Interior, Bureau of Land Management (BLM Objection). The United States, however, filed a *Notice of Withdrawal of Objection* seeking to withdraw the BLM Objection and did so before any responses to the BLM Objection were filed.

Since it is possible that the parties to this subcase have arrived at a settlement for all parties and all issues, IT IS ORDERED that the Settlement Conference set for February 7, 1995, is **vacated**.

IT IS FURTHER ORDERED that the Initial Disclosure and Settlement Statement deadlines are **vacated**.

The parties to this subcase shall submit a fully executed *Standard Form 5*, for this subcase no later than April 14, 1995. If the parties are unable to submit a *Standard Form 5* by that date, they shall submit a *Stipulation to Reset*, pursuant to **SRBA Administrative Order 8**, no later than March 24, 1995. These deadlines should be adequate to allow the claimant to determine what action he should take to protect his water right while he is out of the country.

IT IS SO ORDERED.

DATED January ²⁷~~26~~, 1995.



BRIGETTE BILYEU
Special Master, Reporting Area 1
Snake River Basin Adjudication

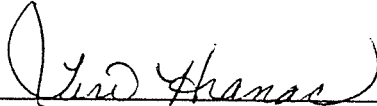
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER VACATING MANDATORY SETTLEMENT CONFERENCE and REQUIRING SUBMISSION OF STANDARD FORM 5** was mailed on January 26th, 1995, with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83724

Lloyd Bingham
P.O. Box 21
Moore, ID 83251



Deputy Clerk

