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**SPECIAL INSTRUCTIONS:** Attached for filing is the United States' **[PROPOSED] ORDER ON MOTION FOR EXTENSION OF TIME TO FILE SUMMARY JUDGMENT MOTIONS** to the Special Master's Report and Recommendation in Subcase Nos. 74-11411 *Et Al.* and 75-11763 *Et Al.*

**Names of Parties Filing Document:**

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     | ) | Subcase Nos.: 74-11411, et al., and 75-11736, |
|                | ) | et al. <sup>1</sup>                           |
|                | ) |                                               |
| Case No. 39576 | ) | UNOPPOSED MOTION FOR                          |
|                | ) | EXTENSION OF TIME TO FILE                     |
|                | ) | SUMMARY JUDGMENT MOTION                       |
|                | ) |                                               |

**DESCRIPTIVE SUMMARY**

This is the United States' motion to extend the time to file a motion for summary

<sup>1</sup> The subcases subject to this motion include: 74-11411, 74-11413, 74-11457, 74-11493, 74-11519, 74-11525, 74-11527, 74-11541, 74-11719, 74-11723, 74-11978, 74-12088, 74-12990, 74-12106, 74-12536, 74-12666, 74-12668, 74-12692, 74-12694, 74-12696, 74-12732, 74-12742, 74-12772, 74-12774, 74-12806, 74-13624, 74-13734, 74-13082, 74-13084, 74-14780, 74-14784, 74-14785, 74-14809, 74-14818, 74-14839, 74-14895, 74-14898, 74-14925, 75-11736, 75-11738, 75-11778, 75-12606, 75-12972, 75-12974, 75-12976, 75-12998, 75-13000, 75-13002, 75-13114, 75-13116, 75-13140, 75-13148, 75-13749

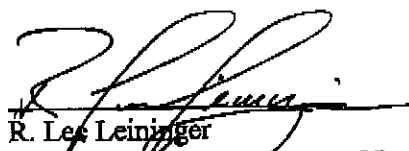
judgment in the above referenced subcases.

### MOTION

The United States hereby moves this Court for an Order extending the date for the filing of summary judgment motions in the above referenced subcases to July 7, 2004, to allow the parties an opportunity to resolve their dispute without further litigation. The Court established a deadline of June 23, 2004 for the filing of summary judgment motions by scheduling order dated December 19, 2003. The scheduling order also sets an August 4, 2004 date for a hearing on summary judgment. The extension to July 7, 2004 will still enable the parties to file summary judgment motions twenty eight (28) days before the time fixed for hearing consistent with I.R.C.P. § 56(c).

The United States requests an extension of two weeks to engage in informal settlement discussions with the objector, State of Idaho. Counsel for the State of Idaho, Mr. David Barber, was contacted and does not oppose the request for a two week extension to file the summary judgment motions. A proposed Order is attached for the Court's consideration.

Respectfully submitted this 22<sup>nd</sup> day of June, 2004.

  
R. Lee Leininger  
Attorney, U.S. Department of Justice

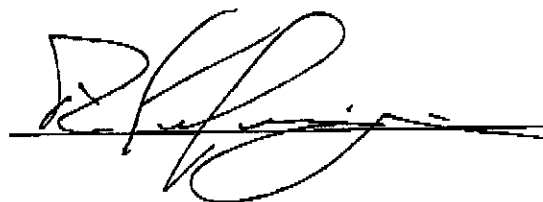
## CERTIFICATE OF MAILING

I certify that on June 22, 2004, a true and correct copy of the United States' Unopposed Motion for Extension of Time to File Summary Judgment Motions, Re: Subcases 74-11411 et al. was served via facsimile transmission to the following persons:

U.S. Department of Justice  
General Litigation Section  
Environment and Natural Resources  
Division  
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A handwritten signature in black ink, appearing to read "David Barber", is written over a horizontal line.

**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.: 74-11411, et al. and 75-11736, |
|                | ) | et al. <sup>1</sup>                          |
|                | ) |                                              |
|                | ) | [PROPOSED] ORDER ON MOTION FOR               |
|                | ) | EXTENSION OF TIME                            |
| Case No. 39576 | ) | TO FILE SUMMARY JUDGMENT MOTIONS             |
|                | ) |                                              |

WHEREAS, this Court having reviewed and considered the United States'  
Unopposed Motion for Extension of Time to File Summary Judgment Motions, filed June 22,  
2004, it is hereby ordered that said motion is GRANTED.

The parties shall have until July 7, 2004, to submit their summary judgment  
motions.

IT IS SO ORDERED.

DATED June \_\_\_\_, 2004.

\_\_\_\_\_  
Brigette Bilyeu

Special Master in the Snake River Basin  
Adjudication

<sup>1</sup> The subcases subject to this motion include: 74-11411, 74-11413, 74-11457, 74-11493, 74-11519, 74-11525, 74-11527, 74-11541, 74-11719, 74-11723, 74-11978, 74-12088, 74-12990, 74-12106, 74-12536, 74-12666, 74-12668, 74-12692, 74-12694, 74-12696, 74-12732, 74-12742, 74-12772, 74-12774, 74-12806, 74-13624, 74-13734, 74-13082, 74-13084, 74-14780, 74-14784, 74-14785, 74-14809, 74-14818, 74-14839, 74-14895, 74-14898, 74-14925, 75-11736, 75-11738, 75-11778, 75-12606, 75-12972, 75-12974, 75-12976, 75-12998, 75-13000, 75-13002, 75-13114, 75-13116, 75-13140, 75-13148, 75-13749