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Department of Water Resources

Claimants' Names: Ruth C. Shokal, Jamie Martin and Thomas King

Attorney's Name & Address: Roger D. Ling
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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. 36-00080B, 36-00080C,
36-00081B, 36-00081C, 36-00082A,
Case No. 39576) 36-00082C, 36-07271 (36-07271B)
and 36-07271A

MOTION TO VACATE TRIAL SETTING

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COME NOW the claimants, RUTH C. SHOKAL, JAMIE MARTIN and THOMAS KING, by and through their attorney of record, Roger D. Ling of the firm Ling, Nielsen & Robinson, and moves the Court to vacate the trial date in the above subcases now set for Thursday, June 27 and Friday, June 28, 1996, on the following grounds and for the following reasons, to-wit:

1. That because of scheduling conflicts and caseload of the attorney for claimants, settlement negotiations with the State of Idaho have not been completed although it appears that some, if

MOTION TO VACATE TRIAL SETTING

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3 not all, issues can be resolved by mutual agreement between the
4 claimants and the Idaho Department of Water Resources.

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6 2. That the development of "bright line" criteria for
7 determining diversion rates in all situations is in the process of
8 being developed by IDWR which may enhance the opportunity for a
9 negotiated settlement in these subcases. (See Exhibit "A" - letter
10 from the Director of the Department of Water Resources to the
11 Honorable Daniel C. Hurlbutt, Jr.)

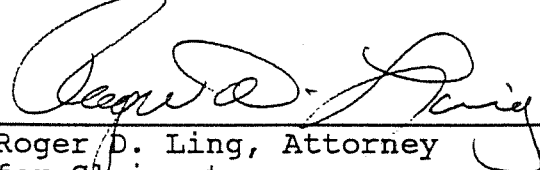
12 3. Water measurements and observation of irrigation
13 practices of the claimants in 1996 by an independent expert may
14 enhance the opportunity to reach an agreement on facts and to
15 negotiate an ultimate resolution of the claimants' claims.

16 4. Counsel for the claimants is on the negotiating team
17 representing Idaho water users in negotiations with the United
18 States and Nez Perce Tribes on their instream flow claims in the
19 SRBA, which requires the undersigned to be involved in negotiations
20 on June 25 and June 26, 1996, thereby prohibiting proper
21 preparation for trial in this matter now set for June 27 and 28,
22 1996.

23 5. That there are no other parties in these subcases
24 and a vacation of the trial will not cause substantial injury or
25 prejudice to any other person.

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3 Respectfully submitted this 19th day of June, 1996.

4 LING, NIELSEN & ROBINSON

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6 By: 

7 Roger D. Ling, Attorney
for Claimants

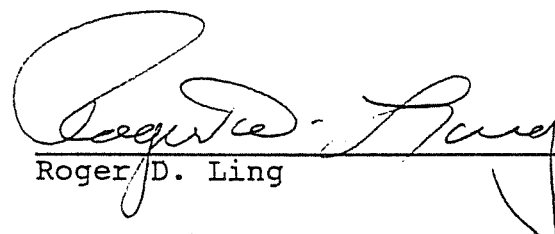
8 CERTIFICATE OF MAILING

9 I hereby certify that on the 19th day of June, 1996, I
served copies of the foregoing *Motion to Vacate Trial Setting* upon:

10 Chief, Natural Resource Division
11 Office of the Attorney General
12 State of Idaho
13 P.O. Box 44449
Boise, Idaho 83711-4449

14 Director
15 Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720

16 by depositing said copies in the United States mail, postage
17 prepaid, in envelopes addressed to said parties at the foregoing
addresses.

18
19 
20 Roger D. Ling