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DEPARTMENT OF
WATER RESOURCES

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**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. 1-217, 1-218, 1-4024, and 1-4025
) (Minidoka Power Rights)
)
) Subcase Nos. 1-2068 and 1-4054
) (Palisades Power Rights)
)
) **UNOPPOSED MOTION TO EXTEND**
) **DEADLINE FOR REBUTTAL BRIEF**
)
)

COMES NOW, A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Falls Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (the "Coalition"), by and through counsel of record, move this Court for an order extending the deadline for the Coalition's rebuttal brief in the above-captioned *Challenge* to November 12, 2010. Counsel for

the Coalition has discussed this matter with counsel for the Bureau of Reclamation and State of Idaho and neither opposes this motion.

Administrative Order No. 1 (“A01”) 13(e) provides the schedule for briefing on *Challenge*. Subsection 13(e)(2) provides that “rebuttal briefs shall be filed within 14 days after the deadline for filing responsive briefs.”

Notwithstanding this provision, the *Challenge Scheduling Order* sets a rebuttal brief deadline that is only eleven days after the responsive briefing deadline. Pursuant to this Court’s August 16, 2010 *Challenge Scheduling Order*, responses to the Coalition’s opening brief were due on October 28, 2010. The Coalition’s rebuttal brief is due on November 8, 2010.

The Coalition requests that the deadline be reset to November 12, 2010. It is appropriate to reset the deadline for at least the following reasons. First, a deadline of November 12, 2010 is fourteen days after the responsive brief deadline.¹ This is consistent with A01 13(e)(2). Second, since the oral argument is not scheduled until December 21, 2010, extending the deadline will not prejudice the Court or parties in preparing for the oral argument.

Accordingly, for the above reasons, the Coalition requests that the Court extend the deadline for rebuttal briefing in the above captioned matter to November 12, 2010.

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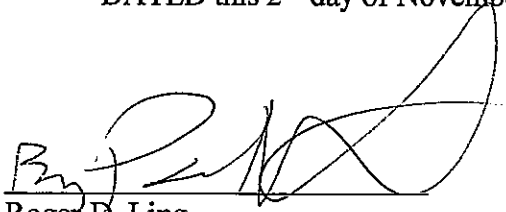
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¹ Since November 11, 2010 is Veteran’s Day – a Court holiday – the fourteenth day after October 28, 2010 is November 12, 2010.

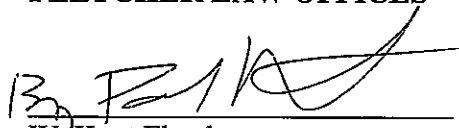
DATED this 2nd day of November, 2010.



Roger D. Ling

*Attorney for A&B Irrigation District,
Burley Irrigation District and Falls
Irrigation District*

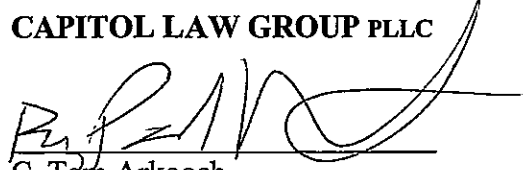
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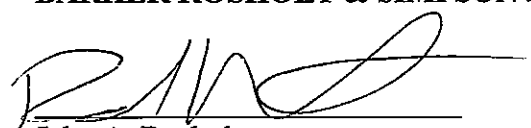
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Burley Irrigation District, Milner Irrigation
District, North Side Canal Company, and
Twin Falls Canal Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November, 2010, I served a true and correct copy of the foregoing **UNOPPOSED MOTION TO EXTEND DEADLINE FOR REBUTTAL BRIEF** on the following by the method indicated:

Clerk of the SRBA Court
253 Third Ave. North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Natural Resources Division Chief
State of Idaho
Attorney General's Office
P.O. Box 44449
Boise, Idaho 83711-4449

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort St., MSC 033
Boise, Idaho 83724

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☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

IDWR Repository
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Boise, Idaho 83720-0098

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Regional Director – PN Region
U.S. Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, Idaho 83706-1234

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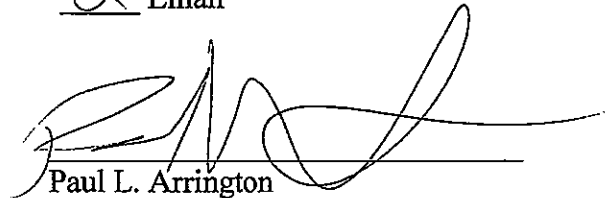
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Josephine P. Beeman
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