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8 Attorneys for LU Ranching
9

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

13 Case No. 39576
14

Subcase Numbers 55-10288B, 55-10289B, 55-
10290B, 55-10292B, 55-10293B, 55-10295,
55-10296, 55-10297B, 55-10298, 55-10299B,
55-10300, 55-10301B, 55-10303B, 55-13451,
55-13846 and 55-13844

15 **LU RANCHING CO.'S UNOPPOSED**
16 **MOTION TO FILE REPLY BRIEF AND**
17 **UNOPPOSED MOTION TO RESET**
ORAL ARGUMENT

18 LU Ranching, by and through its attorneys, McQuaid, Bedford & Van Zandt, LLP, hereby
19 requests that the Court enter an Order permitting LU Ranching to file a Reply Brief following the
20 United States' submission of responsive briefs on the pending Motion for Reconsideration and
21 Motion for Attorneys Fees, and requests that the Court enter an Order vacating the February 22,
22 2005 date for oral argument and re-setting the same on a later date, in a manner and for the reasons
23 set forth below.

24 1. On January 18, 2005, LU Ranching filed a Motion for Reconsideration and/or
25 Motion to Alter or Amend and a separate Motion for Attorneys Fees (collectively
26 "LU's Motions") with the Court.

27 2. Since the filing of the LU's Motions, the United States has filed a Motion to Strike

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DEPARTMENT OF
WATER RESOURCES

1 and a Motion to Enlarge Time to File Motion to Disallow Costs. LU Ranching will be responding
2 to each of the United States' Motions.

3 3. The Court also has issued an Order setting a February 15, 2005 deadline for the
4 United States to respond to LU's Motions. *See* Order dated January 25, 2005. Given the
5 importance of the matters at issue, and the scope of the evidentiary and legal issues presented, LU
6 Ranching requests the opportunity to file a Reply Brief to the United States' responsive briefs. LU
7 Ranching requests to and including March 14, 2005 within with to file a Reply Brief.

8 4. Counsel for LU Ranching has conferred with counsel for the United States regarding
9 the request to file a Reply Brief. Counsel for the United States does not oppose either the within
10 request for a Reply Brief nor the proposed deadline for filing the same.

11 5. Also in the January 25, 2005 Order, the Court set a February 22, 2005 date for oral
12 argument on LU Ranching's Motions. Counsel for LU Ranching has an unalterable conflict on
13 February 22, 2005 which necessitates the within request to vacate the current date for oral argument
14 and to reset the oral argument on another date.

15 6. Counsel for LU Ranching has conferred with counsel for the United States. The
16 United States does not oppose LU Ranching's request to reset oral argument. Further, counsel have
17 conferred regarding an alternative date for oral argument. Dependent, of course, on the Court's
18 availability, counsel requests that the oral argument be reset for Wednesday, March 16, 2005.^{1/}
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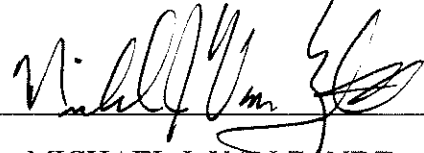
26 ^{1/} If the Court is unable to hear oral argument on March 16, 2005, counsel
27 requests that the Court provide alternative dates to counsel to be cleared with the parties,
counsel for LU Ranching, local counsel for LU Ranching, and counsel for the United States.

1 WHEREFORE, LU Ranching respectfully requests that the Court issue an Order permitting
2 LU Ranching to file a reply brief on or before March 14, 2005, vacating the February 22, 2005 date
3 for oral argument, and resetting oral argument on March 16, 2005.

4 Dated this 31 day of February, 2005.

5 Respectfully submitted,

6 McQUAID BEDFORD & VAN ZANDT, LLP

7
8 By: 
9 MICHAEL J. VAN ZANDT

10
11 Dated this ____ day of February, 2005.

12 LING, ROBINSON & WALKER

13
14 By: _____
15 ROGER D. LING
16 Idaho State Bar No. 1018
17 Attorneys for LU Ranching Co.
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2 LU Ranching to file a reply brief on or before March 14, 2005, vacating the February 22, 2005 date
3 for oral argument, and resetting oral argument on March 16, 2005.

4 Dated this ____ day of February, 2005.

5 Respectfully submitted,

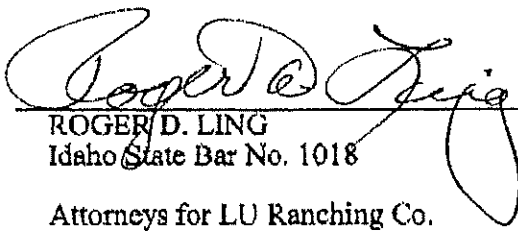
6 McQUAID BEDFORD & VAN ZANDT, LLP

7
8 By: _____

9 MICHAEL J. VAN ZANDT

10
11 Dated this 3rd day of February, 2005.

12 LING, ROBINSON & WALKER

13
14 By: 
15 ROGER D. LING
16 Idaho State Bar No. 1018
17 Attorneys for LU Ranching Co.

CERTIFICATE OF SERVICE

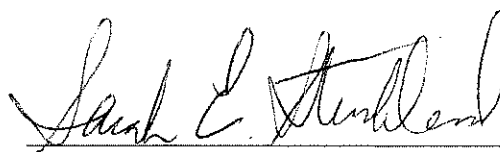
I certify that on February 3, 2005, I served a true and correct copy of foregoing LU RANCHING CO.S' UNOPPOSED MOTION TO FILE REPLY BRIEF AND UNOPPOSED MOTION TO RESET ORAL ARGUMENT upon the following individuals by placing the document in the United States Mail, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Larry Brown
Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
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Sarah Strickland

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