



Nez Perce

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DEPARTMENT OF
WATER RESOURCES

TRIBAL EXECUTIVE COMMITTEE

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March 27, 2008

VIA FACSIMILE

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: SRBA Case No. 39576
(Subcase Nos. 85-00016, et al. - LOID Claims)

Dear Clerk:

Attached for filing in the above matter please find the **Third Joint Motion to Amend Trial Schedule and Notice of Hearing Same.**

If you have any questions, please contact me at the number above. Thank you.

Sincerely,

Marlene Trumbo

Marlene Trumbo
Administrative/Legal Assistant

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DEPARTMENT OF
WATER RESOURCES

Names of Party Filing Document:

NEZ PERCE TRIBE

Attorneys' Names and Addresses:

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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

Case No. 39576

Subcase Nos.: 85-00016, 85-02049,
85-02063, 85-02065, 85-02146,
85-02147, 85-04483, 85-11087 and
85-15424

**THIRD JOINT MOTION
TO AMEND TRIAL SCHEDULE AND
NOTICE OF HEARING SAME**

COME NOW the United States of America ("United States"), the Lewiston Orchards Irrigation District ("LOID"), and the Nez Perce Tribe ("Tribe") (collectively, the "Parties"), by and through their respective attorneys of record, and submit this *Third Joint Motion to Amend Trial Schedule and Notice of Hearing Same*. Since our last hearing before the Court, the Parties have recently completed the depositions of the expert witnesses in accordance with the Court's *Second Amended Trial Scheduling Order* entered October 10, 2007.

Throughout this litigation, counsel for the Parties have continued to discuss the potential for negotiating a resolution of the Tribe's objections in the above subcases. Completion of discovery has put counsel in a better position to assess that potential, and counsel now would like the opportunity to more fully discuss a potential resolution with their respective clients. As each of those clients is a governmental entity with its own approval processes, counsel believe that three months is a reasonable amount of time to allow for final settlement discussions.

The next deadline in the current litigation schedule is April 18, 2008, when motions for summary judgment are due. Counsel are not asking the Court to set aside the current schedule, but to suspend the briefing and trial schedule for three months so that counsel can focus their available time on finalizing a mutually-acceptable resolution to the Parties' interests in these subcases.

Therefore, counsel for the Parties respectfully request that the Court amend the *Second Amended Trial Scheduling Order* as follows:

July 31, 2008	5:00 PM	Summary judgment motions due.
August 28, 2008	5:00 PM	Summary judgment responses due.
September 11, 2008	5:00 PM	Summary judgment replies due.
September 23, 2008	_____	Summary judgment hearing.
November 7, 2008	5:00 PM	Pre-trial memoranda due.
November 11, 2008	_____	Pre trial conference. Pursuant to I.R.C.P. 16, a final pre-trial conference will be held at the Snake River Basin Adjudication Courthouse, 253 - 3 rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

Dec. 16-17, 2008 _____

Trial. The trial in these subcases will begin on December 16, 2008, at _____ and continue on December 17, 2008, if necessary. The trial will be held in Courtroom ____ at the Nez Perce County Courthouse, 1230 Main Street, Lewiston, Idaho.

NOTICE OF HEARING

Please take notice that this *Third Joint Motion to Amend Trial Scheduling Order* will be heard by Special Master Booth on April 8, 2008, at 2:30 p.m. (Mountain Time) at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

RESPECTFULLY SUBMITTED this 27th day of March, 2008.

K. Heidi Gudgell

for David W. Gehlert
Attorney for the United States

K. Heidi Gudgell

K. Heidi Gudgell, Senior Staff Attorney
David J. Cummings, Senior Staff Attorney
Ryan W. Sudbury, Staff Attorney
Attorneys for the Nez Perce Tribe

K. Heidi Gudgell

for Earl L. McGeoghegan
Attorney for LOID

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of March, 2008, I served a true and correct copy of the foregoing **THIRD JOINT MOTION TO AMEND TRIAL SCHEDULE AND NOTICE OF HEARING SAME** as follows:

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Marlene Trumbo, Administrative/Legal Assistant