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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 Nos. 63-03614 and 63-03618
	)	
Case No. 39576	)	UNITED STATES' MOTION TO
	)	AMEND SCHEDULE DEADLINES
_____	)	

COMES NOW the United States, by and through its counsel of record, and petitions this Court for Orders amending schedule deadlines in the two subcases listed above.

The United States has consulted with the other parties to these subcases and all concur to the schedule the United States proffers, provided that if the Court resets the dates for the 63-3618 (Lucky Peak) that the schedule for 63-3614 (Anderson Ranch) be reset as well. The United States sought additional time due to the complexity of the issues raised by these subcases and because of concurrent demands on its counsel and on agency officials' time, who are assisting in the defense of this case. However, all parties agree that an extension to the

settlement deadline would facilitate the parties having settlement discussions since there are numerous workload conflicts with all Counsel's schedules in October . Therefore, the United States proposes that the schedule in 63-03618 be amended as follows:

“Motion/Brief in Support/Affidavits” are due on October 15, 2007

Response briefs are due on November 14, 2007

Reply briefs are due on December 14, 2007

Settlement Conference Deadline is November 30, 2007

Because most of the parties to Subcase No. 63-03618 are also involved in Subcase No. 63-03614, the United States respectfully requests that the schedule for Subcase No. 63-03614 be amended as follows:

“Motion/Brief in Support/Affidavits” are due on January 14, 2008

Response Briefs are due on February 13, 2008

Reply briefs are due on March 14, 2008

Settlement Conference Deadline is March 30, 2008

LEGAL BASIS

It is within the discretion of the Court to grant an extension of time for good cause. *Cobbley v. City of Challis*, 138 Idaho 154, 159, 59 P.3d 959, 964 (Idaho 2002). “Good cause means a substantial reason; one that affords a legal excuse.” *State v. Stuart*, 113 Idaho 494, 496, 745 P.2d 1115, 1117 (Idaho 1987). Where issues are sufficiently complex to require additional time for a party to review and investigate, it is reasonable for the court to allow additional time. *Cobbley*, 138 Idaho at 160, 59 P.3d at 965.

ARGUMENT

On the surface the issues presented in these two subcases may seem straight

forward and clear. However, the issues in 63-03618 consists of several hundred pages of IDWR documents alone, and the United States is still compiling its records. Counsel for the United States' time for preparation is limited in light of on-going responsibilities in other subcases in Basin 63 as well as Basins 01, 21, 22, and 85, as well as numerous cases outside of the SRBA. In addition, agency officials, who are assisting in the defense of this case, also have significant demands on their time because of other on-going litigation commitments.

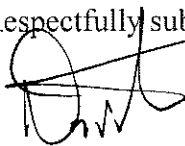
Conversations with counsel for other parties have indicated that they will agree to the United States request for an extension of time, particularly, to allow settlement discussions to occur, provided the Court also resets the Anderson Ranch briefing to occur subsequent to the conclusion of the Lucky Peak briefing. Thus, all parties are in agreement that a change to the schedule for Subcase No. 63-03618 necessitates a change to the schedule for Subcase No. 63-03614.

CONCLUSION

The United States respectfully requests for the foregoing reasons that the Court adopt the schedule set out above and as provided by the accompanying Proposed Orders. The United States has discussed these proposed amendments with opposing counsel, and they do not oppose and concur in this motion.

DATED this 3rd Day of August, 2007.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on this 31st day of August 2007, I served a true and correct copies of the foregoing **UNITED STATES' MOTION TO EXTEND SCHEDULE DEADLINES** as indicated below:

via FedEx mail:

CLERK OF THE SRBA COURT (Original and one additional copy)
SRBA Courthouse
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Twin Falls, Idaho 83301
Phone: (208) 736-3011

via first-class U.S. Mail, pre-paid:

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A handwritten signature in black ink, appearing to read 'David W. Gehlert', with a long horizontal line extending to the right.

David W. Gehlert