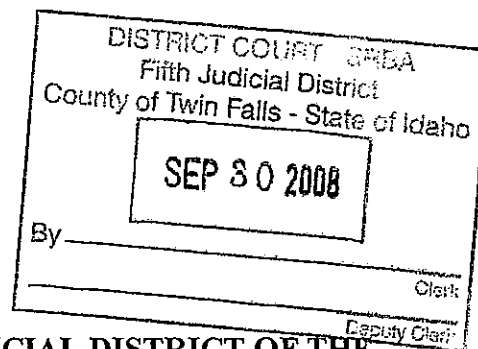


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DEPARTMENT OF
WATER RESOURCES



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) Subcase 63-20041
Case No. 39576) ORDER SEPARATING ISSUES
) TRIAL SCHEDULING ORDER

A Scheduling Conference was held on September 26, 2008. Based upon the discussions of the parties at the Scheduling Conference, and pursuant to Administrative Order 1 § 11, the issues regarding the period of use remark **shall proceed separately** from the issues involving the place of use. Specifically, the objection filed by the claimant of the water right, the Boise City Canal Company, shall not proceed under the trial schedule ordered herein. The trial schedule set forth below applies only to the objections filed by the United States of America, Department of Interior, Bureau of Reclamation; the Boise Project Board of Control; and the response filed by the State of Idaho.

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

January 6, 2009	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).
February 2, 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.

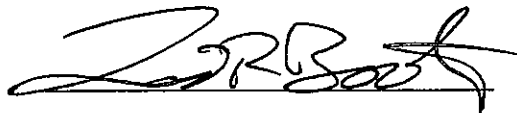
March 16, 2009 5:00 PM Hearing on Motion for Summary Judgment. Motions for summary judgment shall be filed, noticed for hearing, and actually heard by this deadline. The filing and service of the motion, affidavits, and briefing shall be conducted in compliance with I.R.C.P. 56(c). In connection with the filing of a motion, the movant should contact the Clerk of the Court at (208) 736-3011 to obtain a hearing time and location.

May 8, 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.

May 21, 2009 9:00 AM Trial. The trial in this subcase will begin on May 21, 2009 at 9:00 AM and continue each day thereafter until completed. The trial be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower-level conference room.

Dated

Sept 30, 2009



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SEPARATING ISSUES AND TRIAL SCHEDULE was mailed on September 30, 2008, with sufficient first-class postage to the following:

BOISE PROJECT BOARD OF CONTROL

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BOISE CITY CANAL CO

Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
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STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
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USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
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