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Department of Water Resources
Adjudication Bureau

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DISTRICT COURT-SALA
TWIN FALLS CO., IDAHO
FILED _____

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 57-02378

Case No. 39576

ORDER DENYING MOTION TO
VACATE SCHEDULING
CONFERENCE

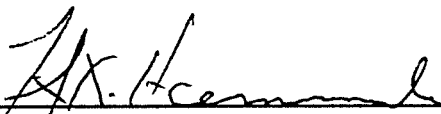
On February 12, 1996, the Bureau of Land Management (BLM) filed a *Motion to Vacate Scheduling Conference (Motion to Vacate)* set for February 16, 1996 in Subcase 57-02378. The basis of the *Motion to Vacate* was that the BLM has filed with the court an executed *Standard Form 5*.

In reviewing this matter and referring back to the first status report lodged with the court by the Idaho Department of Water Resources (IDWR), the court notes that the BLM filed 138 objections to recommended BLM claims seeking the addition of wildlife as a purpose of use. The *Standard Form 5* submitted in this case seeks wildlife as a purpose of use. The response originally filed by the IDWR concluded that wildlife cannot be included as part of an instream stockwater appropriation. While this court recognizes that the IDWR is no longer a party to this adjudication, the court does note that the responses to objections are now considered supplemental reports. Idaho Code § 42-1412(2). Having reviewed the supplemental report, this court has every reason to believe that whether or not wildlife can be included as a purpose of use will remain an issue in this subcase. The resolution of that issue may affect 138 other subcases wherein the same issue is present.

While the BLM is the only party to this case, the issue of whether or not wildlife may be included as a purpose of use remains an issue that needs to be litigated. For these reasons, the BLM's request to vacate the scheduling conference is **denied**.

IT IS SO ORDERED.

DATED February 12, 1996.



FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

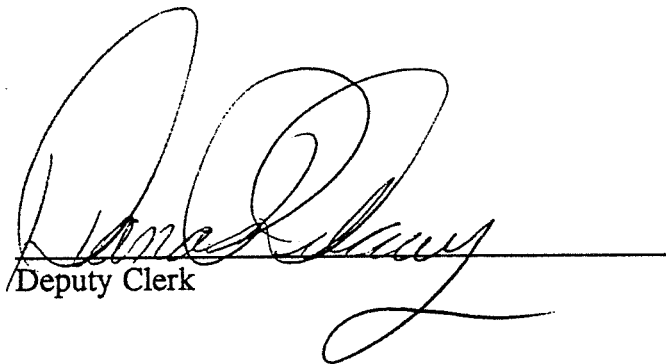
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER DENYING MOTION TO VACATE SCHEDULING CONFERENCE** was mailed on February 12, 1996, with sufficient first-class postage to the following:

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
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Deputy Clerk