

ROGER D. LING
BRENT T. ROBINSON

JASON D. WALKER
TIMOTHY J. SCHNEIDER
ASSOCIATES

LING & ROBINSON
ATTORNEYS AT LAW
615 'H' STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

RECEIVED

APR 29 2002

Department of Water Resources

April 26, 2002

Clerk of the District Court
Snake River Basin Adjudication
P. O. Box 2707
Twin Falls, ID 83303-2707

RE: Brackett, et al.; Subcase No. 51-11884, et seq.

Dear Clerk:

Enclosed herewith is a copy of the *Ex Parte Application for Extension of Time to File Motion to Alter or Amend Special Master Cushman's Report and Recommendation That Motions to Filie [Late] Objections in Remaining Subcases be Denied and Order Thereon with my original signature, for filing.*

Very truly yours,


Roger D. Ling

RDL:jb

enc

pc w/enc: IDWR Document Depository
Chief, Natural Resources Division
U. S. Department of Justice (Boise)
David J. Barber
Larry Brown
Craig A. Pridgen

RECEIVED

APR 29 2002

Department of Water Resources

Names of Parties Filing Document:

Brackett Livestock, Inc.,
Brackett Ranches, Ltd.,
C.E. Brackett Cattle Co.
Bert Brackett
Bert and Paula Brackett

Attorneys' Names and Addresses:

MICHAEL J. VAN ZANDT
CRAIG A. PRIDGEN
ELIZABETH P. EWENS
McQUAID, METZLER, BEDFORD
& VAN ZANDT, LLP
221 Main Street, 16th Floor
San Francisco, California 94105
Telephone: (415) 905-0200

ROGER D. LING (ID Bar # 1018)
LING & ROBINSON
P.O. Box 396
Rupert, Idaho 83350
Telephone: (208) 436-4717
Facsimile: (208) 436-6804

**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 Exhibit A
)
)
)
)
)

**EX PARTE APPLICATION FOR
EXTENSION OF TIME TO FILE
MOTION TO ALTER OR AMEND
SPECIAL MASTER CUSHMAN'S
REPORT AND RECOMMENDATION
THAT MOTIONS TO FILE WRIT
OBJECTIONS IN REMAINING
SUBCASES BE DENIED AND ORDER
THEREON**

On March 13, 2002, Special Master Thomas Cushman entered his order granting motions

to file late objections to subcase nos. 51-11921, 51-11925 and 51-11936, and the accompanying report and recommendation that motions to file late objections be denied in the remaining subcases identified in Exhibit A hereto. The time period within which C.E. Brackett Cattle Co., Brackett Ranches, Ltd., Brackett Livestock, Inc. and Bert and Paula Brackett (collectively hereinafter "Bracketts") have within which to file a motion to alter or amend with respect to the subcases identified in Exhibit A hereto will expire on April 29, 2002.

Mr. Brown, on behalf of the BLM, and the undersigned, on behalf of the Bracketts, have engaged in protracted settlement negotiations for a period of approximately three weeks with respect to all of the competing claims between the BLM and the Bracketts, including, but not limited to, those subcases which are the subject matter of the above-referenced order as expressly identified in Exhibit A. Those negotiations culminated in a written offer from Larry Brown received by the undersigned by email on April 19, 2002. A copy of that offer has been transmitted to Mr. Chet Brackett and Mr. Bert Brackett for their review and comment. Mr. Brown is currently on vacation and will not return to his office until April 29, 2002.

As set forth in the accompanying declaration, the undersigned has contacted Larry Brown and David Barber on behalf of the State of Idaho with respect to a stipulation for an extension of time to file the motion to alter or amend for a period of at least three weeks. Both have consented to the extension and have authorized me to so represent to the court.

The undersigned believes that it is in the best interest of all parties to pursue settlement negotiations in lieu of expending additional time, effort and financial resources in pursuing various aspects of pending litigation with respect to competing claims by and between the BLM and the Bracketts in light of the above-referenced negotiations and that such an extension will

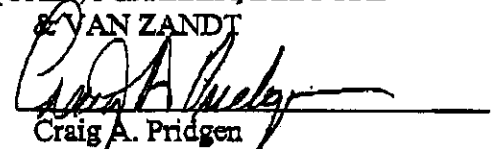
enhance and promote the settlement and resolution of competing claims between the Bracketts and BLM.

NOW, THEREFORE, it is agreed and stipulated by and between counsel for the parties that, subject to the approval of this court, an extension of time should be granted to C.E. Brackett Cattle Co., Bert Brackett, Brackett Livestock, Inc., Brackett Ranches, Ltd. and Bert and Paula Brackett, within which to file a Motion to Alter or Amend with respect to the court's ruling of March 13, 2002, up to and including May 20, 2002, to facilitate and promote ongoing good faith settlement negotiations as above-referenced.¹

Dated this 26 day of April, 2002.

Respectfully submitted,

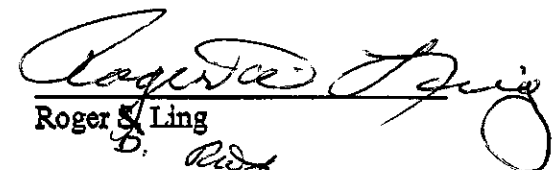
McQUAID, METZLER, BEDFORD
& VAN ZANDT

By: 

Craig A. Pridgen

Date: April 26, 2002


LING, ~~NELSON~~ & ROBINSON

By: 

Roger S. Ling


Attorneys for Brackett Livestock, Inc.,
Brackett Ranches, Ltd., C.E. Brackett Cattle
Co., Bert Brackett, and Bert and Paula
Brackett

¹Due to the time restraints and the geographical location of counsel for the Bracketts, this stipulation will be filed with original signatures in counterpart.

Names of Parties Filing Document:

Brackett Livestock, Inc.,
Brackett Ranches, Ltd.,
C.E. Brackett Cattle Co.
Bert Brackett
Bert and Paula Brackett

Attorneys' Names and Addresses:

MICHAEL J. VAN ZANDT
CRAIG A. PRIDGEN
ELIZABETH P. EWENS
McQUAID, METZLER, BEDFORD
& VAN ZANDT, LLP
221 Main Street, 16th Floor
San Francisco, California 94105
Telephone: (415) 905-0200

ROGER D. LING (ID Bar # 1018)
LING & ROBINSON
P.O. Box 396
Rupert, Idaho 83350
Telephone: (208) 436-4717
Facsimile: (208) 436-6804

**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	)	EXHIBIT A
	)	
Case No. 39576	)	
	)	
	)	
	)	

51-11884	51-12375	51-11886	51-12366
51-11891	51-12438	51-11892	51-12449
51-11928	51-12485	51-11931	51-12491
51-11941	51-12503	51-11945	51-12504
51-12090	51-12515	51-12347A	51-12516
51-12352	51-12823	51-12353B	51-12826

51-11888	51-12012	51-11969	51-12436
51-11915	51-12348	51-11975	51-12499
51-11933	51-12369	51-12349	51-11907
51-11959	51-12437	51-12433	51-12088
51-12347B	51-12484	51-12443	51-12117
51-12360	51-12501	51-12715	51-12091
51-12383	51-12511	51-11971	51-11950
51-12460	51-12543	51-11976	51-12108
51-12495	51-12440	51-12350	51-11980
51-12508	51-11955	51-12434	51-12114
51-12517	51-11974	51-12448	51-02283
51-12439	51-12013	51-12079	51-12376
51-11890	51-12374	51-11972	51-12451
51-11919	51-12442	51-11979	51-12452
51-11939	51-12502	51-12372	