

2004 SEP 1 PM 4 25

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     | ) Subcases 51-02002, <i>et al.</i> [Exhibit A] |
|                | ) (Riddle Ranches / Jackson)                   |
| Case No. 39576 | ) and                                          |
|                | ) Subcases 51-12756, <i>et al.</i> [Exhibit B] |
|                | ) Subcases 51-12604, <i>et al.</i> [Exhibit C] |
|                | ) (US / Shoshone-Paiute Tribes)                |
|                | )                                              |
|                | ) AMENDED TRIAL SCHEDULE                       |
|                | ) ORDER                                        |

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On August 5, 2004, a status / scheduling conference was held by telephone. Jeanne S. Whiteing appeared for the Shoshone-Paiute Tribes; Peter C. Monson, Frank S. Wilson and Vanessa Boyd Willard appeared for the United States; Charles L. Honsinger appeared for Riddle Ranches, Inc., and Nancy and Peter Jackson; David J. Barber appeared for the State of Idaho; Vic Conrad appeared for J.R. Simplot Company, *et al.*; and Chris M. Bromley appeared for IDWR.

The parties discussed the need for an amended trial schedule and a reasonable setting for the trial to begin if the parties are unable to settle the claims. The Special Master set a new trial date of November 7, 2005, and left it to the parties to agree on pretrial settings with the United States and Tribes claims to be tried together and the Riddle Ranches and Jackson claims to be tried either immediately before or after.

On August 25, 2004, David J. Barber, counsel for the State, faxed a letter to the Special Master with a proposed scheduling order attached. Mr. Barber noted that the proposed order was agreed to by the State, the United States, the Tribes, J.R. Simplot Company and Riddle Ranches and was limited to objections related to claims filed by the United States on behalf of the Tribes: "I expect that the United States and Riddle Ranches will submit a separate scheduling order for the trial of the claims appurtenant to Riddle Ranches." To date, the United States and Riddle Ranches have not submitted a separate scheduling order.

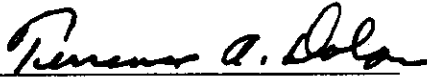
THEREFORE, the following schedule shall govern the conduct of proceedings through trial of all claims filed by or on behalf of the United States, the Shoshone-Paiute Tribes, Riddle Ranches and the Jacksons:

- September 15, 2004            The United States and the Tribes (claimants) shall provide access to the Duck Valley Indian Reservation for purposes of fieldwork from this date until September 30, 2005. Claimants reserve the right to send a technical representative on behalf of the United States and / or the Tribes to accompany the objectors' representatives conducting fieldwork on the Reservation. Objectors shall inform claimants of schedules for technical site visits to the Reservation at least one week prior to any site visits. The fieldwork conducted in calendar year 2004 shall be limited to the installation of temperature monitors and the reading of those monitors.
- November 15, 2004            (1)    Discovery is open.  
                                      (2)    The United States, the Tribes, Riddle Ranches and the Jacksons (claimants) shall identify all witnesses.  
                                      (3)    Claimants shall serve on the objectors an initial disclosure that shall include the following categories of information:  
                                            a)    Statements by each expert witness stating the subject matter on which the expert is expected to testify, including the substance of the facts and opinions for testimony as required by I.R.C.P. 26(b)(4).  
                                            b)    Curriculum vita for each witness.
- February 15, 2005            (1)    Objectors shall identify all lay witnesses and those witnesses testifying as an expert regarding historical matters.  
                                      (2)    The parties shall serve on all the other parties a copy of each expert report regarding historical matters.
- March 1 – April 15, 2005      Depositions of any witnesses and any expert who authored reports produced on February 15, 2005.
- March 31, 2005              Claimants shall serve a copy of all other expert reports. In addition, upon request of the objectors, claimants agree to make their experts available for a technical discussion with objectors' experts to answer questions, which the objectors' experts may have related to the claimants' experts' reports. This meeting shall be limited to questioning by objectors' experts; attorneys for the parties may be present, but will not conduct substantive interrogation of any party's expert. This technical discussion would not exceed one day in length, and would occur at a date,

time and place that is mutually agreed-to by the parties through their counsel. A court reporter or other person shall not transcribe the discussion at the meeting.

