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MAY 16 2005
DEPARTMENT OF
WATER RESOURCES

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
14 Case No. 39576

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 SECOND**
16 **UNOPPOSED MOTION TO AMEND**
17 **TRIAL SCHEDULE ORDER**

18 LU Ranching Co., Inc. ("LU Ranching") by and through its attorneys hereby requests that
19 the Court amend the current Trial Schedule Order for the reasons and in the manner set forth, below:

20 1. Under the current Amended Trial Schedule Order, the deadline for the completion of
21 all discovery was April 29, 2005. The parties previously agreed to an extension of the discovery
22 deadline to May 27, 2005 and an extension of the dispositive motion deadline to June 24, 2005. An
23 Unopposed Motion to Amend Trial Schedule Order was filed with the Court to reflect these new
24 proposed deadlines.

25 2. Since the filing of the first Motion to Amend, the United States advised of a conflict
26 during the month of May that necessitated the further postponement of the discovery deadline. To
27 address scheduling issues of both parties and their counsel, and the resetting of the trial date in

1 consultation with the Court, the parties have agreed to the following proposed amended scheduling
2 order and submit the same to the Court for approval:

- 3 a. Amendment of Claims: May 31, 2005;
- 4 b. Close of Discovery: July 29, 2005;
- 5 c. Dispositive Motions Deadline: August 30, 2005 (briefing schedule and oral
6 argument to be determined);
- 7 d. Motions in Limine filed: October 31, 2005 (telephonic oral argument,
8 November 7, 2005);
- 9 e. Witness and Exhibit Lists filed and exchanged: October 31, 2005;
- 10 f. Trial Memoranda filed and exchanged: October 31, 2005;
- 11 g. Trial (one week): November 14, 2005.

12 3. Related scheduling issues are raised by the filing of the United States' Motion for
13 Summary Judgment on May 10, 2005. Counsel for the parties have conferred and agreed on the
14 following proposed briefing schedule as it relates to the recently filed Motion for Summary
15 Judgment:

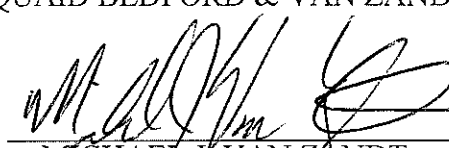
- 16 a. Response Brief to be filed by LU Ranching: June 10, 2005
- 17 b. Reply Brief to be filed by the United States: June 24, 2005
- 18 c. Telephonic oral argument: on a date to be determined

19 WHEREFORE, LU Ranching respectfully requests that the Court amend the trial
20 scheduling order now in effect and set a briefing schedule on the United States' pending Motion for
21 Summary Judgment as set forth, above.

22 Dated this 11th day of May, 2005.

23 Respectfully submitted,

24 McQUAID BEDFORD & VAN ZANDT, LLP

25
26 By: 
27

MICHAEL J. VAN ZANDT
ELIZABETH EWENS

1 Dated this 11th day of May, 2005.

2 LING, ROBINSON & WALKER

3
4 By: 

5 ROGER D. LING
6 Idaho State Bar No. 1018

7 Attorneys for LU Ranching Co.
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1 **CERTIFICATE OF SERVICE**

2 I certify that on May 11, 2005, I served a true and correct copy of foregoing LU

3 **RANCHING CO.S' SECOND UNOPPOSED MOTION TO AMEND TRIAL SCHEDULE**

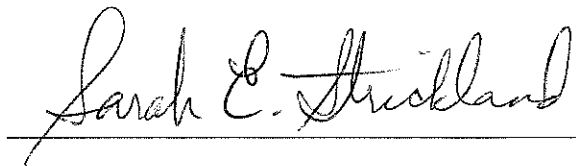
4 **ORDER** upon the following individuals by placing the document in the United States Mail, postage
5 paid, and addressed as follows:

6 U.S. Department of Justice
7 General Litigation Section
8 Environment and Natural Resources Division
9 550 West Fort Street, MSC 033
10 Boise, ID 83724

11 Larry Brown
12 Attorney, U.S. Dept. of Justice
13 General Litigation Section
14 Environment and Natural Resources Division
15 550 West Fort Street, MSC 033
16 Boise, Idaho 83724
17 (*courtesy service via email at Larry.Brown@usdoj.gov*)

18 Chief, Natural Resources Division
19 Office of the Attorney General
20 State of Idaho
21 P.O. Box 44449
22 Boise, ID 83720-0098

23 IDWR Document Depository
24 P.O. Box 83720
25 Boise, ID 83720-0098

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