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DEPARTMENT OF
WATER RESOURCES

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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	)	Subcase Nos. 01-02017, 01-02032,
	)	01-02046, 01-02064, 01-04052, 01-10042,
	)	01-10382, 01-10383, 01-10384, 01-10485,
	)	01-10486, 01-10487, 01-10531, and
Case No. 39576	)	01-10532
	)	
	)	
	)	[PROPOSED] SCHEDULING ORDER
	)	

The Court acknowledges that the issue of ownership of the storage rights in the American Falls Reservoir has been segregated out of subcase no. 01-02064 for initial determination. The Court has determined, nonetheless, that it is appropriate to establish a plan and schedule for the hydropower issues related to American Falls, including the hydropower storage issues in subcase no. 01-02064, as follows:

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ACTION**DEADLINE**

Disclosure of expert witnesses and expert reports, all parties	January 16, 2009
Service of fact discovery	January 30, 2009
Disclosure of rebuttal expert reports, all parties	March 2, 2009
Deposition of experts	April 3, 2009
Hearings on pre-trial motions	July 1, 2009
Submission of pre-trial memoranda	August 24, 2009
Pre-trial conference	August 31, 2009
Trial	September 7–18, 2009 (two weeks)

1. EXPERT WITNESSES AND REPORTS

Expert witnesses will not be allowed to offer any opinion not disclosed in the mandatory I.R.C.P. 26(b)(4)(A) disclosures or expert reports, as supplemented in accordance with I.R.C.P. 26(e). This includes rebuttal experts.

2. PRE-TRIAL MEMORANDA

Parties shall submit to the Court on or before August 24, 2009 pre-trial memoranda, which will include the following:

- a. Elements of the party's case;
- b. Defenses of the party's case;
- c. Contested facts;
- d. Contested issues of law;
- e. Evidentiary issues
- f. Agreed or stipulated facts; and
- g. Memorandum of Points and Authorities on issues of law.

3. SANCTIONS

Failure to comply with this Order shall subject a party or its attorney to appropriate

sanctions, including, but not limited to, costs and reasonable attorney fees. A party may be excused from strict compliance with any provisions of this Order only upon motion showing extraordinary circumstances.

3. CONTINUANCES

If all parties request a continuance of the trial date, this Court will only consider a Motion to Continue if the motion is signed by all parties.

DATED this _____ day of _____ 2008.

Terrance A. Dolan
Special Master

CERTIFICATE OF SERVICE

I certify that on this 24th day of September 2008, I caused to be served the original and copies of the **[PROPOSED] SCHEDULING ORDER** on the following persons by the indicated methods:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 736-2121
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2. Copies to:

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ABERDEEN AMERICAN FALLS GWD
BINGHAM GWD
BONNEVILLE JEFFERSON GWD
CAREY VALLEY GWD
IGWA INC
JEFFERSON CLARK GWD
MADISON GWD
MAGIC VALLEY GWD
NORTH SNAKE GWD

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A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT

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USDI BUREAU OF RECLAMATION
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US DEPARTMENT OF JUSTICE
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MINIDOKA IRRIGATION DISTRICT

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1200 OVERLAND AVE
PO BOX 248
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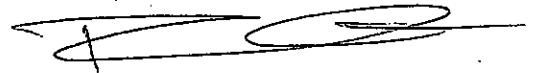
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