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Lloyd & Sheryl Tutor, James Edgren & Jennifer Brady, and Tracy Mascia*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                       |   |                                          |
|-----------------------|---|------------------------------------------|
| <b>In Re SRBA</b>     | ) | <b>Subcase Nos. See Attachment A</b>     |
|                       | ) |                                          |
| <b>Case No. 39576</b> | ) | <b>MOTION FOR EXTENSION OF DISCOVERY</b> |
|                       | ) | <b>DEADLINE</b>                          |
|                       | ) |                                          |
|                       | ) |                                          |

COME NOW, ALBERT & ALVERA FOLS, CHARLES & MARY HARLING, A.C. & LUELLA PILKERTON, LLOYD & SHERYL TUTOR, JAMES EDGREN & JENNIFER BRADY, AND TRACY MASCIA (hereinafter collectively referred to as the "Carmen Creek Users"), claimants in the SRBA, by and through their attorneys of record, Barker Rosholt & Simpson LLP, and hereby move the Special Master to extend the discovery deadline in this matter to **Friday August 20, 2010**. The bases for this motion are set forth below.

The Special Master issued a *Trial Schedule Order* on April 6, 2010. The order set a "discovery cut-off; all discovery shall be completed" by July 30, 2010. The Carmen Creek Users have engaged in discovery and had previously noticed depositions of witnesses identified by the "South Side Users" (John Burns et al.) for July 20 and 21, 2010. However, the parties then entered into settlement negotiations and the Special Master had pending before him a *Motion for NOTICE OF WITHDRAWAL OF OBJECTIONS*

*Reconsideration* regarding a prior decision to deny the South Side Users' *Motion for Remand* back to IDWR. Given the settlement negotiations and uncertainty in state of the litigation before the SRBA Court, the Carmen Creek Users vacated the depositions. Although no settlement of the outstanding objections has been achieved, the parties agreed among themselves to extend the discovery deadline until Friday August 20, 2010. The Carmen Creek Users hereby move the Court to issue an order granting this extension.

The Carmen Creek Users further request the Court to set the following deadline for the Parties to exchange witness and exhibit lists and exhibits prior to trial: **Thursday October 7, 2010.**

DATED this 28<sup>th</sup> day of July, 2010.

**BARKER ROSHOLT & SIMPSON LLP**

A handwritten signature in black ink, appearing to read 'Travis L. Thompson', is written over a horizontal line.

Travis L. Thompson

Paul L. Arrington

*Attorneys for for Albert & Alvera Fols, Charles & Mary Harling, A.C. & Luella Pilkerton, Lloyd & Sheryl Tutor, James Edgren & Jennifer Brady, and Tracy Mascia*

## CERTIFICATE OF MAILING

I certify that on July 28, 2010, I served the original and copies of the foregoing document to the following persons as indicated:

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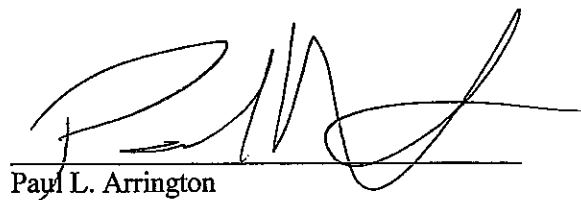
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## **Attachment A**

|            |           |            |
|------------|-----------|------------|
| 75-10061AA | 75-10061N | 75-10061A  |
| 75-10061B  | 75-10061X | 75-10061Q  |
| 75-10061C  | 75-10062L | 75-10061R  |
| 75-10061J  | 75-10062V | 75-10061Y  |
| 75-10061T  | 75-14025  | 75-10061AE |
| 75-10061Z  | 75-14027  | 75-10062A  |
| 75-10061AC | 75-14044  | 75-10062P  |
| 75-10061AM | 75-14046  | 75-10062W  |
| 75-10062C  | 75-14055  | 75-10062AC |
| 75-10062H  | 75-14056  | 75-14441   |
| 75-10062R  | 75-14057  | 75-14443   |
| 75-10062X  | 75-14058  | 75-14540   |
| 75-10062Y  |           |            |
| 75-10062AA |           |            |
| 75-10062AB |           |            |
| 75-10062AL |           |            |
| 75-10136A  |           |            |
| 75-10136B  |           |            |
| 75-10137A  |           |            |
| 75-10137B  |           |            |
| 75-14388   |           |            |