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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

Case No. 39576

) Subcases: 85-00016, 85-02049, 85-02063, 85-
) 02065, 85-02146, 85-02147, 85-04483, 85-11087
) and 85-15424
) (Lewiston Orchards Irrigation District)
)
) ORDER GRANTING LOID's MOTION TO
) PARTICIPATE
)
) AMENDED TRIAL SCHEDULING ORDER

I. ORDER GRANTING LOID's MOTION TO PARTICIPATE

On April 18, 2007, the Lewiston Orchards Irrigation District (LOID), by and through its attorney Earl L. McGeoghegan, filed a *Motion to Participate* pursuant to AO1(10)(k). The motion was heard on April 24, 2007. Based upon the contents of the motion, and upon the comments of counsel at the hearing, and good cause appearing, the motion is hereby **granted**.

II. AMENDED TRIAL SCHEDULE

On April 24, 2007, a hearing was held on a *Joint Motion to Amend Trial Schedule*. Pursuant to the outcome of that hearing, the following schedule 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 Settlement Response from Tribe. The Nez Perce Tribe shall respond to the proposed stipulation from the United States and LOID regarding the elements of the water right claims for LOID no later than this deadline.
May 15, 2007	5:00 PM	Deadline to File Statement of Stipulated Facts and Amend Objections. 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. This is also the deadline for the Tribe to file amended objections, if any it has, to the claims filed by the United States on behalf of LOID.

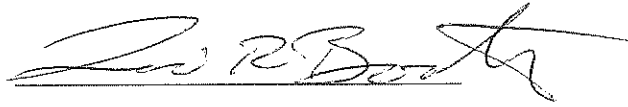
June 20, 2007	5:00 PM	Deadline for Initial Disclosures. No later than this deadline each party must, without awaiting a discovery request, provide to the other parties: 1) the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing 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.
July 10, 2007	11:00 AM	Status Conference, Deadline for Motions for IDWR to Prepare a 706 Report, and Deadline for Additional Stipulated Facts. A status 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. 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. In the event the parties have reached additional agreement as to any materially relevant facts resulting from the filing of amended objections, they shall file a statement of those additional undisputed facts no later than this deadline.
July 16, 2007	5:00 PM	Deadline for Service of Written Discovery Requests and Disclosure of Expert Witnesses. Service of written discovery requests and disclosure of all expert witnesses shall be completed by this deadline. All non-disclosed expert witnesses, except expert impeachment witness, 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).
August 17, 2007	5:00 PM	Deadline for Responding to Written Discovery Requests and Disclosure of Fact Witnesses. Responses to written discovery requests, including production of any expert witness reports, shall be completed by this deadline. Disclosure of all lay witnesses, except lay impeachment witnesses, shall be completed by this deadline. All non-disclosed lay witnesses, except lay impeachment witness, 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 17, 2007 5:00 PM All Discovery 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, and requests for production, inspections and admissions. Motions to compel should be filed accordingly so as to accommodate this deadline. Deadline for completing all discovery including supplemental written discovery requests, fact witness depositions, and expert witness depositions.
- October 30, 2007 5:00 PM Hearing on Motion for Summary Judgment.** Motions for summary judgment shall be filed, noticed 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). In connection with the filing of a motion for summary judgment, the moving party should contact the clerk of the court at (208) 736-3011 to obtain a hearing date / location. The movant should also provide a statement in the motion as to whether the parties stipulate to allow telephonic participation at oral argument pursuant to I.R.C.P. 7(b)(4).
- November 16, 2007 5:00 PM Pre-Trial Memorandum.** Each party shall file and serve upon the other parties a pre-trial memorandum that shall include the following information: 1) a descriptive list of all exhibits proposed to be offered in evidence reciting which exhibits shall be received in evidence without objection and those to which no objection will be made on grounds other than irrelevancy or immateriality; and 2) a list of the names and addresses of all witnesses which each party may call to testify at the trial, except impeachment witnesses.
- November 19, 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.
- December 4-5, 2007 9:00 AM Trial.** The trial in this subcase will begin on December 4, 2007 at 9:00 AM and continue on December 6, 2007 if necessary. The trial will be held in Courtroom 5 at the Nez

Perce County Courthouse, 1230 Main Street, Lewiston,
Idaho.

Dated April 25, 2007

A handwritten signature in cursive script, appearing to read 'Theodore R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING LOID'S MOTION TO PARTICIPATE; AND AMENDED TRIAL SCHEDULING ORDER was mailed on April 25, 2007, with sufficient first-class postage to the following:

NEZ PERCE TRIBE
Represented by:
DAVID J. CUMMINGS
NEZ PERCE TRIBAL EXEC COMM
100 AGENCY ROAD
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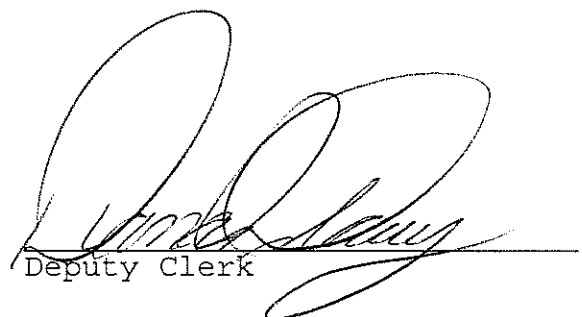
LEWISTON ORCHARDS IRR DIST
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UNITED STATES OF AMERICA
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DIRECTOR OF IDWR
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A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over the signature line.