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**DEPARTMENT OF
WATER RESOURCES**

UNITED STATES OF AMERICA

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RIDDLE RANCHES

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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	)	Subcases 51-02002, et al. [Exhibit A]
	)	(Riddle Ranches / Jackson)
CASE NO. 39576	)	
	)	JOINT MOTION TO MODIFY AMENDED
	)	TRIAL SCHEDULE ORDER BY SETTING
	)	SEPARATE TRIAL SCHEDULE ORDER
	)	FOR RIDDLE RANCH CLAIMS
_____	)	

The undersigned counsel for the parties in this subcase respectfully request a trial schedule order for the Riddle Ranches / Jackson claims that is separate from the Amended Trial Schedule Order regarding the claims on behalf of the Shoshone-Paiute Tribes, dated September 1, 2004. The basis for this motion is that the state-based Riddle Ranches claims should be treated differently during discovery and trial than the federal reserved water right claims on

JOINT MOTION TO MODIFY
AMENDED TRIAL SCHEDULE
FOR RIDDLE RANCHES CLAIMS

behalf of the Shoshone-Paiute Tribes. While recognizing the distinction between the claims, the parties also recognize the benefit of scheduling the trial of the Riddle Ranches claims close in time to the tribal claims. Accordingly, the proposed trial schedule order attached hereto contemplates a separate discovery schedule for the Riddle Ranches claims culminating in a trial scheduled for approximately one month after the trial of the tribal claims.

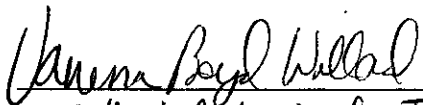
The parties regret any confusion that may have arisen regarding the deadline for submission of the Riddle Ranches schedule. The United States, the State of Idaho, and the Shoshone-Paiute Tribes spent significant time after the August 5, 2004, status conference working out their differences regarding discovery dates for the tribal claims. Those discussions were productive and resulted in a joint proposal, dated August 25, 2004, that served as a basis for the dates included in the Amended Trial Schedule Order. The dates proposed in the August 25, 2004, filing were only intended to apply to the tribal claims - not the Riddle Ranches claims.

The discovery requirements for the state-based Riddle Ranches claims are significantly different than the discovery requirements for the federal reserved water rights claims on behalf of the Tribes because of the different legal bases for the claims. Therefore, the dates currently listed in the Amended Trial Schedule Order do not apply sensibly to the Riddle Ranches claims. For example, the November 15, 2004 deadline for initial disclosures was proposed for the precise purpose of providing the State and other Objectors with sufficient information about the federal claims to conduct fieldwork in preparation for the exchange of expert reports in 2005. Such a date does not make sense when applied to the Riddle Ranches claims because further field work does not appear necessary at this time. Therefore, the proposed schedule attached hereto outlines a simplified discovery schedule appropriate for the Riddle Ranches claims. Finally, the proposed

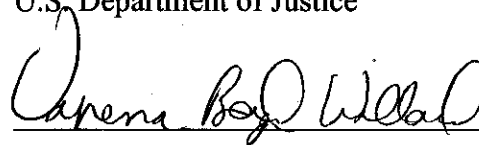
trial date for the Riddle Ranches claims, December 5, 2005, is appropriate because it is separate from the tribal claims but close enough in time to provide sufficient connection between the evidence presented in the trial of the tribal claims beginning on November 7, 2005.

The undersigned parties have consulted with the State of Idaho regarding this Motion and are authorized to represent that the State does not object to the proposed schedule order attached hereto.

Jeanne Whiteing
Whiteing and Smith
Boulder, Colorado


authorized to sign for J. Whiteing

Vanessa Boyd Willard, Trial Attorney
Indian Resources Section
U.S. Department of Justice



Charles L. Honsinger
Boise, Idaho

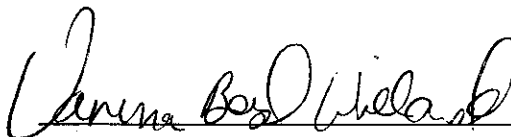

authorized to sign for C. Honsinger

Exhibit A

Riddle Ranches, Inc. / Nancy and Peter Jackson

51-02002

51-10293

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

**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, et al. [Exhibit A]
	)	(Riddle Ranches / Jackson)
	)	
CASE NO. 39576	)	
	)	
	)	PROPOSED SCHEDULE ORDER FOR
	)	RIDDLE RANCHES/JACKSON CLAIMS
	)	
	)	

The following schedule shall govern the conduct of proceedings through trial of all claims filed by or on behalf of Riddle Ranches and the Jacksons:

November 15, 2004	Discovery is open.
February 15, 2005	Claimant shall identify all lay witnesses.
March 7, 2005	Objectors shall identify all witnesses.
April 5, 2005	Objectors shall serve on Claimant a copy of all expert reports in support of objections.
May 13, 2005	Claimant shall identify any other witnesses, including experts, that were not identified on February 15, 2005.
June 3, 2005	Claimant shall serve on Objectors a copy of all expert reports in rebuttal to objections.
June 15 - August 5, 2005	Depositions of all witnesses
August 30, 2005	The parties shall file any dispositive motions regarding legal issues.
September 13, 2005	The parties shall file any response briefs to dispositive motions.
September 27, 2005	The parties shall file reply briefs regarding dispositive motions.
October 13, 2005	Dispositive Motion Hearing Deadline

October 27, 2005	(1) Deadline for filing other pretrial motions. (2) The Parties shall complete all Discovery. This means that all discovery is served and response is completed, 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.
November 17, 2005	Exhibit and witness lists shall be exchanged.
November 21, 2005	Pretrial Conference: deadline for hearing any pretrial motions.
December 5, 2005	Trial date. Commencing at 9:00 a.m. at the SRBA Courthouse, 253 3 rd Avenue North, Twin Falls, Idaho.

DATED September ____, 2004

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

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DEPARTMENT OF
WATER RESOURCES

I hereby certify that on this 15th day of September 2004, I caused to be served true and correct copies of the attached **Joint Motion to Modify Amended Trial Schedule Order by Setting Separate Trial Schedule Order for Riddle Ranch Claims.**

By FedEx mail:

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