

Names of Parties Filing Document:

Brckett Livestock, Inc.,
Brckett Ranches, Ltd.,
C.E. Brckett Cattle Co., Bert Brckett

Attorneys' Names and Addresses:

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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

Case No. 39576

) Subcase Nos. See Exhibit A
)
) **DECLARATION OF CRAIG A.**
) **PRIDGEN, ESQ. IN SUPPORT OF 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**
) **OBJECTIONS IN REMAINING**
) **SUBCASES BE DENIED AND ORDER**
THEREON

**DECLARATION OF CRAIG A. PRIDGEN, ESQ. IN SUPPORT OF
EX PARTE APPLICATION FOR EXTENSION OF TIME**

I, CRAIG A. PRIDGEN, ESQ., declare under penalty of perjury as follows:

1. I am attorney duly licensed to practice law in the State of California and the Federal Courts of the Ninth Circuit. I am duly admitted pro hac vice to appear in the SRBA litigation and specifically, the subcases identified in Exhibit A attached to the accompanying ex parte application.

2. On behalf of Bert Brackett and Chet Brackett and their related entities as set forth in the accompanying Ex Parte Application, I have been engaged in good faith and protracted settlement negotiations with Larry Brown, counsel for the United States/BLM with respect to these subcases for a period now in excess of six weeks. As recently as May 20, 2002, I thought that we were on the verge of consummating a global settlement which would have been dispositive of almost every subcase involving the Bracketts pending in SRBA; however, an impass arose with respect to the designation of a priority date with respect to a portion of the water rights which were the subject matter of this global settlement endeavor. On that date, I e-mailed Mr. Brown a proposed revision to what otherwise was believed to an acceptable settlement agreement. That counter-proposal was rejected on May 21, 2002, by Mr. Brown and he simultaneously withdrew all prior offers by the BLM to settle and compromise the claims currently pending in the SRBA including, but by no means limited to, those identified in Exhibit A to the accompanying application.

3. In Mr. Brown's e-mail to me withdrawing the underlying offer, he indicated that he would stipulate to a one week extension with respect to the pending Motion to Alter or Amend which is otherwise due for filing on Friday, May 24, 2002. I have attempted to

contact David Barber, representing the State of Idaho; however, I am advised that he is attending the Monthly Status Conference in the SRBA. I have also discussed this matter with your clerk, Debbie, who indicated that Mr. Barber was in fact at the courthouse in Twin Falls and she kindly agreed to attempt to advise Mr. Barber that I was seeking to discuss this matter with him in order to obtain his agreement that an order be entered granting the extension sought herein.

4. Because of the pending settlement negotiations and the chilling effect that this firm's continued work on other matters pending before the SRBA on behalf of the Bracketts would invariably have on our ability to settle these cases, no effort has been expended by the undersigned to prepare the appropriate motion to alter or amend. Further, notwithstanding the fact that Mr. Brown and I have reached an impasse with respect to the settlement which was previously being considered, Mr. Brown has also advised me as of this date that the BLM will be submitting to me a new offer to settle. I have not received the same from Mr. Brown as of 6:00 p.m. Eastern Daylight Time. Although I cannot represent to the Court that I anticipate the new offer will be acceptable to my clients, I have a legal and ethical obligation to transmit that offer to my clients and to discuss the same with them. I doubt seriously that this conversation will occur before tomorrow. It has always been my policy to pursue all settlement negotiations in good faith and, to refrain from engaging in what may become unnecessary legal services at the expense of the clients during the pendency of said negotiations.

5. I can also represent to the Court that based upon my review of this Court's recent Order with respect to the underlying Motion to File Late Objections, I believe that there

are new legal arguments which will be raised in the Motion to Alter or Amend; and, accordingly, I do not anticipate that the contents of our proposed motion will simply be repetitious of our original Motion to File Late Objections. Accordingly, I am informed and believe, that without a brief extension of time, it will be very difficult for the undersigned to adequately prepare the motion and have it served and filed by Friday of this week particularly under circumstances where I have not even had the opportunity to discuss the contents and legal issues involved with the Motion to Alter or Amend with my clients and will likely not be able to do so at least until May 22, 2002.

I have just been advised by Debbie that the Court is not predisposed to grant any future applications or motions for extensions of time within which to file the Motion to Alter or Amend with respect to the subcases identified in Exhibit A. With this understanding, I respectfully request that the Court grant the extension for the reasons set forth herein above and based upon the stipulation which at least at this point has been communicated from Mr. Brown on behalf of the BLM.

I declare under penalty of perjury pursuant to the laws of the State of California and the State of Idaho, that the contents of this Declaration are true and correct except to the extent that any portion thereof is based upon information and belief and with respect thereto, I believe the same to be true and correct. Executed this 21st day of May, 2002 in San Francisco, California.

DATED: May 21, 2002


CRAIG A. PRIDGEN

**DECLARATION OF CRAIG A. PRIDGEN, ESQ. IN SUPPORT OF
EX PARTE APPLICATION FOR EXTENSION OF TIME**

EXHIBIT A

Subcase Nos:

51-11884	51-12433
51-11886	51-12434
51-11888	51-12436
51-11890	51-12437
51-11891	51-12438
51-11892	51-12439
51-11907	51-12440
51-11911	51-12442
51-11915	51-12443
51-11919	51-12448
51-11928	51-12449
51-11931	51-12460
51-11933	51-12484
51-11939	51-12485
51-11941	51-12491
51-11945	51-12495
51-11950	51-12499
51-11955	51-12501
51-11959	51-12502
51-11969	51-12503
51-11971	51-12504
51-11972	51-12508
51-11974	51-12511
51-11975	51-12515
51-11976	51-12516
51-11979	51-12517
51-11980	51-12543
51-12012	51-12715
51-12013	51-12823
51-12079	51-12826
51-12088	
51-12090	
51-12091	
51-12108	
51-12114	
51-12117	
51-12347A	
51-12347B	
51-12348	
51-12349	
51-12350	
51-12352	
51-12353B	
51-12360	
51-12369	
51-12372	
51-12374	
51-12375	
51-12377	
51-12383	

(Subcase list: EXHIBIT A)
5/03/02

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) **CERTIFICATE OF SERVICE**
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CERTIFICATE OF SERVICE

CERTIFICATE OF MAILING

I certify that on May 21, 2002, I served a true and correct copy of the foregoing *Notice of Challenge* upon the following persons by Federal Express, facsimile and/or U.S. Mail, postage paid and addressed as follows:

1. Original to:

Clerk of the Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
[Via Federal Express]

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098
[Via U.S. Mail]

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449
[Via U.S. Mail]

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724
[Via U.S. Mail]

State of Idaho
c/o David J. Barber
P.O. Box 83720
Boise, ID 83720-0010
[Via U.S. Mail]

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