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DEPARTMENT OF
WATER RESOURCES

Roger D. Ling, ISB No. 1018
Michael P. Tribe, ISB No. 6816
LING, ROBINSON & WALKER
Attorneys at Law
615 H Street
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804

Attorneys for Objector,
Ben D. Jernberg and Idaho Properties, LLC

**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) **MOTION REQUESTING ADDITIONAL**
) **TIME TO FILE SUMMARY JUDGMENT**
)

COMES NOW Roger D. Ling, the attorney of record for Objector, Ben D. Jernberg and Idaho Properties, LLC, and does hereby request additional time to file a Motion for Summary Judgment, Affidavits and Supporting Briefs. This Motion is made pursuant to SRBA AO1 §1 and Idaho Rule of Civil Procedure 56(c), which grants the Court the ability to alter or shorten the time periods and requirements of summary judgments for good cause shown.

The State of Idaho, through Deputy Attorney General David J. Barber, has been contacted and does not object to an extension of time for the filing of a motion for summary judgment.

MOTION REQUESTING ADDITIONAL
TIME TO FILE SUMMARY JUDGMENT

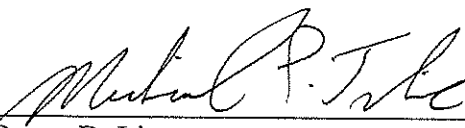
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3 Due to the complexity of the action, Jernberg has not had the opportunity to
4 properly prepare a motion for summary judgment or to contact the individuals who will provide
5 affidavits in support of the motion. Jernberg currently resides out of the state, and other potential
6 affiants live in areas that are not easily accessible to Jernberg's legal counsel.

7 Jernberg requests that the time for filing summary judgment motions be
8 postponed until after the 706 Report is issued by IDWR, which is to be filed on May 26, 2006;
9 the information contained in the 706 Report could help the parties determine which issues they
10 need to focus on to resolve the matter. Jernberg would therefore request that the time to file
11 summary judgments be vacated and that the time be extended to June 9. If the June 9 option is
12 unworkable for the Court, Jernberg would request that the current deadline of March 31, 2006 be
13 changed to April 30, 2006, which would allow Jernberg the minimum time necessary to properly
14 file his motion and accompanying affidavits in support of the motion.

15 Based on the above, Jernberg respectfully requests that this Court vacate the
16 March 31, 2006, deadline to file summary motion judgments, affidavits and supporting briefs,
17 and set a new deadline of April 30, 2006 or June 9, 2006.

18 DATED this 28th day of March, 2006

19 LING, ROBINSON & WALKER

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22 By: 

23 Roger D. Ling

24 Michael P. Tribe

25 Attorneys for Ben D. Jernberg

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27 MOTION REQUESTING ADDITIONAL
28 TIME TO FILE SUMMARY JUDGMENT

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3 **CERTIFICATE OF SERVICE**

4 I certify that on March 28, 2006, I served the original and copies of this *Motion Requesting*
5 *Additional Time to File Summary Judgment* via U.S. mail, postage prepaid, to the following:

6 1. Original to:

7 Clerk of the District Court
8 Snake River Basin Adjudication
9 253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

10 2. Copies to:

11 Director of IDWR
12 P. O. Box 83720
13 Boise, Idaho 83720-0098

14 Chief, Natural Resources Division
15 Office of the Attorney General
16 State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

17 Ben D. Jernberg
18 14306 W. Morningstar Trail
19 Surprise, Arizona 85374

20 Idaho Properties, LLC
21 23539 365th Avenue
Kimball, South Dakota 57355

22
23 
24 Michael P. Tribe