

Party's Name: Cranney Bros.

Attorneys' Names and Address

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Department of Water Resources
Adjudication Bureau

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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

Case No. 39576

Subcase No. 36-00039D

MOTION TO VACATE
SETTLEMENT CONFERENCE

DESCRIPTIVE SUMMARY

This is Cranney Bros.' Motion to vacate the settlement conference previously scheduled by the Court for subcase 36-00039D for January 30, 1996.

MOTION

Cranney Bros. ("Cranney"), hereby moves the Court for an order vacating the settlement conference previously scheduled for the above-captioned subcase. The grounds for Cranney's Motion are as follows:

1. The Court scheduled subcase 36-00039D for a settlement conference by its order dated September 15, 1995. In December, 1995 Cranney Bros. was admitted as a party in that subcase, and in four related subcases in the Hagerman Valley area.

2. At a settlement conference involving subcase 36-04260B on January 10, 1996, in which Cranney is a party, Cranney learned that the Department, and other Claimants in the Hagerman Valley area, who are represented by Mr. Patrick Brown, were considering a means of grouping subcases involved in settlement conferences according to their common diversion system, or in the case of split rights, their common underlying right. Cranney understood that the goal of this grouping process is to facilitate the settlement or litigation of those cases with common issues.

3. On January 16, 1996, the Special Master issued two orders, which vacated settlement conferences scheduled for January for those of the Hagerman Valley area subcases in which no other party had objected or responded, and for three additional subcases in which late responses have been filed by clients of the law firm of Dillion Bosch & Daw. Cranney obtained a copy of those orders on January 17, 1996. The Court's grounds for vacating the settlement conferences were that counsel for the parties and the Department are working on how to recommend the ordering, sequencing and scheduling of settlement conferences or other proceedings, either individually or in groups, to expedite litigation or settlement.

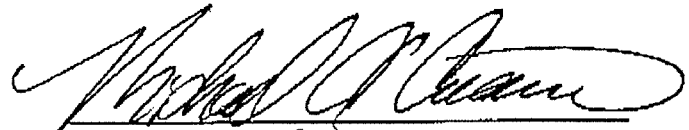
4. The grounds stated by the Court for vacating these settlement conferences apply equally to those subcases in which Cranney is a party. Cranney understands that the ordering, sequencing or grouping of subcases and settlement conferences for the claims in the Hagerman Valley area will necessarily involve issues and facts related to subcases in which Cranney is a party, including subcase 36-00039D, and therefore, that settlement conferences or other discussions logically should not proceed without inclusion of all such related subcases.

5. Cranney is fully prepared to proceed in good faith and work with the parties, the Department and the Court to expedite the sequencing, settlement, or litigation of these subcases, as the case may be, and wishes to participate in any status conferences convened by the Court for that purpose.

WHEREFORE, Cranney Bros. respectfully moves the Special Master for an Order vacating the settlement conference set for January 30, 1996 in the above-referenced subcase, and permitting Cranney Bros. to participate with the parties to other subcases for which settlement conferences have been vacated in discussions about the sequencing, and scheduling of settlement conferences or other proceedings in subcases involving members of HWRO, either individually or in groups.

DATED this 24th day of January, 1996.

GIVENS PURSLEY & HUNTLEY LLP



Jeffrey C. Fereday
Michael C. Creamer
Attorneys for Cranney Bros.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of January, 1996, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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

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