



U.S. Department of Justice

Environment and Natural Resources Division

LL:DAJ

90-6-2-63C

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July 15, 2002

via facsimile transmission

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

RECEIVED

JUL 18 2002

Department of Water Resources

Re: SRBA Case No. 39576
Subcases listed on Exhibit A

Dear Ms. Delaney:

Enclosed for filing is the following original document in the above mentioned subcases:

1. **JOINT MOTION FOR AMENDED SCHEDULING ORDER**
2. **[Proposed] AMENDED SCHEDULING ORDER**

This document is being proposed to Special Master Dolan in order to allow resolution of related issues pending before Special Master Cushman on summary judgment, the decision of which could bear upon the issues before Master Dolan.

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosure

**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.: (See Attached Exhibit A)
	)	
Case No. 39576	)	JOINT MOTION FOR AMENDED
	)	SCHEDULING
	)	ORDER
_____	)	

Counsel for the United States, on behalf of the Bureau of Land Management, and counsel for the State of Idaho hereby jointly move for an Order amending the schedule for the above captioned subcases. The parties make this request because dispositive motions are pending in basin 21 regarding the same disputed PWR 107 issues present in these subcases. Judicial and the parties' resources would be conserved by extending the dates in these subcases until after sufficient time has passed for a decision(s) in the other subcases.

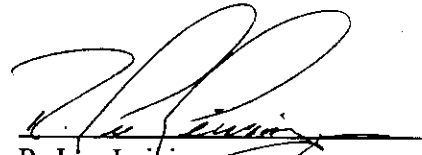
At a telephonic scheduling conference April 2, 2002 the parties agreed on a schedule for dispositive motions for the above captioned subcases. A *Scheduling Order* was issued by Special Master Dolan on April 2, 2002 and *amended* on April 3, 2002. Since that time the United States has filed for Summary Judgment in and the State of Idaho has cross-filed for Summary Judgment in PWR 107 subcase numbers 21-12003, *et al.* These motions are set for hearing before Special Master Cushman on July 19, 2002 and have the potential for affecting dispositive motions in the instant subcases.

On June 19, 2002, Special Master Bilyeu issued an amended Trial Scheduling Order in PWR 107 subcases in Basin 37 (37-14346, *et al.*), moving all dates to early 2003 in order to allow

ample time to address and resolve the PWR 107 issues before Special Master Cushman and assess the significance of the special master's decision on those issues prior to moving forward on the Basin 37 subcases. Since Special Master Cushman's decision and any subsequent appeal could likewise have a bearing on the PWR 107 subcases in Basin 43, it is reasonable to amend the schedule of proceedings in these subcases as well and await the outcome of the summary judgment proceedings before moving forward on these issues in Basin 43.

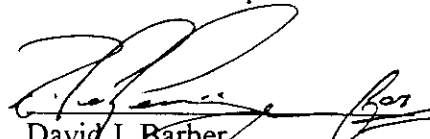
Therefore, the parties respectfully request that a new schedule be entered with scheduled dates for these subcases continued until next year. A proposed Amended Schedule Order is attached for the Court's consideration.

DATED July 15, 2002.



R. Lee Leininger
Attorney
United States Department of Justice

Telephonically approved:



David J. Barber
Deputy Attorney General
Natural Resources Division

Exhibit A

Subcases: 43-10957
43-10997
43-11005
43-11052
43-11054
43-11056
43-11058
43-11069
43-11071
43-11158
43-11160
43-11166
43-11172

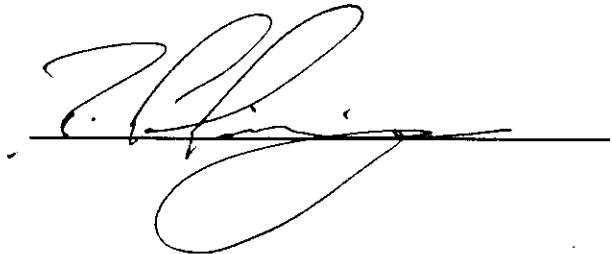
CERTIFICATE OF MAILING

I certify that a true and correct copy of the JOINT MOTION FOR AMENDED SCHEDULING ORDER was mailed on July 15, 2002, with sufficient first-class postage to the following:

NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

USDI BLM
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 W FORT STREET, MSC 033
BOISE, ID 83724

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

A handwritten signature in black ink, appearing to be "J. L. ...", 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

Case No. 39576

) SUBCASE Nos.: (See Attached Exhibit A)

) **[Proposed] AMENDED SCHEDULING ORDER**

)

A telephonic scheduling conference was held on April 2, 2002. Larry Brown appeared for claimant the United States of America, Department of the Interior, Bureau of Land Management; David J. Barber appeared for objector, State of Idaho, and Nicholas Spencer and Roxanne Brown appeared for IDWR. The parties agreed on a schedule for dispositive motions.

A *Scheduling Order* was issued by Special Master Dolan on April 2, 2002 and *amended* on April 3, 2002. Since that time the United States has filed for Summary Judgment in and the State of Idaho has cross-filed for Summary Judgment in PWR 107 subcase numbers 21-12003, *et al.* These motions are set for hearing before Special Master Cushman on July 19, 2002 and have the potential for affecting dispositive motions in the instant subcases.

On June 19, 2002, Special Master Bilyeu issued an amended Trial Scheduling Order in PWR 107 subcases in Basin 37 (37-14346, *et al.*), moving all dates to early 2003 in order to allow ample time to address and resolve the PWR 107 issues before Special Master Cushman and assess the significance of the special master's decision on those issues as regards the PWR 107 issues in Basin 37 prior to moving forward on the Basin 37 subcases. Since Special Master Cushman's decision could likewise have a bearing on the PWR 107 subcases in Basin 43, it is reasonable to amend the schedule of proceedings in these subcases as well and await the outcome of the summary judgment proceedings before moving forward on the issues of the subcases in Basin 43.

THEREFORE, IT IS ORDERED that the following schedule shall govern the conduct of proceedings through the hearing on dispositive motions:

Friday, February 28, 2003, 5:00 p.m.	Discovery cut-off; discovery shall be complete.
Friday, March 14, 2003, 5:00 p.m.	Deadline to file dispositive motions.
Friday, April 11, 2003, 5:00 p.m.	Deadline to file responses to dispositive motions.
Friday, April 25, 2003, 5:00 p.m.	Deadline to file reply to responses to dispositive motions.
Friday, May 9, 2003, 5:00 p.m.	Deadline to file reply to responses to dispositive motions.
Thursday, May 15, 2003, 10:00 a.m.	Hearing on dispositive motions, if required. Location: SRBA District Court 253 Third Avenue North Twin Falls, Idaho 83301

DATED July ____ , 2002.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

Exhibit A

Subcases: 43-10957
 43-10997
 43-11005
 43-11052
 43-11054
 43-11056
 43-11058
 43-11069
 43-11071
 43-11158
 43-11160
 43-11166
 43-11172

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED SCHEDULING ORDER was mailed on July _____, 2002, with sufficient first-class postage to the following:

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Deputy Clerk