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JUL 19 1996 10:49
DISTRICT COURT
TWIN FALLS, IDAHO
DL

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

) Subcase: 57-11124 et. al.
)

Case No. 39576

) ORDER DENYING MOTION TO
) EXTEND TIME FOR FILING MOTION
) TO CONSOLIDATE AND ORDER
) GRANTING IN PART MOTION TO
) EXTEND TIME FOR RESPONDING
) TO DISCOVERY
)

On May 10, 1996 this court entered a scheduling order in the aforementioned cases. The court set a deadline for *Motions to Consolidate* for July 1, 1996. Ted Blackstock, Chipmunk Grazing Assn., Richard Brandau, Harry Richard Bass, and Joyce Livestock (objectors) filed a *Motion to Extend Time for Filing Motion to Consolidate (Motion)* after 5 pm on July 1, 1996. The *Motion to Extend Time for Filing Motion to Consolidate* did not request oral argument and there were no briefs filed in support of the *Motion*. Since no oral argument was requested and since no brief was filed within 14 days of the date of filing of the *Motion* pursuant to I.R.C.P. 7 (b)(3) the court can rule on a *Motion* without hearing and without brief. Therefore, because the *Motion to Extend Time for Filing Motion to Consolidate* was not filed in a timely matter the *Motion to Extend Time for Filing Motion to Consolidate* is denied.

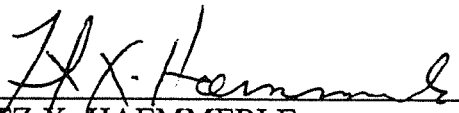
Additionally the objectors filed a *Motion to Extend Time for Responding to Discovery*. The objectors were served a discovery request on June 17, 1996. The discovery was due on July 1, 1996. Likewise the *Motion to Extend Time for Responding to Discovery* was not received until after 5 pm on July 1, 1996. As a general matter this court will not entertain *Motions to Extend*

ORDER DENYING MOTION TO EXTEND TIME
FOR FILING MOTION TO CONSOLIDATE AND
ORDER GRANTING IN PART MOTION TO EXTEND
TIME FOR RESPONDING TO DISCOVERY
7/18/96

Time for Discovery when the Motion for Extension of Time is received after the discovery period has expired. However, in this case the United States agreed to an extension of time for filing discovery to July 3, 1996. To that extent the *Motion to Extend Time for Responding to Discovery* is **granted**.

IT IS SO ORDERED.

DATED July 18, 1996.



FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the *Order Denying Motion to Extend Time for Filing Motion to Consolidate and Order Granting in Part Motion to Extend Time for Responding to Discovery* was mailed on July 18, 1996, with sufficient first-class postage to the following:

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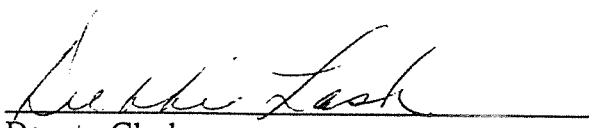
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