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OFFICE OF THE ATTORNEY GENERAL

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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. 57-11124 et.al.
	)	
	)	
	)	
Case No. 39576	)	Joint Motion to Vacate
	)	Settlement Conference
	)	

Descriptive Summary

This motion to vacate the settlement conference in the above captioned consolidated SRBA subcases is submitted jointly by Harry Richard Bass, Henry Brandau, Ted K. Blackstock, Chipmunk Grazing Association, and Joyce Livestock Company (the "Private Parties"), and by the United States. The Private Parties and the United States further request that this motion be considered in an expedited fashion.

Motion

Under the Special Master's May 10, 1996 Trial Scheduling Order, a settlement conference was scheduled in these consolidated subcases for September 25, 1996. The Private Parties and the United States urge the Special Master to vacate this settlement conference.

The subcases consolidated under SRBA subcase no. 57-11124 raise the basic legal issue of whether it is possible for the Private Parties or the United States to own stockwater rights on the federal public land. The parties long ago met and determined that there was no room for settlement on this basic legal issue.

The United States' motion for summary judgment which is currently pending before the Special Master asks for a determination that it is legally impossible for these Private Parties to own stockwater rights on the federal public land because they have not had exclusive use of the stockwater sources they are claiming. The parties will reevaluate their positions and the need for a settlement conference following the Special Master's decision on the pending motion for summary judgment. Until that time, however, and depending on the nature of that decision, the parties believe that a settlement conference would not be productive.

For these reasons the parties respectfully request that the Special Master vacate the settlement conference currently scheduled for September 25, 1996. The parties request this

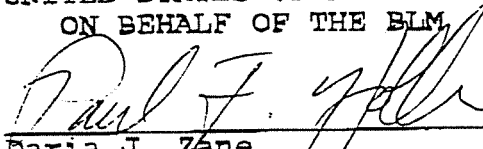
motion be determined in an expedited fashion. No oral argument is requested.

Respectfully submitted this 20th day of September,
1996.

~~PRIVATE PARTIES~~

Richard L. Harris
Lois Weston Hart
Attorney for Harry Richard Bass,
Henry Brandau, Ted K. Blackstock,
Chipmunk Grazing Association, and
Joyce Livestock Company

UNITED STATES OF AMERICA
ON BEHALF OF THE BLM


Daria J. Zane
Paul F. Holleman
Attorneys, Department of Justice
ENRD GLS

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September, 1996, I caused a true and correct copy of the Joint Motion to Vacate Settlement Conference to be served by FACSIMILE and United States mail, postage prepaid, on the following persons:

Special Master Fritz X Hammerle
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Chief, Natural Resources Division
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