

2004 SEP -2 PM 2:16

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) Subcases: 55-10135, 55-11061, 55-11385, and
) 55-12452
)
Case No. 39576) CHALLENGE SCHEDULING ORDER
)

PROCEDURAL BACKGROUND

On July 22, 2004, Special Master Terrence A. Dolan filed an *Order Denying Amended Motion to Alter or Amend* ("Order") in the above-captioned subcases. Pursuant to *Administrative Order 1* ("AOI"), section 13(c), any party seeking to challenge the *Order* must have filed a *Notice of Challenge* within 14 days following the date the *Order* was filed, or on or before August 5, 2004.

On August 4, 2004, Joyce Livestock, by and through its attorneys of record, Michael J Van Zandt and Elizabeth P. Ewens of McQuaid, Bedford and Van Zandt and Robert D. Ling and Brian J. Coffey of Ling, Robinson and Walker, filed a *Notice of Challenge* to the *Order*.

The time period for filing notices of challenge has now expired. Pursuant to *AOI*, section 13, this *Challenge Scheduling Order* will govern this challenge. Further, the time computation provisions of I.R.C.P. 6(a) shall apply and should be referred to by the parties in the event that any of the dates herein fall on a Saturday, Sunday or legal holiday.

LODGING OF TRANSCRIPTS

The trial in this case commenced on December 3, 2002. The Challenger's *Notice of Challenge* stated that a transcript of the trial was previously prepared and lodged with the Court on January 27, 2004. A transcript was lodged on January 27, 2003.

A transcript was requested in the *Notice of Challenge* for the April 1, 2004 hearing before Special Master Dolan on the *Motion to Alter or Amend*. An Estimate of Transcript was included

with the *Notice of Challenge* as was a check for \$150.00. The Transcript shall be lodged on or before September 10, 2004.

BRIEFING SCHEDULE

It is hereby ordered that the following briefing schedule shall apply:

Challenger's Opening Brief due..... October 1, 2004

Respondent's Responsive Brief due October 22, 2004

Challenger's Rebuttal Brief (optional) due by November 5, 2004

Parties shall take notice that this briefing schedule modifies the schedule set forth in *AOI*, section 13(e).

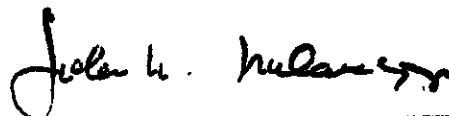
All briefs shall be limited to 25 pages and shall be served on all parties to the subcases, including any party filing a *Notice of Challenge*.

ORAL ARGUMENT

Pursuant to *AOI*, section 13(e)(4), only those parties who filed briefs will be allowed oral argument. Oral argument will be heard on November 16, 2004, at 1:30 p.m., at the Snake River Basin Adjudication Courthouse, 253 - 3rd Avenue North, Twin Falls, Idaho.

IT IS SO ORDERED.

DATED September 2, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the CHALLENGE SCHEDULING ORDER was mailed on September 02, 2004, with sufficient first-class postage to the following:

JOYCE LIVESTOCK CO
Represented by:
ELIZABETH P EWENS
221 MAIN ST, 16TH FLOOR
SAN FRANCISCO, CA 94105
Phone: 415-905-0200

JOYCE LIVESTOCK CO
Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

