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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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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: 85-00016, 85-02049, 85-02063, 85-
Case No. 39576) 02065, 85-02146, 85-02147, 85-04483, 85-11087
) and 85-15424
) (Lewiston Orchards Irrigation District)
)
) TRIAL SCHEDULING ORDER

A Scheduling Conference was held on March 6, 2007. The following deadlines shall govern the conduct of these subcases through trial. All times set forth herein are **Mountain Time**.

May 1, 2007	5:00 PM	Deadline for LOID to file a Motion to Participate. The Lewiston Orchards Irrigation District, which as of the date of this <i>Trial Scheduling Order</i> is not a party to these subcases as that term is defined in AO1(2)(p), shall file a motion to participate pursuant to AO1(10)(k), no later than this deadline.
June 1, 2007	5:00 PM	Deadline for Settlement Response from Tribe. The Nez Perce Tribe shall respond to the proposed stipulation from the United States and the LOID regarding the elements of the water right claims for LOID no later than this deadline.
June 15, 2007	5:00 PM	Deadline to File Statement of Stipulated Facts. In the event the parties are in agreement as to any materially relevant facts, they shall file a statement of those undisputed facts no later than this deadline.
June 29, 2007	5:00 PM	Motion for IDWR to Prepare a 706 Report. Any party seeking to have IDWR prepare a report pursuant to Idaho Rule of Evidence 706 shall file a motion therefor no later than this deadline.
July 10, 2007	11:00 AM	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.

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|---------------------------|----------------|--|
| July 20, 2007 | 5:00 PM | Deadline for Initial Disclosures. No later than this deadline each party must, without awaiting a discovery request, provide to the other parties: 1) the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information; and 2) a copy of, or description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment. |
| August 15, 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 14, 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). |
| September 21, 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. |
| October 9, 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 19, 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.

- October 26, 2007 5:00 PM Pre-Trial Memorandum.** Any party may, but is not required, to file a pre-trial memorandum, which may include the matters set forth in I.R.C.P. 16(e).
- October 30, 2007 10:00 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.
- November 15-16, 2007 9:00 AM Trial.** The trial in this subcase will begin on November 15, 2007 at 9:00 AM and continue on November 16, 2007 if necessary. The trial will be held in Courtroom 5 at the Nez Perce County Courthouse, 1230 Main Street, Lewiston, Idaho.

Dated March 13, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication