

GIVENS PURSLEY LLP

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MAR 28 2012

DEPARTMENT OF
WATER RESOURCES

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March 27, 2012

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

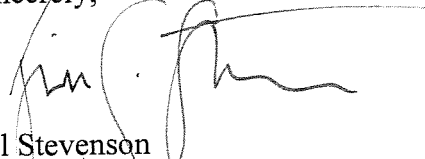
Re: Subcase Nos. 2-103 and 2-10300

Dear Clerk:

Enclosed please find the original and two (2) copies of *Black Mesa's Motion for Amended Scheduling Order and Notice of Hearing for Permissive Review and [Proposed] Order* regarding the above-referenced subcases.

Please file the original and return a conformed copy to us in the self-addressed stamped envelope. Should you have any questions please call me at (208) 388-1227. Thank you.

Sincerely,



Jill Stevenson
Assistant to Michael C. Creamer

:jss
Enclosures
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Attorneys for Black Mesa Farms, LLC

**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. 2-103 and 2-10300

**BLACK MESA FARMS' MOTION
 FOR AMENDED SCHEDULING
 ORDER AND NOTICE OF
 HEARING ON PERMISSIVE
 REVIEW**

Black Mesa Farms LLC ("Black Mesa"), by and through its counsel Givens Pursley LLP, hereby moves for an order amending the Court's March 22, 2012 Scheduling Order and Notice of Hearing on Permissive Review ("Order"). The grounds for Black Mesa's Motion are that other commitments of counsel, including briefing in another case, conflict with the briefing schedule set out in this Court's Order. Counsel for Black Mesa has conferred with counsel for Cottonwood Mutual Canal Company ("CMCC") concerning this Motion and the proposed amended schedule for briefing and hearing set out below, and CMCC does not object. Counsel for Black Mesa also has conferred with the Court's Clerk and confirmed that the proposed hearing date is available on the Court's calendar.

The proposed amended briefing schedule and hearing date are as follows:

Briefing Schedule:

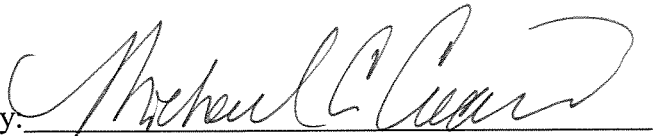
- a. Black Mesa's Opening Brief Due: 5/4/2012
- b. Cottonwood's Responsive Brief Due: 5/18/2012
- c. Black Mesa's Optional Rebuttal Brief Due: 5/25/2012

Oral Argument: June 13, 2012 at 1:30 p.m. (Mountain Time)

A proposed Order granting this Motion is submitted herewith for the Court's consideration.

DATED this 27th day of March, 2012.

GIVENS PURSLEY, LLP

By: 
Michael C. Creamer
Attorneys for Black Mesa Farms LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2012, Black Mesa Farms, LLC filed and served the foregoing document as indicated below:

ORIGINAL FILED

Clerk of Fifth Judicial District Court
Snake River Basin Adjudication
253 Third Avenue North
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Chief of Natural Resource Division
Office of the Attorney General
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Fax: 208-334-2690

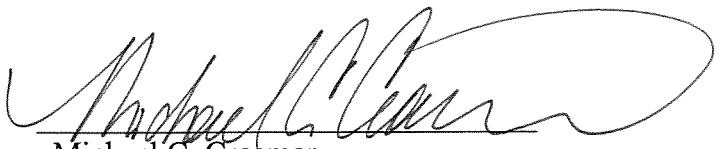
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By: 

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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. 2-103 and 2-10300

**ORDER RE: BLACK MESA FARMS'
MOTION FOR AMENDED
SCHEDULING ORDER AND
NOTICE OF HEARING ON
PERMISSIVE REVIEW**

Having reviewed Black Mesa Farms LLC's unopposed *Motion for Amended Scheduling Order and Notice of Hearing on Permissive Review* filed on March 27, 2012, and good cause appearing, it is ORDERED that the briefing schedule and hearing date previously set by the Court in its March 22, 2012 Order Granting Permissive Review and Scheduling Order and Notice of Hearing on Permissive Review is revised as follows:

1. Briefing Schedule: The parties shall abide by the following briefing schedule:
 - a. Black Mesa's Opening Brief Due: 5/4/2012
 - b. Cottonwood's Responsive Brief Due: 5/18/2012
 - c. Black Mesa's Optional Rebuttal Brief Due: 5/25/2012

2. Oral Argument: Oral argument on permissive will be held on June 13, 2012 at 1:30 p.m. (Mountain Time) at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. **However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record.** Video teleconferencing (“VTC”) will also be available by appearing at the Idaho Department of Water Resources, Idaho Water Center, 322 East Front Street, Conference Room B, Boise, Idaho.

IT IS SO ORDERED.

Dated _____.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the ORDER GRANTING MOTION FOR AMENDING SCHEDULING ORDER AND NOTICE OF HEARING ON PERMISSIVE REVIEW was mailed on _____, 2012, with sufficient first-class postage to the following:

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Daniel V. Steenson
Ringert Law Chartered
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Boise, ID 83701

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☐ Facsimile
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By: _____
Deputy Clerk