

10-16
RECEIVED

OCT 23 1995

Department of Water Resources

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

DARIA J. ZANE
R. LEE LEININGER
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	)	Sub-case Nos. 34-04182,
	)	34-13078 and 34-13078A
	)	
Case No. 39576	)	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 the scheduling conference set for October, 19, 1995, for the above-referenced subcases.

Discussion

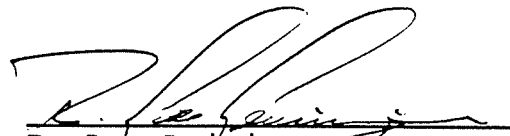
On August 24, 1995, the parties to these subcases, the United States and Reed and Lynette Asay, met in Arco, ID for a mandatory settlement conference. At that conference the parties agreed to the terms for resolution of the objections filed against these claims. The parties agreed on the proposed

elements of the water rights, and on the filing of an additional stipulation regarding their respective rights on the administration of subcase 34-13078 and 34-13078A.

The supplemental stipulation required additional review by the Department of Justice. The United States has completed its review and approval process for this stipulation and will forward the stipulation and a Standard Form 5 reflecting the parties agreement to the Asays in the very near future.

WHEREAS, all the parties have agreed to the elements of these claims and are prepared to sign Standard Form No. 5, and are in conceptual agreement on the supplemental stipulation, a scheduling conference for these subcases is not necessary. The Asays have been contacted and are in agreement that a scheduling conference is unnecessary. The parties respectfully request that the scheduling conference set for these subcases be vacated and the parties allowed an additional three weeks to fully execute their agreement and file the Standard Form No. 5 and supplementary stipulation with the Court.

Respectfully submitted this 16th day of October, 1995,



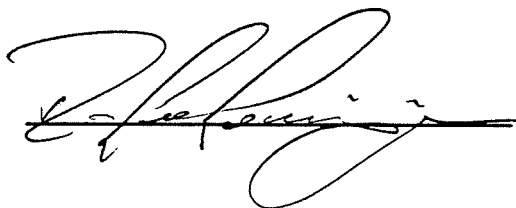
R. Lee Leininger
Daria J. Zane
William M. Ferry
Attorneys, ENRD

CERTIFICATE OF SERVICE

I certify that on the 16th day of October, 1995, I served a true and correct copy of the United States' Motion to Vacate Scheduling Conference for subcases 34-04182, 34-13078 and 34-13078A upon the following individuals:

Matt J. Howard
Susan E. Hamlin
Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

Reed and Lynette Asay
Route 1 Box 30E
Mackay, ID 83251

A handwritten signature in black ink, appearing to read "Susan E. Hamlin", with a long horizontal flourish extending to the right.