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Department of Water Resources
Adjudication Bureau

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 Nos. 57-11124 et. al.
	)	
	)	United States' Response to Third Motion
	)	to Extend Time for Responding
	)	to Interrogatories, Requests for
	)	Admissions and Requests for
Case No. 39576	)	Production of Documents.

DESCRIPTIVE SUMMARY

This is the United States' response to the third motion for extension of time to respond to discovery requests filed by Joyce Livestock, Chipmunk Grazing Association, Harry Richard Bass, Richard Brandeau and Ted Blackstock in subcase no. 57-11124.

Response

As explained in the United States' response to the second motion for extension of time to respond to discovery filed in this case, Joyce Livestock, Chipmunk Grazing Association, Harry Richard Bass, Richard Brandeau and Ted Blackstock (the "private claimants") were served with very limited, and nearly

identical discovery on June 17, 1996. As counsel for the private claimants was repeatedly informed, the purpose of that discovery was to prepare for the July 13, 1996 summary judgment deadline in these consolidated cases. See e.g. June 17, 1996 letter to Richard Harris attached to Third Motion to Extend Time as attachment 2.

There appears to have been some confusion about when the original discovery requests were due. Whether the original deadline was July 1 or July 3, however, does nothing to explain why the latter date passed without answers to the discovery or a motion for extension of time, why the second motion for extension of time was filed eight days after the deadline passed, or why this third motion to extend time was filed 16 days after the deadline passed.

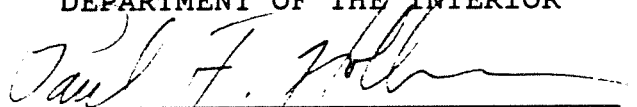
By their delay, the private claimants limited the scope and effectiveness of the United States' motion for summary judgment. As argued in the United States recent motion for summary judgment and response to the second motion for extension of time, the private claimants should not be allowed to benefit from their failure to respond to discovery, and should be bound by the requests for admission they refused to answer in a timely manner. I.R.C.P. 36(a); See United States Memorandum in Support of Motion for Summary Judgment at 2, 7. There were only four of these requests served on each of the private claimants. Regardless of how long it may have taken for the private claimants to gather the requested documents, these four short

requests for admissions could have been answered before the discovery deadline passed, and certainly before the July 13, 1996 summary judgment deadline passed.

The third motion to extend time is untimely and should be summarily denied.

Respectfully submitted this 1st day of August, 1996.

UNITED STATES OF AMERICA
ON BEHALF OF
BUREAU OF LAND MANAGEMENT
DEPARTMENT OF THE INTERIOR



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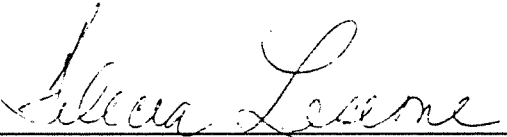
CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of August, 1996, I caused a true and correct copy of the United States' Response to Third Motion to Extend Time for Responding to Interrogatories, Requests for Admissions and Requests for Production of Documents to be served by United States mail, postage prepaid, on the following persons:

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