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Attorneys for Emmett Irrigation District

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. 65-11412 and 65-11412A

Case No. 39576

STIPULATION AND MOTION RE:
PROCEDURAL ISSUES

The United States of America and Emmett Irrigation District (collectively the "Parties"),
by and through their counsel of record hereby stipulate and agree as follows:

1. This sub-case proceeding deals with facts which are most accurately represented in the correspondence, contracts, minute entries, memoranda, and other documentary evidence.
2. The Parties have conducted discovery and shall mutually disclose the documents not previously disclosed which they intend to rely upon for summary judgment purposes on or before January 24, 2003.

3. This sub-case proceeding deals with legal issues which are best resolved in a summary judgment context.

4. The Parties concur that resolution of this sub-case proceeding should be accomplished through the summary judgment process provided under the Idaho Rules of Civil Procedure.

5. The Parties waive all objections as to admissibility of documents produced by the Parties in discovery in future summary judgment proceedings, with the exception of objections based upon relevancy of any document.

6. The Parties have determined that because of the extensive documentary record in this matter it is appropriate to request the Court to modify the schedule previously adopted and issue an Order setting the following schedule:

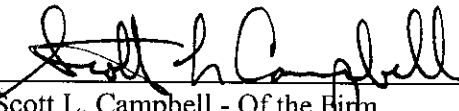
February 10, 2003	Initial Summary Judgment filings
March 17, 2003	Response filings
April 14, 2003	Reply filings

7. The Parties believe that the trial setting in this sub-case proceeding should be vacated, subject to later rescheduling if the Court determines that summary judgment can not be granted and a trial is necessary.

8. The Parties jointly move that the Court enter the Order Re: Procedural Issues, submitted concurrently with this Stipulation and Motion Re: Procedural Issues.

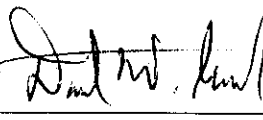
DATED this 17th day of January 2003.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Scott L. Campbell - Of the Firm

DATED this 15th day of January 2003.

UNITED STATES OF AMERICA

By 
David W. Gehlert

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of January 2003, I caused a true and correct copy of the foregoing STIPULATION AND MOTION RE: PROCEDURAL ISSUES to be served by the method indicated below, and addressed to the following:

Scott L. Campbell
Angela Schaer Kaufmann
Andrew J. Waldera
Moffatt, Thomas, Barrett, Rock &
Fields, Chartered
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701

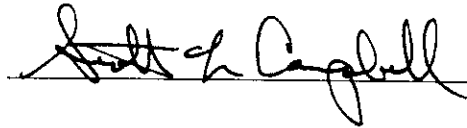
☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile

David W. Gehlert
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General Litigation Section
999 18th Street, Suite 945
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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

Subcase Nos. 65-11412 and 65-11412A

Case No. 39576

ORDER RE: PROCEDURAL ISSUES

The Court, having reviewed the Stipulation and Motion Re: Procedural Issues, and finding good cause based upon such review, hereby orders that:

1. The trial setting for April 3 and 4, 2003 is vacated.
2. In future summary judgment proceedings, all objections as to admissibility of documents produced by the Parties in discovery, with the exception of objections based upon relevancy of any document, have been waived by the Parties to this sub-case proceeding.

3. The schedule previously adopted is hereby modified as follows:

February 10, 2003	Initial Summary Judgment filings
March 17, 2003	Response filings
April 14, 2003	Reply filings
_____	Hearing on Summary Judgment Motions

Dated this _____ day of _____, 2003.

By _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of January 2003, I caused a true and correct copy of the foregoing **ORDER RE: PROCEDURAL ISSUES** to be served by the method indicated below, and addressed to the following:

Scott L. Campbell
Angela Schaer Kaufmann
Andrew J. Waldera
Moffatt Thomas Barrett Rock & Fields, Chtd.
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