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Claimants: OFFICE OF THE ATTORNEY GENERAL

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MAR 06 1995
Department of Water Resources
Adjudication Bureau

Walter W. Candy
Margaret Candy

Attorney Name and Address:

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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 No. 36-00135B
) 36-00134A
) and Subcase Nos. in attached
) Exhibit A.

Case No. 39576

) MOTION AND ORDER VACATING
) MANDATORY SETTLEMENT
) CONFERENCES
)

* * * * *

COME NOW, the Idaho Department of Water Resources, the United States,
and the individual members of Hagerman Water Right Owners, Inc. (HWRO), as parties to
the subcases identified above and in Exhibit A, and move the court to vacate the Orders
Setting Mandatory Settlement Conferences in those subcases identified in Exhibit A.

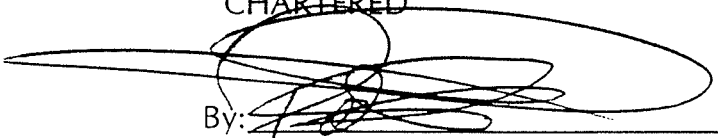
As grounds for the motion the parties, through their counsel, state the
following:

1. On February 16, 1995, counsel participated in a telephonic status conference with Special Master Dolan for the purpose of discussing how best to minimize litigation expenses and settle subcases;
2. Counsel agrees that time and expense can be minimized and settlement conferences are likely to be more successful if certain legal questions are decided before the parties make initial disclosures, file settlement statements and attend settlement conferences;
3. Counsel for HWRO has represented that the subcases identified in Exhibit A share common legal issues and that resolution of those issues in a single case, or a small number of cases, may lead to an expeditious and economical resolution of all or most of those subcases;
4. Counsel for HWRO has agreed to diligently prosecute discovery and otherwise proceed in subcase nos. 36-00134B and 36-00135A, and such other subcases as counsel identifies as being suitable, in order to frame the common legal issues and bring them before the Special Master for early resolution; and
5. Counsel for IDWR and the U.S. agree that such a process may promote the efficient handling of subcases and will participate in the process of identifying appropriate legal issues and subcases amenable to early resolution;

WHEREFORE the counsel for HWRO moves for entry of the following order, and counsel for IDWR and the U.S. do not oppose this motion.

Dated this 17th day of February, 1995.

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: 

Patrick D. Brown
Attorneys for HWRO

1 Dated this 17th day of February, 1995.

2
3 By: 
4 Lee Leininger
Attorneys for U.S.

5 Dated this 17th day of February, 1995.

6
7 By: _____
8 Nicholas Spencer
Attorneys for IDWR

9 ORDER

10 Having found good cause for the entry of this order based on the above
11 motion and the discussions at the February 16, 1995 status conference in subcase nos. 36-
12 00135A and 36-00134B;

13 IT IS THEREFORE ORDERED that the Order Setting Mandatory Settlement
14 Conference issued in each of the subcases identified in Exhibit A is hereby vacated and that
15 the parties to those subcases are not required to comply with the Initial Disclosure and
16 Settlement Statement deadlines or attend the Settlement Conference referred to therein;

17 IT IS FURTHER ORDERED that the counsel who have signed the above motion
18 jointly file a proposed scheduling order with respect to subcase nos. 36-00135A and 36-
19 00134B with this Master by 5:00 p.m. on March 1, 1995. The proposed scheduling order
20 shall include deadlines for completing discovery and filing dispositive motions and
21 stipulations on the facts. It shall include hearing dates for dispositive motions, pretrial
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1 Dated this 17th day of February, 1995.

2 By: _____
3 Lee Leininger
4 Attorneys for U.S.

5 Dated this 17th day of February, 1995.

6 By: Nicholas Spencer
7 Nicholas Spencer
8 Attorneys for IDWR

9 ORDER

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19 00134B with this Master by 5:00 p.m. on March 1, 1995. The proposed scheduling order
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21 stipulations on the facts. It shall include hearing dates for dispositive motions, pretrial
22

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HCH
Chartered
Hepworth,
Lexamin &
Helmhorst

MOTION AND ORDER VACATING MANDATORY SETTLEMENT CONFERENCES - 3

1 motions, and any trial which may ensue. The proposed scheduling order may address such
2 other matters the parties deem appropriate.

3 IT IS SO ORDERED.

4 Dated this 17 day of February, 1995.

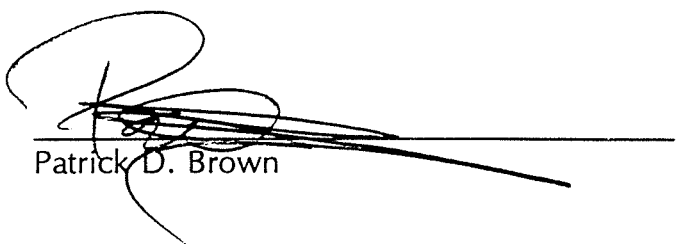
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6 
7 Terrence A. Dolan, Special Master
8 Snake River Basin Adjudication
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CERTIFICATE OF FACSIMILE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimants in this matter, certifies that he caused to be sent via facsimile transmission the above and foregoing MOTION AND ORDER VACATING SETTLEMENT CONFERENCES on the 17th day of February, 1995, to:

Nicholas B. Spencer
Deputy Attorney General
Idaho Department of Water Resources
P. O. Box 44449
Boise, ID 83711-4449
FAX 208-327-7866

Lee Leininger
Leif Johnson
United States Department of Justice
Environmental & Natural Resources Division
550 West Fort Street
Box 33
Boise, ID 83734
FAX 202-724-5836


Patrick D. Brown

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SUBCASE NOS.**WATER RIGHT OWNER**

36-00051D, 36-07089

Craig J. Laughlin
P. O. Box 121
Hagerman, ID 8333236-00065, 36-00066B, 36-00067,
36-10169Faye Coates
Fred Beckstead
P. O. Box 359
Hagerman, ID 83332

36-10906

Douglas Elgan
for Banbury Pipe Co.
P. O. Box 82
Gooding, ID 83330

36-0068, 36-00069, 36-00070, 36-07071

John W. Jones, Jr.
Delores Jones
P. O. Box 265
Hagerman, ID 83332

36-00198A, 36-15157, 36-15461

Stanley Hoskovec
Barbara Hoskovec
2856 South 900 East
Hagerman, ID 83332

36-00110A, 36-00111A, 36-00112A

William E. Flint
Vera Flint
7745 Ropalt St.
La Mesa, CA 9194236-00110B, 36-00111B, 36-00112B,
36-00113H, 36-00134C, 36-00135C,
36-10141Roger Crandlemire
George Crandlemire
1400 Floating Feather Road
Eagle, ID 83616

36-00041C, 36-00042A

Gertrude B. Owsley Bybee
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Hagerman, ID 83332

36-00096A, 36-00123E

Michael Simpson
P. O. Box 846
Ketchum, ID 83340**EXHIBIT** A

36-00006, 36-00007, 36-00008

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c/o Penelope Turner
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Pendleton, OR 97801-4341

36-00097, 36-00101, 36-07081,
36-07229, 36-15384

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1701 Las Vegas Blvd. South
Las Vegas, NV 89104

36-15176

Layne Osborne
966-A Justice Grade
Hagerman, ID 83332

36-00039P

Bruce Bothwell
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Hagerman, ID 83332

36-00051A, 36-00054A, 36-07323

Walten Mildren
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Hagerman, ID 83332

36-02002

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36-02008

Clifton Barnard
690 S. 1500 E.
Eden, ID 83325

36-02009

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