

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
WILLIAM M. FERRY
PAUL F. HOLLEMAN
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

RECEIVED

MAR 13 1996

Department of Water Resources
Adjudication Bureau

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. 34-04179
	)	
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 summary judgment for subcase 34-04179 and motion to continue the deadline for dispositive motion and briefing related to this subcase.

Stipulation to Reset Hearing
and Motion to Continue Briefing

DISCUSSION

Pursuant to SRBA Administrative Order No. 8, the United States requests that the Court enter an Order resetting the hearing for summary judgment presently scheduled before the Special Master in basin 34 on April 3, 1996. The United States requests that the Court reset the summary judgment hearing to April 30, 1996 at 10:00 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 29, 1996 date for submission of summary judgement motion and supporting brief to April 26, 1996. 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 this subcase. On November 7, 1995, the United States submitted an amended Standard Form No. 5 for this subcase to resolve all objections. The only issues remaining in this case involve the form and content of the elements of this stockwater right.

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 issues relating to the form and content of stockwater rights. Resolution of Basin-Wide Issue No. 12 is likely to

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.

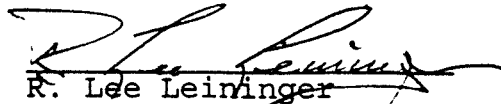
result in a decision on definition of annual volume of consumptive use, the propriety of a combined usage remark, inclusion of number of cattle in a decree, wildlife as a purpose of use and the proper definition of de minimis. In addition, Senate Bill 1980 which is presently pending before the Idaho State Legislature is likely to affect the definition of annual volume of consumptive use.

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 hearing date will promote judicial economy and minimize the burden on the United States and the Court by eliminating unnecessary paperwork and duplicative hearings on identical issues.

CONCLUSION

For the foregoing reasons the United States requests this Court reset the summary judgment hearing date for this subcase to April 30, 1996 at 10:00 a.m., and continue the filing deadline for briefs pursuant to the Special Master's 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 8th day of March, 1996.


R. Lee Leininger
Attorney
Department of Justice
General Litigation Section

CERTIFICATE OF SERVICE

I certify that on the 8th day of March, 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:

Matt Howard/ A. Lynne Krogh
Deputy Attorneys General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702
Fax No. 208-327-7866

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, ID 83711
Fax No. 208-334-2530

