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UNITED STATES OF AMERICA

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Special Assistant United States Attorney
Office of the General Counsel
United States Department of Agriculture

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FEB 26 1996

Department of Water Resources
Adjudication Bureau

2-22

3A-11449

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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	)	Subcase Nos.	See Attached List
	)		
Case No. 39576	)	STIPULATION TO RESET SCHEDULING	
	)	CONFERENCES AND STANDARD	
	)	FORM 5 FILING DATES	
	)		
_____	)		

DESCRIPTIVE SUMMARY

This is a Stipulation by the United States on behalf of the U.S.D.A. Forest

STIPULATION TO RESET SCHEDULING CONFERENCES
AND STANDARD FORM 5 FILING DATES

Service and affected parties to reset scheduling conferences and Standard Form 5 filing dates for those subcases listed in Attachment A.

DISCUSSION

This stipulation requests that the Court enter an Order resetting Scheduling Conferences and Standard Form 5 filing dates for those subcases listed in Attachment A for April 18, 1996 at 1:30 in the Snake River Basin Adjudication (SRBA) Courthouse in Twin Falls, Idaho. All of these subcases, with the exception of subcase nos. 34-11578 and 34-04063, are presently set for hearing on February 23, 1996 at 1:30 p.m. at the SRBA Courthouse in Twin Falls, Idaho. Standard Form 5's in all cases listed in Attachment A are due on February 23, 1996.

The United States is the only party to the subcases listed in Attachment A with the exception of subcase nos. 34-11578 and 34-04063. As to subcase nos. 34-11578 and 34-04063, the United States has contacted the objectors, Mr. Harvey Walker (subcase no. 34-04063) and Mrs. Carolyn Smith (subcase no. 34-11578) who have stated they concur in this stipulation. All the subcases listed in Attachment A have been resolved either through submission of Standard Form 5's (subcases 34-11578 and 34-04063) or by the withdrawal of all objections to the claims. The only issue remaining in these cases is the content of the information to be submitted in the SF5's. This includes information relating to definition of annual volume of consumptive use, inclusion of remarks regarding combined usage, the necessity for including the number of cattle as an element of quantity and several other issues.

On February 14, 1996, the United States filed it's Motion to Designate Basin-Wide Issue No. 12. This Motion is set for hearing on March 27, 1996. This Motion directly raises

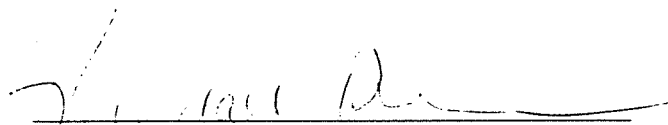
the issues relating to completion of the Standard Form 5's noted above. Specifically, resolution of Basin-Wide Issue No. 12 is likely to result in a decision providing guidelines on how the parties will define annual volume of consumptive use, the propriety of a combined usage remark, inclusion of number of cattle in a decree and the proper definition of de minimis. In addition, Senate Bill 1980 which is presently pending before the Idaho State Legislature is likely to affect the definition of annual volume of consumptive use.

Since all of these issues are presently before the Court and/or the Idaho State Legislature awaiting resolution, the parties believe that resetting the subcases listed in Attachment A until April 18, 1996 will promote judicial economy and minimize the burden on the parties and the Court by alleviating unnecessary paperwork and additional Court hearings.

CONCLUSION

For the foregoing reasons the United States and the affected parties request this Court reset the scheduling conferences and Standard Form 5 filing dates to April 18, 1996 at 1:30 p.m

Respectfully submitted,



Randall J. Bramer
Special Assistant United States Attorney
Office of the General Counsel
United States Department of Agriculture

Dated: February 22, 1996

Attachment A

34-11449	34-11487
34-11450	34-11488
34-11451	34-11489
34-11452	34-11490
34-11453	34-11491
34-11454	34-11492
34-11455	34-11493
34-11475	34-11494
34-11476	34-11495
34-11477	34-11496
34-11478	34-11497
34-11479	34-11549
34-11480	34-11550
34-11481	34-11551
34-11482	34-11552
34-11483	34-13260
34-11484	34-13260A
34-11485	34-11578
34-11486	34-04063

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. See Attached List
	)	
Case No. 39576	)	
	)	ORDER
	)	
	)	
_____	)	

Upon consideration of the Stipulation of the United States and affected parties to Reset Scheduling Conferences and Standard Form 5 Filing Dates, finding sufficient cause, the motion is hereby GRANTED and the February 23, 1996 filing dates and Status Conference is vacated and reset for April 18, 1996 at 1:30 p.m.

Dated: February ____, 1996

Brigette Bilyeu
Special Master
Reporting Area 34

**ORDER TO RESET SCHEDULING CONFERENCES
AND STANDARD FORM 5 FILING DATES**

Attachment A

34-11449	34-11487
34-11450	34-11488
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34-11483	34-13260
34-11484	34-13260A
34-11485	34-11578
34-11486	34-04063

CERTIFICATE OF MAILING

I certify that on February 22, 1996 I mailed the original and copies of this **Stipulation to Reset Scheduling Conferences and Standard Form 5 Filing Dates and Proposed Order to Reset Scheduling Conferences and Standard Form 5 Filing Dates** to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original (by facsimile) to:

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

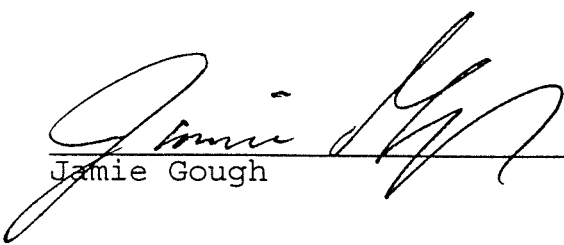
2. Copies to:

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

Logan Williams
HC 86, Box 4160
Mackay, ID 83251

Carolyn Smith
Star Route
Mackay, ID 83251

Harvey Walker
Route 1, Box 200
Arco, ID 83213



Jamie Gough