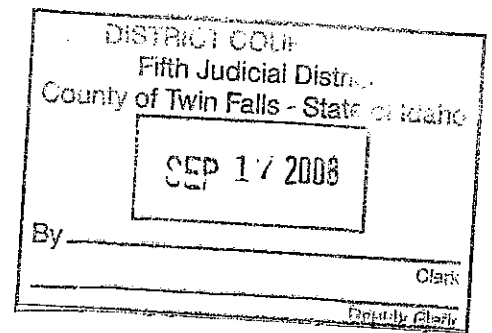


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SEP 18 2008

DEPARTMENT OF
WATER RESOURCES



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 63-31976
)
) ORDER REQUIRING CLAIMANT TO
) BE REPRESENTED BY AN ATTORNEY
) ADMITTED TO PRACTICE LAW IN
) IDAHO
)
) TRIAL SCHEDULING ORDER
)

**I. ORDER REQUIRING OBJECTOR TO BE REPRESENTED BY AN
ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF IDAHO**

A telephonic scheduling conference was held in the above-captioned subcase on September 9, 2008. Participating in the scheduling conference were attorney Terri Pickens, representing claimant Boesiger Family Cabin Trust; Randy Fowers, a board member of the objector Paradise Homeowners Association; and Deputy Attorney General Nick Spencer for the Idaho Department of Water Resources. At the hearing on the record a discussion was held among the participants regarding the requirement that the objector -- being an entity other than an individual -- be represented by an attorney licensed to practice law in the state of Idaho. Pursuant to Idaho Code § 3-104 it is hereby **ordered** that in all further proceedings in this subcase the objector Paradise Homeowners Association shall be represented by an attorney licensed to practice law in the state of Idaho.

II. TRIAL SCHEDULING ORDER

The following deadlines shall govern the conduct of this subcase through trial:

November 24, 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).

- November 24, 2008 4:00 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 movant should contact the Clerk of the Court to obtain a hearing date, time, and location.
- December 23, 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.
- January 6, 2009 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 - 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.
- January 23, 2009 9:00 AM Trial.** The trial in this subcase will be held at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho.

Dated

Sept. 17, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REQUIRING CLAIMANT TO BE REPRESENTED BY AN ATTORNEY ADMITTED TO PRACTICE LAW IN IDAHO; TRIAL SCHEDULING ORDER was mailed on September 17, 2008, with sufficient first-class postage to the following:

PARADISE HOMEOWNERS ASSN
C/O RANDY FOWERS, PRESIDENT
10071 MARTINGALE DR
BOISE, ID 83709
Phone: 208-322-5408

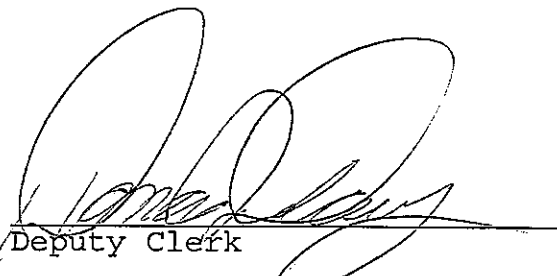
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BOESIGER FAMILY CABIN TRUST
131 E WILLIAMS ST
BOISE, ID 83706
Phone: 208-385-9494

ORDER

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Deputy Clerk