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DEPARTMENT OF
WATER RESOURCES

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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	)	Subcase No. 31-11845
	)	
	)	
	)	
Case No. 39576	)	JOINT MOTION FOR AMENDMENT OF
	)	TRIAL SCHEDULE
	)	
_____	)	

The State of Idaho ("State"), by and through David J. Barber, Deputy Attorney General, and Claimant Ben Jernberg ("Claimant"), by and through Roger D. Ling, his attorney of record, respectfully move Special Master Bilyeu for an Order amending the trial schedule order. The grounds for this motion are as follows:

1. Special Master Bilyeu entered a TRIAL SCHEDULING ORDER on

October 7, 2005 in this matter. This order set the date of December 30, 2005 as the date for completion of discovery and the date of January 27, 2006 as the deadline for filing motions for summary judgment.

2. The State and the Claimant participated in a settlement conference on November 29, 2005. The parties would like more time to discuss settlement without the need and expense of proceeding with discovery and with the preparation of summary judgment motions.

3. The State and the Claimant respectfully request Special Master Bilyeu to extend two deadlines in the existing TRIAL SCHEDULING ORDER to provide further opportunity for those settlement discussions. The parties further request that the TRIAL SCHEDULING ORDER be amended to require the parties to submit a Joint Status Report to Special Master Bilyeu by January 16, 2006. The Joint Status Report will advise Special Master Bilyeu whether the parties have reached a settlement, whether the parties need more time, whether a further settlement conference with a settlement moderator would assist the parties, or whether the litigation needs to proceed.

4. The parties further recommend that the deadline for discovery be extended to February 28, 2006 and that the deadline for summary judgment motions be extended to March 31, 2006.

5. This motion is submitted in writing for consideration by Special Master Bilyeu without further argument.

WHEREFORE, the State and Claimant request as follows:

1. That the parties be required to submit a Joint Status Report on or before January 16, 2006.

2. That the date for completion of discovery be extended to February 28, 2006.
3. That the date for submission of summary judgment motions be extended to March 31, 2006.
4. That such further or other relief be granted that is just and proper.

RESPECTFULLY SUBMITTED this 5 day of December 2005.

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CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO


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Deputy Attorney General


ROGER D. LING
Attorney for Claimant

CERTIFICATE OF SERVICE

I certify that on this 5th day of December 2005, I caused to be served the original and/or copy of this JOINT MOTION FOR AMENDMENT OF TRIAL SCHEDULE on the following persons by the indicated method:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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2. Copies to

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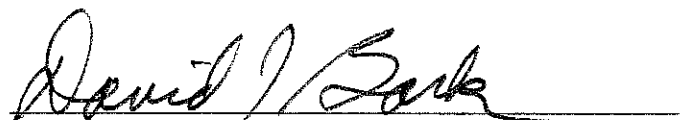
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Not Applicable



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