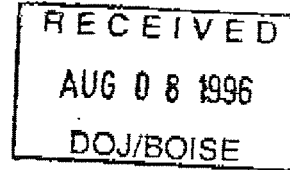


FILE COPYMovant's Name:

UNITED STATES OF AMERICA

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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

Case No. 39576

)
) SUBCASE NOS. 34-12507A, 34-12511A, 34-02562,
) 34-04171

)
) MOTION TO VACATE TRIAL SCHEDULE
)
)

DESCRIPTIVE SUMMARY

This is the United States' motion, on behalf of the Bureau of Land Management,
to vacate the trial schedule for the above-referenced subcases.

United States' Motion to Vacate Trial Schedule, 34-12507A, 34-12511A, 34-02562, 34-04171 -
page 1

DISCUSSION

Background

The Court ordered the trial schedule for these subcases on March 13, 1996. See, *Trial Schedule Order*. A pretrial conference is scheduled for Monday, August 12, 1996. Standard Form Fives for these subcases were submitted to the Court on August 11, 1995. A *Motion for Summary Judgment* was filed for subcases 34-02562 and 34-04171 and a *Motion for Recommendation* for subcases 34-12507A and 34-12511A was filed on July 16, 1996. These motions are pending before the Special Master.

Argument

As explained in the *Motion for Summary Judgment* and the *Motion for Recommendation*, these subcases have no factual issues remaining. The Department did not sign the Standard Form Fives for 34-12507A and 34-12511A because they are federal reserve claims¹ and the Department did not sign 34-04171 and 34-02562 because of issues effecting the purpose of use element of these claims. Those issues have been resolved by Basin-wide Issue No. 12.²

Therefore, with no factual issues remaining, the parties have no reason to

¹ The state-law based preconsolidated claims 34-12507 and 34-12511 were uncontested and the United States has a pending *Motion for Recommendation*.

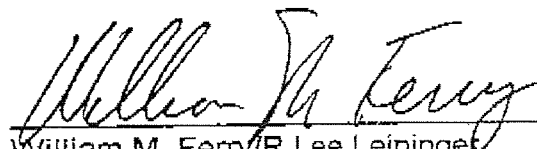
² The Department stated their reason for not signing was based on the inclusion of "wildlife" as a purpose of use. *IDWR Report RE: Review of Standard Form 5* for 34-02562 and 34-04171. This issue has been resolved by *Special Master's Amended Recommendation Re: Basin-wide issue 12*.

prepare for trial and the rest of the trial schedule is unnecessary.

CONCLUSION

WHEREFORE, for the foregoing reasons, the United States respectfully requests that the Court grant this motion to vacate the trial schedule. Mr. Billy Haralson was contacted by telephone on August 6, 1996 at 4:00 p.m. and he concurs with this motion.

Respectfully submitted, this 7th day of August, 1996.


William M. Ferry/R. Lee Leiningel
Attorneys
U.S. Department of Justice

CERTIFICATE OF MAILING

I certify that on 8/17/96, I served a true and correct copy of the attached MOTION TO VACATE TRIAL SCHEDULE for subcases referenced to the following persons by the method specified and addressed as follows:

By hand delivery:

Clerk of the SRBA Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

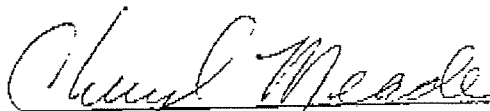
By first class mail, postage prepaid:

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, Idaho 83724

via Federal Express:

Mr. Billy Haralson
Rt. 1, Box 450
Arco, Id. 83213



Signature of person certifying