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DEPARTMENT OF  
WATER, BOISE OFFICE  
1011 SOUTH GARDEN  
BOULEVARD, SUITE 208  
BOISE, IDAHO 83702  
TELEPHONE: (208) 395-0011  
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE  
477 SHOUP AVENUE  
SUITE 203A

IDAHO FALLS, ID 83402  
TELEPHONE: (208) 528-6101  
FACSIMILE: (208) 528-6109

COEUR D'ALENE OFFICE  
250 NORTHWEST  
BOULEVARD, SUITE 106A  
COEUR D'ALENE, ID 83814  
TELEPHONE: (208) 765-6888

ALL OFFICES TOLL FREE  
(877) 232-6101

LOUIS F. RACINE (1917-2005)  
WILLIAM D. OLSON, OF COUNSEL

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY  
CHARTERED**

201 EAST CENTER STREET  
POST OFFICE BOX 1391  
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101  
FACSIMILE (208) 232-6109

[www.racinelaw.net](http://www.racinelaw.net)

SENDER'S E-MAIL ADDRESS: [sjs@racinelaw.net](mailto:sjs@racinelaw.net)

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December 3, 2007

W. MARCUS W. NYE  
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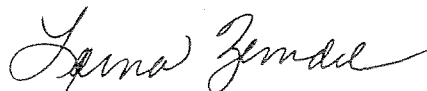
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

Re: *SRBA Case No. 39576*  
*Subcases: 21-10557 and 21-13013*  
*Our File No. 35273*

Dear Clerk:

Enclosed please find the Motion to Amend Trial Scheduling Order to be filed in the above-referenced matter. Should you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,



LORNA ZUNDEL  
Assistant to Scott J. Smith

Enclosure

Scott J. Smith (ISB# 6014)  
RACINE OLSON NYE BUDGE  
& BAILEY, CHARTERED  
P. O. Box 1391/Center Plaza  
Pocatello, Idaho 83204-1391  
Telephone: (208) 232-6101  
Facsimile: (208) 232-6109

Attorney for Robert E. Fuchs (Deceased) and Donna T. Fuchs

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     | ) | SUBCASES: 21-10557 and 21-13013 |
|                | ) |                                 |
| Case No. 39576 | ) | <b>MOTION TO AMEND TRIAL</b>    |
| _____          | ) | <b>SCHEDULING ORDER</b>         |

COME NOW, Robert E. Fuchs (deceased) and Donna T. Fuchs, by and through counsel of record, and hereby request that the Deadline to Complete Discovery and the Deadline for Summary Judgment Motions imposed in Subcases 21-10557 and 21-13013 be extended.

The current Trial Schedule Order issued in these subcases on October 12, 2007, establishes the Deadline to Complete Discovery as December 3, 2007 and the Deadline for Summary Judgment Motions as December 12, 2007. For the following reasons, it is respectfully requested that both of these deadlines be extended to January 31, 2008.

The Fuchs recently retained Scott J. Smith of the law firm of Racine Olson Nye Budge & Bailey, Chartered, with respect to their objections filed in the aforementioned subcases. The Notice of Substitution advising of Mr. Smith's representation of the Fuchs in this matter was filed on or about November 28, 2007. Given the recent substitution of counsel, it was impossible for new counsel to complete discovery before the current deadline. It is therefore requested that the discovery deadline be extended to January 31, 2008. In conjunction therewith and to allow

for completion of discovery, it is also requested that the summary judgment motion deadline be extended to that same date.

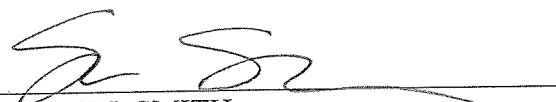
Extending the current discovery deadline and summary judgment motion deadline will not prejudice the other parties to these subcases. It will allow all parties to pursue discovery where none has occurred yet in these matters. Extending these deadlines as requested will still allow a Summary Judgment hearing to occur at the end of February (as the special master's calendar may allow). Thus, it will not interfere with the Trial which is not scheduled to begin until March 12, 2008.

In conclusion, it is requested for the foregoing reasons that the current Trial Scheduling Order in the above mentioned subcases be amended as follows:

|                   |                                       |
|-------------------|---------------------------------------|
| January 31, 2008  | Deadline to Complete Discovery        |
| January 31, 2008  | Deadline for Summary Judgment Motions |
| February 29, 2008 | Summary Judgment Hearing              |

In the alternative, if these deadlines are not amendable, it is requested that the Trial currently scheduled to begin on March 12, 2008 be vacated and continued to a later date to accommodate the completion of discovery and the filing of summary judgment motions in these subcases.

DATED this 3 day of December ~~3~~, 2007.

  
SCOTT J. SMITH

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3 day of December, 2007, I caused a true, correct and complete copy of the foregoing document to be served by U.S. first-class mail, postage prepaid, upon the following unless a different method of service is indicated:

1. Original to:

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

2. Copies to:

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

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

US Department of Justice  
Environment & Natl' Resources  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

George Nedrow  
1361 N 3125 East  
Ashton, Idaho 83420

Kent Foster  
Robert L Harris  
Representing: RLF I LLC, et al  
P.O. Box 50130  
Idaho Falls, Idaho 83405

  
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SCOTT J. SMITH