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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Janicek Properties LLC

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

Subcase No. 63-27475

**STIPULATION TO VACATE AND
RESET TRIAL DATE AND
SUGGESTED BRIEFING
SCHEDULE**

The parties to the above-captioned subcase, Janicek Properties, LLC, by and through its counsel Givens Pursley LLP, Nampa & Meridian Irrigation District through its counsel Ringert Clark Chartered, and the United States of America, through its counsel the United States Department of Justice, hereby stipulate to vacate the trial currently set for April 21-22, 2008, and to reset the trial to May 21, 2008.

In addition, the parties stipulate to vacate the hearing on the motion for summary judgment filed by Janicek Properties, LLC, currently set for March 18, 2008, and to reset the hearing to April 16, 2008. Furthermore, the parties agree to the following dates for the remainder of the summary judgment briefing schedule if it meets with the Court's satisfaction:

**STIPULATION TO VACATE AND RESET TRIAL DATE
AND SUGGESTED BRIEFING SCHEDULE**

S:\CLIENTS\9547\1\Stip Vacate Reset Trial Date and Brief Sched.DOC

Page 1 of 3

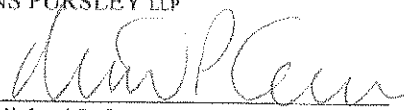
Response Briefs filed and served by March 14, 2008; Reply Briefs filed and served by March 28, 2008.

A proposed order approving this Stipulation is included with this Stipulation for the Court's consideration.

DATED this 29th day of February, 2008.

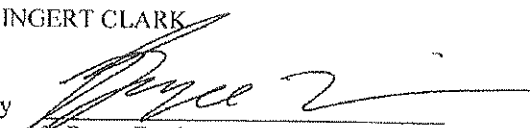
GIVENS PURSLEY LLP

By


Michael P. Lawrence
Attorney for Janicek Properties, LLC

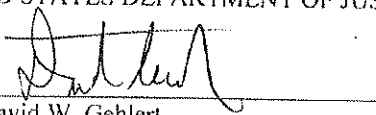
RINGERT CLARK

By


S. Bryce Farris
Attorney for Nampa & Meridian Irrigation
District

UNITED STATES DEPARTMENT OF JUSTICE

By


David W. Gehlert
Attorney for United States of America

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th of February, 2008, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

Fifth Judicial District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ U. S. Mail
☐ Hand Delivered
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Michael P. Lawrence
Attorney for Janícek Properties LLC

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

Subcase No. 63-27475

**ORDER APPROVING
STIPULATION TO VACATE AND
RESET TRIAL DATE AND
SUGGESTED BRIEFING
SCHEDULE**

Having reviewed the *Stipulation to Vacate and Reset Trial Date and Suggested Briefing Schedule* submitted by the parties to the above-captioned subcase, IT IS HEREBY ORDERED THAT:

A hearing on the Motion for Summary Judgment filed by Janicek Properties, LLC, shall be heard on April 16, 2008 at _____ .m, at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower level conference room. The summary judgment briefing schedule set forth in the *Motion* is hereby adopted.

The 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, requests for production / inspections and admissions, is set for April 21, 2008. Motions to compel should be filed accordingly so as to accommodate this deadline.

The pre-trial conference will be scheduled for _____, 2008 at _____ .m. at the Snake River Basin Adjudication Courthouse, 253 – 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing the number 1-225-383-1099 and when prompted entering the code 675342. If you have any difficulty connecting to this call, call the SRBA Court

**ORDER APPROVING STIPULATION TO VACATE AND RESET
TRIAL DATE AND SUGGESTED BRIEFING SCHEDULE**

S:\CLIENTS\9547\1\Order Approve Stip and Brief Sched.DOC

immediately at 208-736-3011. Counsel will exchange trial witness lists, trial exhibit lists and trial exhibits on or before this date.

The trial in subcase number 63-27475 will be held on May 21, 2008, beginning at 9:00 a.m, at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower level conference room.

DATED this _____ day of _____, 2008.

Theodore R. Booth
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER APPROVING STIPULATION TO VACATE AND RESET TRIAL DATE AND SUGGESTED BRIFING SCHEDULE** was mailed on _____, 2008, with sufficient first-class postage to the following:

Janicek Properties, LLC
c/o Michael P. Lawrence
Givens Pursley
601 W. Bannock St.
Boise, ID 83702

USDI Bureau of Reclamation
c/o David W. Gehlert
US Department of Justice, Natural Resources
Environment & Natural Resources
1961 Stout Street – 8th Floor
Denver, CO 80294

Nampa & Meridian Irrigation District
c/o S. Bryce Farris
Ringert Clark
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Director of IDWR
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USDI Bureau of Reclamation
c/o US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Clerk of the SRBA Court