

At the time the matter was set, the parties were reasonably confident that this matter would be resolved short of litigation. To that effect, the parties and IDWR have worked to and tentatively resolved most, if not all, the issues outstanding.

The parties have tentatively resolved the issue raised by the United States' objection, requesting the insertion of a remark regarding the use of relift pumps in connection with this water right. The Idaho Department of Water Resources has also tentatively approved this resolution.

The parties have also tentatively resolved the issue raised by the objection filed by the A&B Irrigation District, relating to inclusion of a remark regarding the contractual relation between the Bureau of Reclamation and the A&B Irrigation District regarding this water right. The parties have agreed on the inclusion of a remark as well as specific language for the remark. IDWR has agreed on the concept of including a remark. The specific language is being transmitted to IDWR for review.

As to the final issue, relating to the appropriate description of the place of use, the parties have been discussing this matter with the Idaho Department of Water Resources. The parties believe this can be resolved. Such resolution has been delayed due to the absence of counsel for IDWR over the last few weeks as well as the departure of key personnel from IDWR. However, the parties believe this will also be resolved.

Counsel for the United States will be unavailable for the next three weeks, returning on August 1, 1996. As a result, it will be difficult, if not impossible, to finalize any settlement, obtain approval from all the persons with settlement authority over this matter, have all parties and IDWR execute and file a final SF5, which will be quite extensive on this particular right, prior to the date set for pretrial. At the same time, it will not be possible to coordinate any pretrial matters or finalize a summary judgment motion.

Counsel for the United States has also been informed that key agency personnel will be absent from the office for approximately ten days over the upcoming three weeks so that coordination, negotiation and preparation efforts will not be possible.

Given that a tentative settlement has been reached, a brief modification of the dates set should not have impact the the Court's final resolution of this matter. Rather, it will preserve judicial resources by avoiding a pretrial conference in a subcase where issues are resolved.

The modification sought for filing dispositive motions and pretrial is less than ten days, seven working days. However, this brief delay will give the parties time to finalize the agreement.

The parties believe that all these issues, if not resolved by agreement, are legal issues upon which there are no facts in dispute. As a result, on the remote possibility that

final agreement cannot be reached, this additional time will allow the parties to reach stipulations of fact. This, in turn, will streamline and/or alleviate the need for a pretrial conference pursuant to Rule 16, I.R.C.P.

This streamlining is in the interest of judicial economy since it may well alleviate the need for the Court to hold a hearing and/or trial.

Further, because the delay is brief, it will not significantly delay any matters and not have a detrimental impact on the parties. Any delay to the court is minimal.

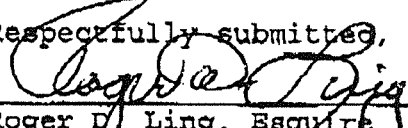
The parties have discussed this matter with counsel for IDWR and IDWR has no objection to this brief continuance.

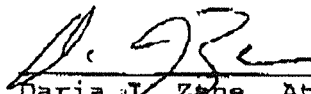
The parties have spoken with the Court's clerk and been advised that the following dates are available: (1) August 14, 1996, for pretrial conference and deadline for summary judgment motions; and (2) August 27, 1996 for trial.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court approve this stipulation and modify the dates currently scheduled in this subcase. The parties request that the date for the pretrial conference and filing of summary judgment motions be modified to August 14, 1996 and that the date for the trial be modified to August 27, 1996.

Respectfully submitted,


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District


Daria J. Zane, Attorney
General Litigation Sec.
U.S. Dept. of Justice

Attorney for Bureau of
Reclamation

DATED: July 10, 1996

DATED: 7/10/96

CERTIFICATE OF MAILING

I certify that on the 11th day of July, 1996, I faxed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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DATE: July 11, 1996

TIME: ~~11:40 a.m.~~ M.S.T.

3:15 pm / *slight*

TO: NAME: Clerk of the Court
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TOTAL NUMBER OF PAGES SENT 8 (INCLUDING THIS PAGE).

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SPECIAL INSTRUCTIONS/COMMENTS: Faxed herewith for filing in the matter of: United States of America / A&B Irrigation District is the Stipulation to Modify Deadline for Dispositive Motions, Pretrial Conferences and Trial Date and proposed Revised Trial Scheduling Order. Please bring these documents to the attention of Special Master Dolan. Thank you for your attention and courtesy in this regard.

If you do not receive all pages clearly, or if the transmission is not successfully received, please call the sender as soon as possible at (208) 436-4717. THANK YOU.

* * * * *

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