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UNITED STATES OF AMERICA

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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 HEARING
	)	SCHEDULED BEFORE A SPECIAL
	)	MASTER AND MOTION TO CONTINUE
	)	RELATED BRIEFING AND REQUEST FOR
	)	EXPEDITED CONSIDERATION THEREOF
	)	

DESCRIPTIVE SUMMARY

This is a Stipulation by the United States on behalf of the Bureau of Land Management to reset a scheduled hearing on Standard Forms 5 for those subcases listed in Attachment A and motion to continue the deadline for briefing of certain issues related to those subcases.

Stipulation to Reset Hearing
and Motion to Continue Briefing

DISCUSSION

Pursuant to SRBA Administrative Order No. 8, the United States submits this stipulation to reset the hearing presently scheduled before the Special Master in basin 57 on March 11, 1996. The United States requests that the Court enter an order resetting the hearing on Standard Forms 5 for those subcases listed in Attachment A to May 8, 1996 at 9:00 a.m. in the Snake River Basin Adjudication (SRBA) Courthouse in Twin Falls, Idaho.¹ Further, the United States requests that the Court continue the March 1, 1996 date for submission of briefs related to these subcases to April 29, 1996, ten days prior to the reset hearing. Due to the impending deadline currently set for briefing, the United States requests expedited consideration of its request for a continuance.

The United States is the only party to the subcases listed in Attachment A. On January 22, 1996, the United States submitted Standard Forms 5 for these subcases to resolve the U.S. objections. Shortly thereafter, the Special Master for Basin 57 ordered a report from the Idaho Department of Water Resources addressing two issues on the content of the stipulated elements in the SF5s; whether the purpose of use can include a specific number of stock and whether the annual volume of consumptive use can be described as "de minimis"? See, Order Appointing Expert

¹ As required by A.O. No. 8, the United States contacted the clerk of the SRBA Court, Teri Hranac, and obtained the alternative date and time for this hearing.

Witness Pursuant to I.R.E. 706 and Order Setting Hearing on
Standard Forms 5, January 26, 1996.

In addition to these issues, IDWR did not concur with various elements of the water rights as stipulated to in the Standard Forms 5 for the attached list of subcases. IDWR disputes the United States' exclusion of remarks regarding combined usage, the inclusion of wildlife in the described purpose of use, and other issues. See generally, IDWR's Report, Re: Review of Standard Form 5, February 15, 1996 (submitted for most subcases on Attachment A).

On February 14, 1996, the United States filed it's Motion to Designate Basin-Wide Issue No. 12 ("Motion"). This Motion is set for hearing on March 27, 1996. The Motion directly raises the fore-mentioned issues relating to the form and content of the stockwater rights on Attachment A. Resolution of Basin-Wide Issue No. 12 is likely to result in a decision resolving questions 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, wildlife as a purpose of use and the proper definition of de minimis.²

Because all of these issues are presently before the judge awaiting basin-wide designation and/or the Idaho State Legislature awaiting resolution, resetting the briefing and

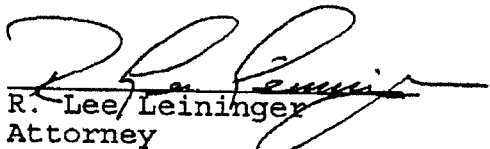
² In addition, Senate Bill 1980 which is presently pending before the Idaho State Legislature is likely to affect the definition of annual volume of consumptive use.

hearing dates will promote judicial economy and minimize the burden on the United States and the Department. The stipulated reset date will allow the Court sufficient time to rule on the United States' motion for basin-wide issue on the form and content of stockwatering decrees. Should the Court deny the motion to designate basin-wide issue no. 12, the Special Master may proceed with the reset hearing and briefing dates for these subcases.

CONCLUSION

For the foregoing reasons the United States requests this Court reset the hearing date on the Standard Forms 5 listed on attachment A to May 8, 1996 at 9:00 a.m., and continue the filing deadline for briefs pursuant to the Special Master's January 26, 1996 order to April 29, 1996. Furthermore, the United States respectfully requests expedited consideration of its request for continuing the date for submission of briefs.

Respectfully submitted this 22nd day of February, 1996.

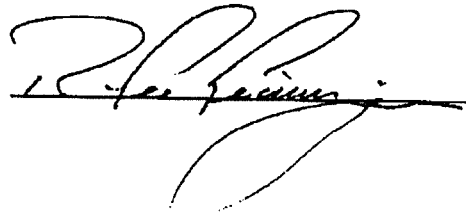

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CERTIFICATE OF SERVICE

I certify that on the 22nd day of February, 1996, I served a true and correct copy of the United States' Stipulation to Reset Hearing Scheduled and Motion to Continue Related Briefing by facsimile transmission upon the following individuals:

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ATTACHMENT A
List of Subcases

57-02362	57-11013A	57-11379
57-02365A	57-11048	57-11380
57-02379	57-11049A	57-11382
57-02380	57-11078A	57-11385
57-02382	57-11085	57-11398
57-02407	57-11085A	57-11399
57-02419	57-11108	57-11422
57-02423	57-11150	57-11424
57-02429		57-11449
57-07056	57-11154	57-11450
57-07298	57-11155	57-11452
57-07335	57-11171	57-11453
57-07417	57-11195	57-11454
57-07431	57-11201	57-11463
57-07442	57-11246	57-11464
57-10960	57-11284	57-11465
57-10960A	57-11286	57-11469
57-10977	57-11287	57-11471
57-10977A	57-11304	57-11473
57-10980	57-11317A	57-11475
57-10980A	57-11331	57-11476
57-10981	57-11333	57-11477
57-10981A	57-11335	57-11480
57-10984	57-11337	57-11482
57-10984A	57-11360	57-11483
57-10985	57-11367	57-11484
57-10985A	57-11375	57-11486
57-10994	57-11376	57-11487
57-10994A	57-11377	57-11488
		57-11489
		57-11490
		57-11494

Stipulation to Reset Hearing
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