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WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 FEB 9 PM 3 48

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 63-09812
)
Case No. 39576) ORDER REQUIRING CLAIMANT TO
) BE REPRESENTED BY AN ATTORNEY
) ADMITTED TO PRACTICE LAW IN
) IDAHO
)
) TRIAL SCHEDULING ORDER
)

**I. ORDER REQUIRING CLAIMANT TO BE REPRESENTED BY AN
ATTORNEY ADMITTED TO PRACTICE LAW IN THE STATE OF IDAHO**

A telephonic Status Conference was held in the above-captioned subcase on February 6, 2006. Participating in the status conference were attorney Dana Hofstetter, representing objector Edwards Family, LLC; Deputy Attorney General Nick Spencer for the Idaho Department of Water Resources; and Ben Harlan Boyd, representing the claimant Boyd Family Trust UTA (hereinafter "Claimant"). At the hearing on the record a discussion was held among the participants regarding the requirement that the Claimant -- being an entity other than an individual -- be represented by an attorney licensed or otherwise authorized to practice law in the state of Idaho. Mr. Boyd stated that he is an attorney licensed in the state of Washington. Idaho Code § 3-104 states in relevant part:

3-104. Practicing without a license a contempt – Exception. – If any person shall practice law or hold himself out as qualified to practice law in this state without having been admitted to practice therein by the Supreme Court and without having paid all license fees now or hereafter prescribed by law for the practice of law he is guilty of contempt both in the Supreme Court and district court for the district in which he shall so practice or hold himself out as qualified to practice.

Idaho Code § 3-104. The Claimant trust cannot be represented in court by a non-attorney or by an attorney who has not been admitted to practice law in Idaho. In accordance with the foregoing, it is **hereby ordered** that in all further proceedings in this subcase the Claimant shall be represented by an attorney admitted to practice law in the state of Idaho. In the event that Ben Harlan Boyd seeks to be admitted *pro hac vice* in the Snake River Basin Adjudication (SRBA), a copy of SRBA **Administrative Order 14** is attached hereto for his reference.

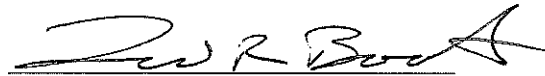
II. TRIAL SCHEDULING ORDER

The following deadlines shall govern the conduct of this subcase through trial:

- | | | |
|---------------------------|----------------|--|
| April 3, 2007 | 3:00 PM | Status Conference. A status conference will be held at the Snake River Basin Adjudication Courthouse, 253 3 rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342. |
| June 22, 2007 | 5:00 PM | Disclosure of Lay Witnesses. Disclosure of all lay witnesses, except lay impeachment witnesses, shall be completed by this deadline. All non-disclosed lay witnesses, except lay impeachment witnesses, shall be excluded from testifying in the trial unless permitted by the Special Master in the interests of justice. I.R.C.P. 16(e)(6)(J). |
| July 9, 2007 | 5:00 PM | Disclosure of Expert Witnesses. Disclosure of all expert witnesses shall be completed by this deadline. All non-disclosed expert witnesses, except expert impeachment witnesses, shall be excluded from testifying in the trial unless permitted by the Special Master in the interests of justice. I.R.C.P. 16(e)(6)(J). |
| September 10, 2007 | 5:00 PM | Discovery Served and Responses Completed. Deadline for completion of all discovery, meaning that all discovery is served and response is complete, including the taking of depositions of lay and expert witnesses, all interrogatories, request for production / inspections and admissions. Motions to compel should be filed accordingly so as to accommodate this deadline. |

- September 17, 2007 5:00 PM** **Motions to Amend Pleadings.** All motions to amend pleadings pursuant to I.R.C.P. 15 shall be filed, noticed for hearing, and actually heard by this deadline.
- September 25, 2007 5:00 PM** **Hearing on Motion for Summary Judgment.** Motions for summary judgment shall be filed, notice for hearing, and actually heard by this deadline. The filing and service of the motion, affidavits, and briefing shall be conducted in compliance with I.R.C.P. 56(c).
- October 9, 2007 9:00 AM** **Final Pre-Trial Conference.** Pursuant to I.R.C.P. 16, a final pre-trial conference will be held at the Snake River Basin Adjudication Courthouse, 253 - 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.
- October 23, 2007¹ 9:00 AM** **Trial.** The trial in this subcase will be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower-level conference room.

Dated February 9, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

¹ Multiple trial settings have been assigned to this trial date. The parties will be notified no later than the final pre-trial conference as to the priority of the scheduled trial setting, together with alternate trial dates if necessary.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REQUIRING CLAIMANT TO BE REPRESENTED BY AN ATTORNEY AND TRIAL SCHEDULING ORDER was mailed on February 09, 2007, with sufficient first-class postage to the following:

EDWARDS FAMILY LLC

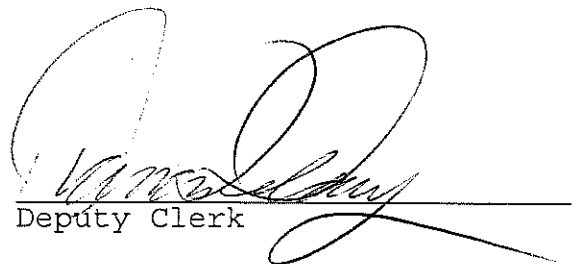
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
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Phone: 208-424-7800

BOYD FAMILY TRUST UTA

BEN H OR RUTH M BOYD TRUSTEES
3645 HILL RD
BOISE, ID 83703
Phone: 208-336-0060

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over a horizontal line.