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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. 63-30978 & 63-31973
	)	
	)	STATE OF IDAHO'S MOTION
	)	FOR SCHEDULING CONFERENCE
Case No. 39576	)	
	)	
	)	
	)	

COMES NOW, the State of Idaho, by and through the undersigned deputy attorney general, and moves the District Court to enter an order for a scheduling conference. The grounds for this motion are as follows:

1. The Idaho Department of Water Resources ("IDWR") filed its Director's Report for Basin 63, Part III For Irrigation and Other Water Rights, on or about December 19, 2006. The Notice of Filing stated that the deadline for filing objections was June 20, 2007 and that the

deadline for filing responses was August 20, 2007.

2. The State of Idaho filed objections on June 18, 2007 to federal reserved water right claim numbers 63-30978 and 63-31973 of the U. S. Forest Service.

3. The State of Idaho and United States Forest Service have discussed settlement. But, the State of Idaho's objections remain unresolved.

4. The United States has filed its Affidavit of Lawrence L. Donohoo and Affidavit of Steven M. Spencer on May 30, 2008. These affidavits purport to support the existence of a federal reserved water right claim no. 63-30978.

5. The United States has filed its Affidavit of Mike Dettori and Affidavit of Steven M. Spencer on May 30, 2008. These affidavits purport to support the existence of a federal reserved water right claim no. 63-31973.

6. The District Court issued a Notice Resetting Evidentiary hearing on August 25, 2008. This notice sets the date of October 3, 2008 at 10:00 a.m. for an evidentiary hearing under Idaho Code § 42-1411A as if water right claim nos. 63-30978 and 63-31973 were unobjected to federal reserved water rights. There is no basis for an evidentiary hearing under Idaho Code § 42-1411A, since the State of Idaho's objections are unresolved.

7. Attached to this motion is a proposed trial scheduling order for consideration of counsel and the District Court.

WHEREFORE, the State of Idaho requests that the District Court enter an order that does all of the following:

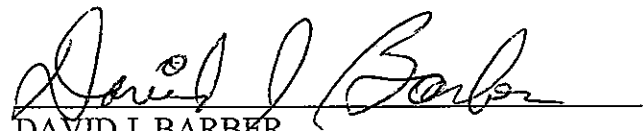
1. sets these two federal reserved water rights for a scheduling conference;
2. sets these two federal reserved water rights for trial substantially in accordance with the proposed Trial Scheduling Order attached hereto, and

3. grants such further or other relief that it deems just and proper.

RESPECTFULLY SUBMITTED this 25th day of September 2008.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
CHIEF, NATURAL RESOURCES DIVISION


DAVID J. BARBER
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on the 25th day of September 2008, I caused to be served the original and/or copy of this MOTION FOR SCHEDULING CONFERENCE on each of the following persons by the indicated method.

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
☐ Statehouse Mail

2. Copies to

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

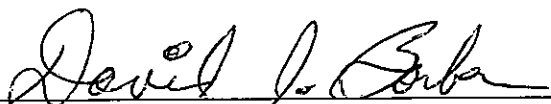
- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable



DAVID J. BARBER
Deputy Attorney General

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. 63-30978 & 63-31973
	)	
	)	(PROPOSED)
Case No. 39576	)	TRIAL SCHEDULING
	)	ORDER
	)	
_____	)	

This matter came before the Special Master at a Scheduling Conference held on _____
____, 2008. The following dates shall govern the conduct of these subcases through trial:

October 31, 2008	5:00 PM	Disclosure of Witnesses. Disclosure of all witnesses, whether lay or expert, 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).
January 30, 2009	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 20, 2009	5:00 PM	Deadline for Motions for Summary Judgment. Any party moving for summary judgment shall file a motion therefor no later than this deadline. Memorandums and affidavits in support of motions for summary judgment shall be filed contemporaneously therewith.
April 4, 2009	5:00 PM	Summary Judgment Response Briefs Due. Any responsive briefing and affidavits shall be filed by this deadline.

April __, 2009	5:00 PM	Hearing on Motion for Summary Judgment. Motions for summary judgment shall be heard by this deadline. The moving party should contact the clerk of the Court to arrange for a time and location for oral argument on summary judgment.
June __, 2009,	5:00 PM	Pre-Trial Memorandum. Either party may, but is not required, to file a pre-trial memorandum, which may include the matters set forth in I.R.C.P. 16(e).
June __, 2009,	9:30 AM	Final Pre-Trial Conference. Pursuant to I.R.C.P. 16, a final pre-trial conference shall 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 67342.
June __, 2009	9:00 AM	Trial. The trial in these subcases shall begin on June __, 2009 at 9:00 AM and continue each day thereafter until completed. The trial shall be held at the Snake River Basin Adjudication Courthouse, 253 3 rd Avenue North, Twin Falls, Idaho.

Dated October __, 2008

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the TRIAL SCHEDULING ORDER was mailed on _____, with sufficient first class postage to the following:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Deputy Clerk