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9 Attorneys for Joyce Livestock

10 **IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE**
11 **STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

12 In Re SRBA

Subcase Numbers 55-10135, 55-11061,
55-11385 and 55-12452

14 Case No. 39576

**JOYCE LIVESTOCK'S UNOPPOSED
MOTION FOR EXTENSION OF TIME
TO FILE BRIEFS ON CHALLENGE**

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Department of Water Resources

1 Joyce Livestock, by and through its attorneys, McQuaid, Bedford & Van Zandt, LLP,
2 respectfully requests that the time for filing briefs on challenge be extended as outlined herein and
3 for the reasons stated, below.

4 1. On September 2, 2004, the Court issued a Challenge Scheduling Order ("Order").
5 Pursuant to this Order, Joyce Livestock's Opening Brief is due on October 1, 2004.

6 2. Due to the weight of other previously scheduled deadlines and professional
7 obligations, Joyce Livestock requests that the briefing schedule be extended as follows:

- 8 a. Challenger's (Joyce's) Opening Brief: Friday, November 12, 2004;
- 9 b. Respondent's (United States') Responsive Brief: Friday, December 10, 2004;
- 10 c. Challenger's Rebuttal Brief: Friday, January 7, 2005; and
- 11 d. Oral argument to be heard on a date, to be determined,
12 following the conclusion of briefing.

13 3. Counsel recognizes and appreciates that the requested extensions are
14 considerable, and further recognizes the need for all pending matters in the SRBA, including this
15 litigation, to proceed as expeditiously as possible. Nonetheless, the requested extension is necessary
16 under the circumstances.

17 4. Counsel's inability to meet the current deadline is due to counsel's involvement in
18 other pressing cases coupled with the resignation in August 2004 of one of the attorneys assigned
19 full-time to environmental and natural resources matters in undersigned counsel's firm. His
20 departure, on top of an already demanding case calendar, necessitates the requested extension of
21 time.

22 5. Other pending matters with deadlines coinciding with those in the Court's current
23 Challenge Scheduling Order include the following: *In re: SRBA 39576* (55-10288B et al.) (Reply
24 Brief on Challenge due September 30, 2004 and oral argument set for October 20, 2004); *United*
25 *States v. TCID*, United States District Court, District of Nevada, Case No. CV—95-0757 HDM
26 (Motion for Reconsideration due September 24, 2004); *Hage v. United States*, United States Court
27 of Federal Claims, Case No. 91-1470L (Post-Trial Reply Brief due October 1, 2004); *In the Matter*
28 *of Application 9330*, In the Third Judicial District Court of the State of Nevada, County of

1 Churchill, Case Nos. 24980, 25004, 25006 (Hearing on Motions to Dismiss, October 5, 2004); *In*
2 *Re: Transfer Application No. 70934*, Before the Nevada State Engineer (Protest due October 4,
3 2004); *Harris v. United States*, United States District Court, Eastern District of California, Case No.
4 Civ. S-03-0878-LKK-DAD (Plaintiff's response to summary judgment motion due October 15,
5 2004, coupled with ongoing settlement negotiations); *Colvin v. United States*, United States Court
6 of Federal Claims, Case No. 03-1942L (Deadline for Plaintiff's response to summary judgment
7 motion, October 29, 2004); *Sacramento Grazing Association, Inc. v. United States*, United States
8 Court of Federal Claims 04-786L (Deadline for Plaintiff's response to motion to dismiss, October
9 29, 2004); and *Riker v. Reading Theaters*, United States District Court, Eastern District of
10 California, Case No. Civ. S-03-1974-KJM (Status Report due to Court October 13, 2004, hearing on
11 October 20, 2004).

12 6. Given the scope of the factual record and legal issues at stake in this case, coupled
13 with the time constraints facing counsel as addressed, above, the requested extension of time is
14 necessary to permit counsel sufficient time to fully brief this matter for the Court.

15 7. Counsel for Joyce Livestock has conferred with counsel for the United States.
16 The United States does not object to the requested extension of time, and has agreed to the proposed
17 briefing schedule submitted herein.

18 WHEREFORE, Joyce Livestock respectfully requests that the Court enter an amended
19 Challenge Scheduling Order setting forth the following briefing deadlines: Challenger's Opening
20 Brief due Friday, November 12, 2004, Respondent's Responsive Brief due Friday, December 10,
21 2004, Challenger's Rebuttal Brief due Friday, January 7, 2005. Joyce Livestock further requests
22 that the date for oral argument be reset for a date following the conclusion of briefing in this case.

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1 Dated this 1 day of September, 2004.

2 Respectfully submitted,

3 McQUAID BEDFORD &
4 VAN ZANDT, LLP

5 By: 
6 Michael J. Van Zandt
Elizabeth P. Ewens

7 DATED this ____ day of September, 2004.

8 LING, ROBINSON & WALKER

9
10 By: _____
11 Roger D. Ling (ISB No. 1018)
12 Brian J. Coffey (ISB No. 6566)

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1 Dated this ____ day of September, 2004.

2 Respectfully submitted,

3 McQUAID BEDFORD &
4 VAN ZANDT, LLP

5 By:

6 Michael J. Van Zandt
Elizabeth P. Ewens

7 DATED this 14th day of September, 2004.

8 LING, ROBINSON & WALKER

9 By:

10 Roger D. Ling (ISE No. 1018)
11 Brian J. Coffey (ISB No. 6566)

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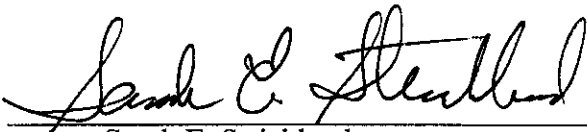
I certify that on September 15, 2004, I served a true and correct copy of foregoing
**JOYCE LIVESTOCK'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
BRIEFS ON CHALLENGE** upon the following individuals by placing the document in the United
States Mail, postage paid, and addressed as follows:

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