

RECEIVED

MAY 10 1996

Department of Water Resources
Adjudication Bureau

RECEIVED

MAY 10 1996

OFFICE OF THE
ATTORNEY GENERAL

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division

DARIA J. ZANE
R. LEE LEININGER
PAUL F. HOLLEMAN
WILLIAM FERRY
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0471, (202) 305-0242, (202) 305-0494

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	)	
	)	PROPOSED TRIAL SCHEDULE
Case No. 39576	)	
	)	Subcase Nos. 57-10373 57-11124
	)	

The United States submits the following proposed trial schedule in response to the Special Master's request to accelerate the litigation of these cases. Opposing counsel, Mr. Richard Harris, representing Chipmunk Grazing and Joyce Livestock in the above captioned subcases, has reviewed and approved the dates suggested in this proposal.

A scheduling conference was first held in these consolidated cases on February 8, 1996. At that scheduling conference, Joyce Livestock and Chipmunk Grazing argued that they would need the entire summer and part of the fall of 1996 to prepare the expert witness reports and historical data that they planned to use in these cases. The Court gave the parties until

October to prepare their histories of stockwater grazing in Basin 57. The Special Master also set a number of other dates and deadlines, the most significant of which were the following:

10/15/1996	Discovery cut-off date.
11/12/1996	Deadline for filing dispositive motions.
1/08/1997	Three day trial.

At a status conference held on April 8, 1996, the Special Master asked the parties if they were amenable to accelerating the litigation of these cases. The United States proposes the following deadlines in response to the Special Master's request:

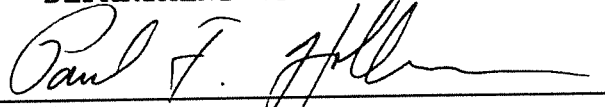
7/13/1996	Deadline for filing dispositive motions regarding challenges to the legal ability of either the United States or private parties to own stockwater rights on the federal public land.
8/02/1996	Hearing on motions regarding the basic legal ability of either private parties or the United States to own stockwater rights on the federal public land.
9/14/1996	Deadline for exchange of expert witness reports.
9/28/1996	Discovery cut-off
10/12/1996	Deadline for filing dispositive motions regarding any issues not required to be briefed on or before 7/13/96.
10/31/1996	Hearing on motions for summary judgment.
12/16/1996	3 day trial.

This proposal will accelerate the deadline for briefing basic legal issues regarding whether it is legally possible for private parties or the United States to own stockwater rights on

the federal public land by four months. Resolution of these basic legal issues may resolve these subcases. Even if there are issues remaining for trial, however, the schedule proposed by the United States accelerates the trial date by three weeks.

Respectfully submitted this 6th day of May, 1996.

UNITED STATES OF AMERICA
ON BEHALF OF
BUREAU OF LAND MANAGEMENT
DEPARTMENT OF THE INTERIOR



OF COUNSEL:

John Hockberger
Office of the Solicitor
Department of the Interior
Boise, Idaho 83702

Daria J. Zane
R. Lee Leininger
Paul F. Holleman
William Ferry
Attorneys, Department of Justice
Environment and Natural Resources
Division

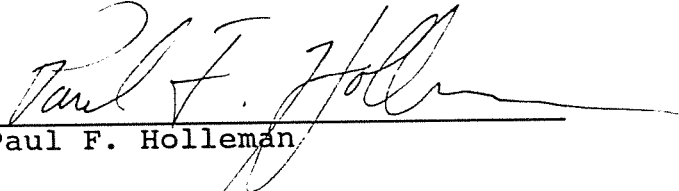
CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 1996, I caused a true and correct copy of the United States' **Proposed Trail Schedule** in SRBA subcases 57-10373 and 57-11124 to be served by United States mail, postage prepaid, on the following persons:

Special Master Fritz X Hammerle
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707
Also by **FAX: 208-736-2121**

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

Richard L. Harris
P.O. Box 1438
Caldwell, Idaho
83606-1438
Also by **FAX: 208-459-1300**



Paul F. Holleman