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| May 16, 2005                  | The parties shall file any dispositive motions regarding historical or legal issues.                                                                                                                                                                                                                                                                                                                                  |
| June 17, 2005                 | The parties shall file any response briefs to dispositive motions.                                                                                                                                                                                                                                                                                                                                                    |
| July 8, 2005                  | The parties shall file any reply briefs to dispositive motions.                                                                                                                                                                                                                                                                                                                                                       |
| July 27, 2005                 | Deadline for hearing any dispositive motions.                                                                                                                                                                                                                                                                                                                                                                         |
| August 5, 2005                | The objectors shall serve on claimants a copy of all other expert reports.                                                                                                                                                                                                                                                                                                                                            |
| September 5-30, 2005          | Depositions of experts.                                                                                                                                                                                                                                                                                                                                                                                               |
| October 11, 2005              | (1) Deadline for filing other pretrial motions.<br>(2) The parties shall complete all discovery. This means that all discovery is served and response is complete, including but not limited to, the taking of all depositions of lay and expert witnesses, all interrogatories, requests for production/inspection and admissions. Motions to compel should be filed accordingly so as to accommodate this deadline. |
| October 12, 2005              | Deadline for all parties who will participate in the trial(s) to exchange lists of witnesses and exhibits <u>pre-marked by the Clerk of the SRBA Court</u> .                                                                                                                                                                                                                                                          |
| October 26, 2005              | Pretrial conference; deadline for hearing any pretrial motions.                                                                                                                                                                                                                                                                                                                                                       |
| November 8, 2005 <sup>1</sup> | Trial(s), commencing at 9:00 a.m., at the SRBA Courthouse, 253 3 <sup>rd</sup> Avenue North, Twin Falls, Idaho.                                                                                                                                                                                                                                                                                                       |

DATED September 1, 2004.

  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

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<sup>1</sup> The United States Bankruptcy Court already reserved the SRBA Courthouse for Monday, November 7, 2005.

## CERTIFICATE OF MAILING

I certify that a true and correct copy of the **AMENDED TRIAL SCHEDULE ORDER** was mailed on September 1, 2004, with sufficient first-class postage to the following:

Director of IDWR  
PO Box 83720  
Boise, ID 83720-0098

United States Dept of Justice  
Enviro & Natural Resource Div  
550 West Fort St MSC 033  
Boise, ID 83724

State of Idaho  
Natural Resources Div Chief  
State of Idaho  
Attorney General's Office  
PO Box 44449  
Boise, ID 83711-4449

Nancy Jackson  
Peter Jackson  
Riddle Ranches Inc.  
Charles L Honsinger  
PO Box 2773  
Boise, ID 83701-2773

Shoshone-Paiute Tribes  
Rep. By:  
Jeanette Wolfley  
Special Counsel  
Shoshone-Bannock Tribe  
202 N Arthur  
Pocatello, ID 83202

Shoshone-Paiute Tribes  
Rep. By:  
Jeanne S Whiteing  
Whiteing & Smith  
1136 Pearl Street, STE 203  
Boulder, CO 80302

Idaho Power Company

Rep. By:

John K. Simpson

205 N 10<sup>th</sup> St STE 520

PO Box 2139

Boise, ID 83701-2139

JR Simplot CO

JR Simplot Self-Declaration

ML Investment CO

TM Ranch CO

Rep. By:

