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Department of Water Resources

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Attorneys for Joyce Livestock

**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 Numbers 55-10135, 55-11061,
	)	55-11385 and 55-12452
	)	
	)	JOYCE LIVESTOCK'S SECOND
Case No. 39576	)	UNOPPOSED MOTION FOR
	)	EXTENSION OF TIME TO FILE
	)	BRIEFS ON CHALLENGE
	)	
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Joyce Livestock, by and through its attorneys, McQuaid, Bedford & Van Zandt, LLP,
respectfully requests that the time for filing briefs on challenge be extended as outlined herein
and for the reasons stated, below.

1. On September 16, 2004, Joyce Livestock filed an Unopposed Motion for Extension of Time to File Briefs on Challenge and requested an extension to November 12, 2004 within which to file its Opening Brief. Since that time, oral argument in the matter In re: SRBA 39576 (55-10288B et al.) (LU Ranching) was reset for November 10, 2004, thus necessitating travel the same week that the Opening Brief is due in the above captioned case. The week following, beginning November 12, 2004, undersigned counsel also will be out of state for personal travel.
2. Despite best efforts, due to other previously scheduled deadlines and professional obligations outlined in part in the previous Unopposed Motion for Extension of Time, an additional extension of time to file an Opening Brief is necessary.¹ For that reason, the following amended briefing schedule is requested:
 - a. Challenger's (Joyce's) Opening Brief: Friday, December 10, 2004;
 - b. Respondent's (United States') Responsive Brief: Friday, January 7, 2005;
 - c. Challenger's Rebuttal Brief: Friday, February 4, 2005; and
 - d. Oral argument to be heard on a date, to be determined, following the conclusion of briefing.

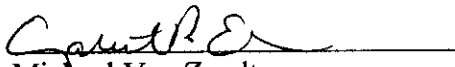
¹ In addition to other obligations outlined in the prior Motion, counsel has been heavily involved in the preparation of comments to a Draft Environmental Impact Statement/Draft Environmental Impact Report ("DEIS/DEIR"), prepared with respect to the Truckee River Operating Agreement. Comments to the DEIS/DEIR were due October 29, 2004. The DEIS/DEIR itself is over 500 pages in length, not including its eight attachments and nine appendices. Although the comment period for both interested parties and the public was extended to December 30, 2004, notice of that extension was not issued until October 27, 2004.

3. The requested extension of time is necessary to permit counsel sufficient time to fully brief this matter for the Court. Counsel does not anticipate the need for any further extensions of time.
4. Counsel for Joyce Livestock has conferred with counsel for the United States. The United States does not object to the requested extension of time, and has agreed to the proposed briefing schedule submitted herein.

WHEREFORE, Joyce Livestock respectfully requests that the Court enter an amended Challenge Scheduling Order setting forth the following briefing deadlines: Challenger's Opening Brief due Friday, December 10, 2004, Respondent's Responsive Brief due Friday, January 7, 2005, Challenger's Rebuttal Brief due Friday, February 4, 2005. Joyce Livestock further requests that the date for oral argument be reset for a date following the conclusion of briefing in this case.

Dated this 1 day of November, 2004.

Respectfully Submitted,
McQUAID, BEDFORD
& VAN ZANDT LLP

By: 
Michael Van Zandt
Elizabeth P. Ewens

Dated this 1 day of November, 2004.

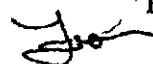
LING ROBINSON & WALKER

By:



ISB No. 5790

Roger D. Ling



CERTIFICATE OF SERVICE

I certify that on November 2, 2004, I served a true and correct copy of the foregoing
JOYCE LIVESTOCK'S SECOND 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 prepaid, and addressed as follows:

U.S. Department of Justice
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Environment and Natural Resources Division
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Boise, ID 83724

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Elizabeth P. Ewens