

2007 SEP 26 PM 12 55

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 63-32597 and 63-32598
	) (Split from 63-00307)
Case No. 39576	)
	) TRIAL SCHEDULING ORDER
	)
	) ORDER OF JOINT TRIAL
	)
	) ORDER REQUIRING CLAIMANT TO
	) NOTIFY IDWR OF ANY CHANGES IN
	) OWNERSHIP
	)
	) ORDER REQUIRING CLAIMANT TO
	) BE REPRESENTED BY AN ATTORNEY

A Scheduling Conference was held on September 25, 2007. The claimant of water right 63-32597, North Valley Investments,¹ failed to appear at the scheduling conference. Deputy Attorney General Nick Spencer stated that it was his understanding that the real party-in-interest for water right claim 63-32597 is currently an entity known as Arrow Villa LLC. Accordingly, in the event that there has been a change in ownership of water right 63-32597, the claimant of said right is **hereby ordered** to forthwith comply with the requirements of Idaho Code § 42-248, which requires the claimant to notify IDWR of any changes in ownership.

Additionally, in the event that the real party-in-interest is a business entity rather than a natural person, Idaho Code § 3-104 (unauthorized practice of law), prohibits the claimant from being represented in court by a non-attorney. Accordingly, the claimant is **hereby ordered** to be represented by an attorney licensed to practice law in the State of Idaho for any and all further proceedings in this subcase.

Pursuant to I.R.C.P. 42(a), and because there are common question of fact involved in the objection filed to the *Director's Report*, it is **ordered** that the trials in subcases 63-32597 and 63-32598 shall be held jointly. The following dates shall govern the conduct of these subcases through trial:

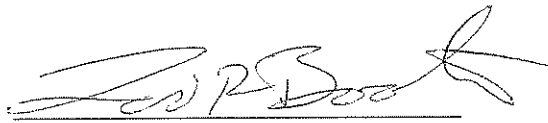
- | | | |
|--------------------------|-----------------|--|
| January 4, 2008 | 10:00 AM | Motion for IDWR to Prepare a 706 Report. Any party seeking to have IDWR prepare a report pursuant to Idaho Rule of Evidence 706 shall file a motion therefor which shall be noticed for hearing and actually heard at or before this deadline. |
| January 4, 2008 | 10:00 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. |
| February 8, 2008 | 5:00 PM | Disclosure of Witnesses. Disclosure of all witnesses, except impeachment witnesses, shall be completed by this deadline. All non-disclosed witnesses, except 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). |
| March 7, 2008 | 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. |
| February 26, 2008 | 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 |

¹ It is unknown whether this entity is a corporation, limited liability company, partnership, or some other type of entity.

I.R.C.P. 56(c).

April 1, 2008	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 3 rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.
April 8-9, 2008	1:30 PM	Trial. The trial be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower-level conference room.

Dated September 26, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the TRAIL SCHEDULING ORDER; ORDER OF JOINT TRIAL; ORDER REQUIRING NOTIFICATION; ORDER REQUIRING ATTORNEY was mailed on September 26, 2007, with sufficient first-class postage to the following:

THE TERTELING CO INC

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

CITY OF BOISE

Represented by:
MALMEN, ERIKA E
251 EAST FRONT ST STE 400
BOISE, ID 83702-7310
Phone: 208-343-3434

COLIN CONNELL, REGISTERED
AGENT FOR ARROW VILLA LLC
2291 AMY AVE
BOISE, ID 83706

ARROW VILL LLC
ARROW VILLA LLC
NORTH VALLEY INVESTMENTS
PO BOX 2723
BOISE, ID 83701
Phone: 208-343-8012

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098