Terry T. Uhling

JR Simplot Co

PO Box 27

Boise, ID 83707

United States of America

For Shoshone-Paiute Tribe

911 N.E. 11<sup>th</sup> Ave.

Portland, OR 97232

Riddle Ranches Inc

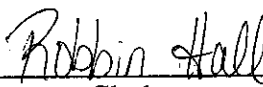
HC 86 Box 37

Bruneau, ID 83604-9402

Frank & Mary Tanikuni

Route 1 Box 1162

Homedale, ID 83628



Deputy Clerk

**EXHIBIT A (Subcases 51-02002, *et al.*)**

**Riddle Ranches, Inc. / Nancy and Peter Jackson**

51-02002

51-10293

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55-02009

55-02016

55-02032

55-02035

55-02039

55-02063

55-02064

55-02076

55-02080

55-02129

55-02131

55-02169

55-02174

55-02175

55-02181

55-02210

55-02211

55-02435

55-07002

55-07009

55-13479

55-13480

**EXHIBIT B (Subcases 51-12756, *et al.*)**

**United States of America, as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation**

**Non-Consumptive, Instream Flow Claims**

51-12756

51-12847

51-12848

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55-13476

55-13477

55-13485

55-13486

55-13487

55-13668

55-13669

**EXHIBIT C (Subcases 51-12604, *et al.*)**

**United States of America, as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation**

**Consumptive Claims**

|          |          |           |          |          |          |
|----------|----------|-----------|----------|----------|----------|
| 51-12604 | 51-12799 | 51-12880  | 55-13530 | 55-13566 | 55-13602 |
| 51-12605 | 51-12800 | 51-12881  | 55-13531 | 55-13567 | 55-13608 |
| 51-12606 | 51-12801 | 51-12882  | 55-13532 | 55-13568 | 55-13609 |
| 51-12607 | 51-12802 | 51-12883  | 55-13533 | 55-13569 | 55-13610 |
| 51-12767 | 51-12803 | 51-12899* | 55-13534 | 55-13570 | 55-13611 |
| 51-12768 | 51-12849 | -----     | 55-13535 | 55-13571 | 55-13612 |
| 51-12769 | 51-12850 | 55-13491  | 55-13536 | 55-13572 | 55-13613 |
| 51-12770 | 51-12851 | 55-13492  | 55-13537 | 55-13573 | 55-13614 |
| 51-12771 | 51-12852 | 55-13493  | 55-13538 | 55-13574 | 55-13615 |
| 51-12772 | 51-12853 | 55-13494  | 55-13539 | 55-13575 | 55-13616 |
| 51-12773 | 51-12854 | 55-13495  | 55-13540 | 55-13576 | 55-13617 |
| 51-12774 | 51-12855 | 55-13496  | 55-13541 | 55-13577 | 55-13618 |
| 51-12775 | 51-12856 | 55-13499  | 55-13542 | 55-13578 | 55-13619 |
| 51-12776 | 51-12857 | 55-13500  | 55-13543 | 55-13579 | 55-13620 |
| 51-12777 | 51-12858 | 55-13501  | 55-13544 | 55-13580 | 55-13621 |
| 51-12778 | 51-12859 | 55-13506  | 55-13545 | 55-13581 | 55-13622 |
| 51-12779 | 51-12860 | 55-13507  | 55-13546 | 55-13582 | 55-13623 |
| 51-12780 | 51-12861 | 55-13508  | 55-13547 | 55-13583 | 55-13624 |
| 51-12781 | 51-12862 | 55-13509  | 55-13548 | 55-13584 | 55-13625 |
| 51-12782 | 51-12863 | 55-13510  | 55-13549 | 55-13585 | 55-13626 |
| 51-12783 | 51-12864 | 55-13511  | 55-13550 | 55-13586 | 55-13627 |
| 51-12784 | 51-12865 | 55-13512  | 55-13551 | 55-13587 | 55-13628 |
| 51-12785 | 51-12866 | 55-13514  | 55-13552 | 55-13588 | 55-13629 |
| 51-12786 | 51-12867 | 55-13515  | 55-13553 | 55-13589 | 55-13630 |
| 51-12787 | 51-12868 | 55-13518  | 55-13554 | 55-13590 | 55-13631 |
| 51-12788 | 51-12869 | 55-13519  | 55-13555 | 55-13591 | 55-13632 |
| 51-12789 | 51-12870 | 55-13520  | 55-13556 | 55-13592 | 55-13633 |
| 51-12790 | 51-12871 | 55-13521  | 55-13557 | 55-13593 | 55-13634 |
| 51-12791 | 51-12872 | 55-13522  | 55-13558 | 55-13594 | 55-13635 |
| 51-12792 | 51-12873 | 55-13523  | 55-13559 | 55-13595 | 55-13636 |
| 51-12793 | 51-12874 | 55-13524  | 55-13560 | 55-13596 | 55-13637 |
| 51-12794 | 51-12875 | 55-13525  | 55-13561 | 55-13597 | 55-13638 |
| 51-12795 | 51-12876 | 55-13526  | 55-13562 | 55-13598 | 55-13639 |
| 51-12796 | 51-12877 | 55-13527  | 55-13563 | 55-13599 | 55-13640 |
| 51-12797 | 51-12878 | 55-13528  | 55-13564 | 55-13600 | 55-13641 |
| 51-12798 | 51-12879 | 55-13529  | 55-13565 | 55-13601 | 55-13642 |

