

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	)	Consolidated Subcase 92-23
	)	
Case No. 39576	)	SCHEDULING ORDER FOR
	)	CONSOLIDATED SUBCASE 92-23
	)	
	)	
	)	
	)	

This matter came before the Court on December 18, 2007, on a previously ordered status and scheduling conference and a *Motion for Continuance of Stay*. Both Idaho Power and the State of Idaho filed proposed scheduling deadlines in advance of the hearing. After hearing the arguments and proposals of counsel in open court and considering the proposed scheduling orders filed with Court;

THE FOLLOWING ARE HEREBY ORDERED:

A. **PARTIES TO THE CONSOLIDATED SUBCASE:** All parties who filed objections or responses to any of the subject water rights claims set forth below in regards to the issue of the ownership of the claims and/or the interpretation and application of the *Swan Falls Agreement* as it pertains to the subject claims are parties to Consolidated Subcase 92-23. These parties are also parties to the individual subcases in which they filed objections or responses and which are still before the Special Master for resolution of any unrelated issues. The subject water right claims include: 36-02013, 36-02018, 36-02026, 37-02128, 37-02471, 37-02472, 37-20709, 37-20710, 02-02057, 02-02001A, 02-2001B, 02-02059, 02-02060, 02-02064, 02-02065, 02-02056, 02-02036, 02-02032 A & B, 02-04000 A & B, 02-04001 A & B and 02-00100. Parties who did not file

objections or responses or filed objections and response on unrelated matters to any of the water right claims but are intending to participate in the consolidated subcase must either file motions to participate in the consolidated subcase or responses to the objections filed in Basin 02 no later than February 5, 2008.

Based on the Court's review of the files in the individual subcases current parties to Consolidated Subcase 92-23 include: **Idaho Power Co., State of Idaho, City of Pocatello, Gary and Helen Demoss and Idaho Ground Water Association, Inc.**

B. THE FOLLOWING DEADLINES SHALL APPLY:

1. State of Idaho's Motion for Summary Judgment

- 1) **January 11, 2008:** State's/ Participants' Opening Brief
- 2) **February 8, 2008:** Idaho Power's/Participants' Response Brief
- 3) **February 15, 2008:** State's/Participants' Reply Brief
- 4) **February 21, 2008:** Oral Argument: 1:30 p.m. at the SRBA Courthouse, 253 3rd Ave. N., Twin Falls, ID. Telephone participation will be allowed by calling 1-918-583-3445 and entering participant code 406128 when prompted.

2. February 5, 2008: Deadline to File Responses to Basin 02 Objections

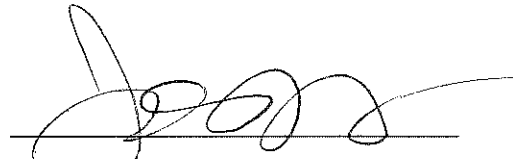
In the event additional parties join in the consolidated subcase and participate in the summary judgment proceedings the Court may adjust the schedule to allow existing parties the opportunity to respond either by way of briefing or a hearing.

3. April 22, 2008: Idaho Power's/Participants' Expert Disclosures and Rule 26(b)(4) Reports

4. June 23, 2008: State of Idaho/Participants' Expert Disclosures and Rule 26(b)(4) Reports

5. October 7, 2008: Idaho Power's/Participants' Rebuttal Expert Disclosure
6. November 10, 2008: Discovery Closes
7. November 24, 2008: Dispositive Motion Filing Deadline
8. January 13, 2009: Pre-Trial Statements Including Final Witness and Exhibit Lists
9. January 22, 2009: Final Pre-Trial Conference 1:30 p.m. at the SRBA Courthouse. Telephone participation will be allowed by calling 1-918-583-3445 and entering participant code 406128 when prompted.
10. February 2, 2009 (2-4 weeks) 9:00 a.m. at the SRBA Courthouse

Dated December 20, 2007

A handwritten signature in black ink, appearing to read 'John M. Melanson', written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SCHEDULING ORDER FOR CONSOLIDATED SUBCASE 92-23 was mailed on December 20, 2007, with sufficient first-class postage to the following:

IDAHO POWER COMPANY

Represented by:
ADAM T DEVOE
BROWNSTEIN HYATT & FARBER PC
410 17TH STREET, 22ND FL
DENVER, CO 80202
Phone: 303-223-1100

IDAHO POWER COMPANY

Represented by:
JAMES C TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707
Phone: 208-388-2200

IDAHO POWER COMPANY

Represented by:
JAMES S LOCHHEAD
BROWNSTEIN HYATT ET AL
410 17TH STREET, SUITE 2200
DENVER, CO 80202
Phone: 303-223-1100

IDAHO POWER COMPANY

Represented by:
JOHN K SIMPSON
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CITY OF POCA TELLO
GARY & HELEN DEMOSS

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

IDAHO POWER COMPANY

Represented by:
MARK J MATHEWS
BROWNSTEIN HYATT ET AL
410 17TH STREET, SUITE 2200
DENVER, CO 80202
Phone: 303-223-1100

IDAHO POWER COMPANY

Represented by:
MICHAEL A GHELETA
BROWNSTEIN HYATT ET AL
410 17TH STREET, SUITE 2200
DENVER, CO 80202
Phone: 303-223-1100

IDAHO POWER COMPANY

Represented by:
MICHELLE C. KALES
BROWNSTEIN HYATT ET AL
410 17TH STREET, SUITE 2200
DENVER, CO 80202
Phone: 303-223-1100

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

IGWA INC

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

IDAHO POWER COMPANY

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

IDAHO POWER PETITION FOR
DECLARATORY & INJUNCTIVE
RELIEF

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098