

Movant's Name:

UNITED STATES OF AMERICA

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Department of Water Resources  
Adjudication Bureau

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OFFICE OF THE  
ATTORNEY GENERAL

10-13

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 Nos. 34-02443, 34-04189,  
) <34-01116B> 34-00116B

)  
) MOTION TO VACATE SCHEDULING  
) CONFERENCE  
)

Descriptive Summary

This is a motion, prepared by counsel for the United States by and through the Bureau of Land Management, to vacate scheduling conference for October 19, 1995 for the above-referenced subcases.

Discussion

On August 24, 1995, the parties and IDWR met in Arco, Idaho for settlement conference on 34-01489. At that conference, all parties agreed to the elements of this water right. In addition, the parties agreed to all elements of subcases 34-00116B and 34-02443 which were not scheduled for settlement.

The Settlement Moderator reported that the Standard Form Fives

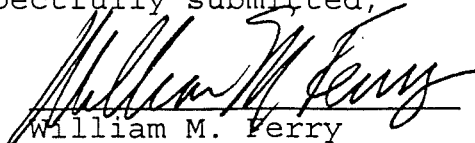
for these subcases would probably be submitted by September 29, 1995, in the Settlement Conference Report of August 24, 1995. The Court ordered a scheduling conference for October 19, 1995 at 1:30 p.m. in Arco, Idaho. The Court did not order a status conference before the scheduling conference.

As a condition to the agreement on claim 34-01489, the parties agreed to sign a stipulation that would enforce certain subsequent conditions between the parties. This stipulation requires some additional review by the Department of Justice, although the parties are in complete conceptual agreement. The review of this stipulation has not been completed by the United States. The review will be completed with all diligence.

On October 13, 1995, at approximately 8:45 a.m., I reviewed this motion with Mr. Crawford and he is in agreement with its contents.

WHEREAS, all parties have agreed to the elements of these claims and are prepared to sign Standard Form Fives and are in conceptual agreement on a necessary stipulation to this settlement, the parties have no foreseeable reason to proceed to a scheduling conference and request that the scheduling conference be vacated.

Respectfully submitted,

 10-13-95  
William M. Perry  
Daria J. Zane  
R. Lee Leininger  
Attorneys, Department of Justice

CERTIFICATE OF MAILING

I CERTIFY that on the 13<sup>th</sup> day of October, 1995, I served the original and copies of this Motion to Vacate Scheduling Conference:

By Facsimile To:

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

By U.S. Mail, postage paid on:

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

United States Department of Justice  
Environment and Natural Resources Division  
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Cheryl A. Meade  
Signature of person certifying