|          |          |          |           |
|----------|----------|----------|-----------|
| 55-13643 | 55-13718 | 55-13757 | 55-13796  |
| 55-13644 | 55-13719 | 55-13758 | 55-13797  |
| 55-13645 | 55-13720 | 55-13759 | 55-13798  |
| 55-13646 | 55-13721 | 55-13760 | 55-13799  |
| 55-13647 | 55-13722 | 55-13761 | 55-13800  |
| 55-13648 | 55-13723 | 55-13762 | 55-13801  |
| 55-13649 | 55-13724 | 55-13763 | 55-13802  |
| 55-13650 | 55-13725 | 55-13764 | 55-13803  |
| 55-13651 | 55-13726 | 55-13765 | 55-13804  |
| 55-13652 | 55-13727 | 55-13766 | 55-13805  |
| 55-13653 | 55-13728 | 55-13767 | 55-13806  |
| 55-13654 | 55-13729 | 55-13768 | 55-13807  |
| 55-13691 | 55-13730 | 55-13769 | 55-13808  |
| 55-13692 | 55-13731 | 55-13770 | 55-13809  |
| 55-13693 | 55-13732 | 55-13771 | 55-13810  |
| 55-13694 | 55-13733 | 55-13772 | 55-13811  |
| 55-13695 | 55-13734 | 55-13773 | 55-13812  |
| 55-13696 | 55-13735 | 55-13774 | 55-13813  |
| 55-13697 | 55-13736 | 55-13775 | 55-13814  |
| 55-13698 | 55-13737 | 55-13776 | 55-13815  |
| 55-13699 | 55-13738 | 55-13777 | 55-13816  |
| 55-13700 | 55-13739 | 55-13778 | 55-13817  |
| 55-13701 | 55-13740 | 55-13779 | 55-13818  |
| 55-13702 | 55-13741 | 55-13780 | 55-13819  |
| 55-13703 | 55-13742 | 55-13781 | 55-13820  |
| 55-13704 | 55-13743 | 55-13782 | 55-13822* |
| 55-13705 | 55-13744 | 55-13783 |           |
| 55-13706 | 55-13745 | 55-13784 |           |
| 55-13707 | 55-13746 | 55-13785 |           |
| 55-13708 | 55-13747 | 55-13786 |           |
| 55-13709 | 55-13748 | 55-13787 |           |
| 55-13710 | 55-13749 | 55-13788 |           |
| 55-13711 | 55-13750 | 55-13789 |           |
| 55-13712 | 55-13751 | 55-13790 |           |
| 55-13713 | 55-13752 | 55-13791 |           |
| 55-13714 | 55-13753 | 55-13792 |           |
| 55-13715 | 55-13754 | 55-13793 |           |
| 55-13716 | 55-13755 | 55-13794 |           |
| 55-13717 | 55-13756 | 55-13795 |           |

\* Subcases 51-12899 and 55-13822 were added per US and Tribes' May 21, 2004 *Joint Response*, at 3. The subcases are not claims, but merely subcases created by former-Special Master Fritz X. Haemmerle's March 8, 1999 *Order Clarifying Director's Report*, subcases 51-12899 and 55-13822, for purposes of recording objections to the first 4 pages of the *Director's Report, Irrigation and Other Uses, Reporting Area 6 (IDWR Basins 51 & 55)*, *Federal Reserved Water Rights filed on behalf of the Shoshone-Paiute Tribes*, filed November 24, 1998.