

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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 Environment and Natural Resources Division

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RECEIVED

DEC 31 1996

Department of Water Resources

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.¹ 34-12548A, 34-12547A
 34-12549A, 34-12554A
 34-13347, 34-12514A

MOTION FOR EXTENSION OF TRIAL
 SCHEDULE

Case No. 39576

DESCRIPTIVE SUMMARY

This is the United States' motion, on behalf of the Bureau of Land Management (BLM), for an extension of all dates set in the Trial Schedule for the above-referenced

¹All subcase numbers, except 34-13347, refer to consolidated "dual-based" subcases and include by reference preconsolidated state law-based subcases. Subcase 34-13347 is not a dual-based claim.

subcases. This motion is made in reliance on the following:

1. The *Trial Scheduling Order* for the above-referenced subcases was issued on April 1, 1996.
2. Parties have not submitted Standard Form Fives (SF5s) for these subcases. The United States has mailed draft SF5s to Mr. Fulton on August 14, 1996. These Forms were mailed to his address in Mackay, Idaho and to Central, Alaska. Mr. Fulton has not responded to this mailing.
3. Attorney for the United States, William Ferry, contacted Mrs. Margery Fulton-Smith, the mother of Gordon Fulton, on the morning of September 16, 1996. Mrs. Fulton represents that Mr. Fulton is generally unavailable by phone, that she has power of attorney for him, and as his representative, she agrees to this motion for extension of the schedule.²
4. The Claimant, the United States on behalf of the Bureau of Land Management, asserts that there is a high potential for settlement for these cases once Mr. Fulton returns from Alaska on or about October 20, 1996.
5. The extension of the trial schedule could save the parties and the court significant time and expense.
6. The parties request an extension of about 45 days on all future deadlines including the deadline for Summary Judgement motions.

² The United States received the attached document (Exhibit 1) which appears to show Mr. Fulton's desire for an extension of the schedule. However, it appears that Mr. Fulton did not file this document with the Court.

Exhibit 1

1. (Gordon Fulton
2. Star Route
3. Mackay, Idaho 83251
4.

5. IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
6. THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS.

7. In Re STREA)
8.) Subcase Nos. 34-12514, 34-12546, 34-12547, 34-12549,
9.) 34-12554, 34-13347,
10. Case No. 39576) MOTION TO REQUEST REVISED SCHEDULING
11.) ORDER
12.)

13. DESCRIPTIVE SUMMARY

14. This is Gordon Fulton motion to request the court to consider rescheduling the trial dates and
15. deadlines in relation to the above listed subcases. Reason being that Gordon Fulton is Mining in Alaska
16. and will not be back in Idaho until after October 20th, 1996.

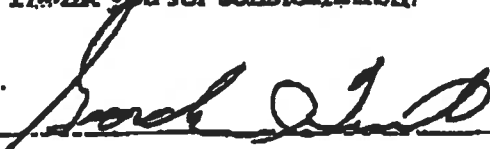
17. MOTION

18. Gordon Fulton hereby respectfully request that the Court extend the pretrial and trial dates on all
19. above listed subcases.

20. DISCUSSION

21. I, Gordon Fulton am operating my mine in Alaska as I have done for the last 20 years. I do not
22. plan to shut down and do full cleanup and be back in Idaho before October 20th, 1996.

23. Thank you for consideration.

24. 
25. 8-15-96

26. Gordon Fulton, Date
27. Star Route
28. Mackay, Idaho 83251

1 I hereby certify that on the 15th day of Aug, 1996,

2 I mailed a copy of this motion to the SRBA Court to:

3 United States Department of Justice

4 Environment and Natural Resources Division

5 550 West Fort St Box 33

6 Boise, Idaho 83724

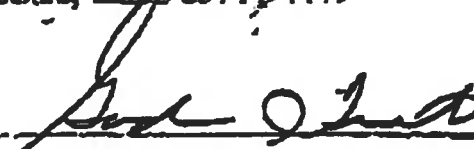
7
8 Chief, Natural Resources Division

9 Office of the Attorney General

10 State of Idaho

11 P.O. Box 44449

12 Boise, Idaho 83711-4449

13
14 Signed 

5 Gordon Fulton

Date

8-15-96

6 Star Route

7 Mackay, Idaho 83251

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Conclusion

Therefore, for the foregoing reasons, the United States respectfully moves for an Extension of all dates for about 45 days. An oral hearing is not requested on this motion.

Respectfully submitted, this 16th day of September, 1996.



WILLIAM M. FERRY
R. LEE LEININGER
U.S. Department of Justice
Environment and Natural Resources Division

CERTIFICATE OF MAILING

I certify that on Sept 16, 1996 I served a true and correct copy of the attached MOTION for subcases referenced to the following persons by the method specified and addressed as follows:

By facsimile:

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

Mr. Gordon Fulton
Star Route
Mackay, Idaho 83251

Carolyn Smith
Star Route
Mackay, Idaho 83251

Margery Fulton-Smith
Star Route
Mackay, Idaho 83251



Signature of person certifying