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Department of Water Resources

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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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	)	Sub-case Nos. 34-04164
	)	
Case No. 39576	)	MOTION TO VACATE TRIAL AND
	)	TRIAL SCHEDULING ORDER
	)	

Descriptive Summary

This is a motion, prepared by counsel for the United States by and through the Bureau of Land Management, to vacate the trial and trial schedule order set for subcase 34-04164 and to grant the parties an additional two weeks to submit stipulations resolving objections.

Discussion

The United States respectfully requests that the Court vacate the trial and scheduling order set for this subcase and permit the parties until July 31, 1996 to submit an additional

Standard Form No. 5 resolving all objections to this water right. In support of its motion the United States states the following:

1. The United States, Mr. Reed Asay, Mrs. Merle Hone, Mr. Randy Pehrson and Six Flags Corporation, filed objections to this claim made by the United States, on behalf of the Bureau of Land Management, to a de minimis amount of water for stockwatering purposes on the federal lands.

2. The parties have resolved all objections to this water right. Mr. Reed Asay and the United States submitted a Standard Form No. Five resolving their dispute on August 31, 1995. Mr. Randy Pehrson was dismissed as a party on March 22, 1996.

3. The objection filed by Mrs. Hone and Six Flaggs Corporation has been tentatively resolved. The parties have agreed to submit a Standard Form No. 5 to completely resolve these objections.

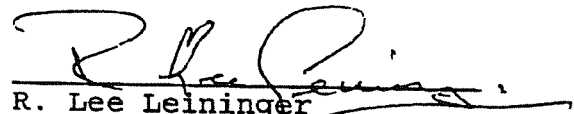
4. Due to the manner of proposed settlement, which includes documentation in addition to the filing of a Standard Form No. 5, the United States and counsel for Hones and Six Flags Corporation have not yet submitted an executed SF5 and additional stipulation resolving their objection.

5. Mr. Ray Rigby, counsel of record for Mrs. Hone and Six Flags Corporation, supports this motion to vacate trial. Mr. Rigby also expressed his concern that trial be avoided due to his client's poor state of health.

6. A Standard Form No. 5 has been circulated between the parties and a fully executed Standard Form No. 5 will be submitted to the Court in the very near future.

WHEREAS, all the parties have agreed to the resolution of their objections to subcase number 34-04164, a trial is not appropriate. The United States respectfully requests that the trial scheduling dates in the scheduling order of February 14, 1996 be vacated and the United States and counsel for Ms. Hone be granted an additional two weeks until July 31, 1996 to fully execute their agreement and file their Standard Form No. 5 with the Court.

Respectfully submitted this 16th day of July, 1996,



R. Lee Leininger
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William M. Ferry
Attorneys, ENRD

CERTIFICATE OF SERVICE

I certify that on the 10th day of July, 1996, I served a true and correct copy of the United States' Motion to Vacate Trial and Trial Scheduling Order for subcase 34-04164 upon the following individuals:

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