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OCT 28 2008

DEPARTMENT OF  
WATER RESOURCES

Attorneys for Claimants Pioneer Irrigation  
District, Jerry L. Tlucek, Mary Lou Tlucek,  
Shelly Tlucek, Byron Tlucek, Rebekah Tlucek,  
Kevin Tlucek and DBSI Tiegs 979, LLC

Scott L. Campbell, ISB No. 2251  
Dylan B. Lawrence, ISB No. 7136  
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00UFO.5432

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 Nos. | 63-02529 | 63-03163 |
|              | 63-03274 | 63-03323 |
|              | 63-03324 | 63-09109 |
|              | 63-10435 |          |

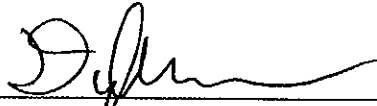
**PROPOSED SUMMARY JUDGMENT  
SCHEDULE**

COME NOW water right claimants/objectors Pioneer Irrigation District, Jerry L. Tlucek, Mary Lou Tlucek, Shelly Tlucek, Byron Tlucek, Rebekah Tlucek, Kevin Tlucek, and DBSI Tiegs 979, LLC (collectively, the "Claimants") by and through their counsel of record, and hereby file this Proposed Summary Judgment Schedule. Counsel for the Claimants has conferred with counsel for the respondent State of Idaho, and, based upon those discussions,

proposes that the dates and deadlines reflected in the attached (Proposed) Summary Judgment Scheduling Order govern the summary judgment proceedings in this matter.

DATED this 27th day of October, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED

By   
Dylan B. Lawrence – Of the Firm  
Attorneys for Claimants Pioneer  
Irrigation District, Jerry L. Tlucek,  
MaryLou Tlucek, Shelly Tlucek, Byron  
Tlucek, Rebekah Tlucek, Kevin Tlucek  
and DBSI Tiegs 979, LLC

## CERTIFICATE OF SERVICE

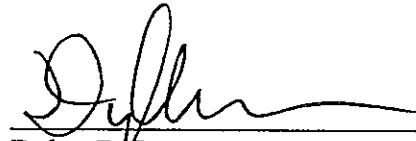
I HEREBY CERTIFY that on this 27th day of October, 2008, I caused a true and correct copy of the foregoing **PROPOSED SUMMARY JUDGMENT SCHEDULE** to be served by the method indicated below, and addressed to the following:

*Representing: State of Idaho*  
David J. Barber  
Office of the Attorney General  
STATE OF IDAHO  
700 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0010  
Fax: (208) 854-8072

☐ U.S. Mail, Postage Prepaid  
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☐ Overnight Mail  
☒ Facsimile

Director  
IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. Box 83720  
Boise, ID 83720-0098  
Fax: (208) 287-6700

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\_\_\_\_\_  
Dylan B. Lawrence

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Case No. 39576

Subcase Nos. 63-02529      63-03163  
                  63-03274      63-03323  
                  63-03324      63-09109  
                  63-10435

(PROPOSED) SUMMARY JUDGMENT  
SCHEDULING ORDER

This matter came before the Special Master at a Scheduling Conference held on October 28, 2008. The following dates shall govern the litigation of these subcases through summary judgment proceedings:

**December 15, 2008**

**Disclosure of Summary Judgment Witnesses.** Disclosure of all witnesses that will serve as affiants in summary judgment proceedings, whether lay or expert, shall be completed by this deadline. All non-disclosed witnesses, except impeachment witnesses, shall be excluded from testifying by affidavit in the summary judgment proceedings, unless permitted by the Special Master in the interests of justice. I.R.C.P. 16(e)(6)(J).

**February 16, 2009**

**Summary Judgment Discovery Served and Responses Completed.** Deadline for completion of all discovery that will be used in summary judgment proceedings, meaning that all discovery is served and response is complete, including the taking of depositions of lay and expert witnesses, interrogatories, requests for production/inspections, and requests for admission. Motions to compel should be filed accordingly so as to accommodate this deadline.

**March 12, 2009**

**Deadline for Motions for Summary Judgment.** Any party moving for summary judgment shall file a motion therefore no later than this deadline. Memorandums and affidavits in support of motions for summary judgment shall be filed contemporaneously therewith.

**March 26, 2009**

**Summary Judgment Response Briefs Due.** Any responsive briefing and affidavits shall be filed by this deadline.

**April 2, 2009**

**Summary Judgment Reply Briefs Due.** Any reply brief and affidavits shall be filed by this deadline.

**April 9, 2009**

**Hearing on Motion for Summary Judgment.** Motions for summary judgment shall be heard on or after 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.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008

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THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2008, I caused a true and correct copy of the foregoing **(PROPOSED) SUMMARY JUDGMENT SCHEDULING ORDER** to be served by the method indicated below, and addressed to the following:

*Representing: Claimants*

Scott L. Campbell

Dylan B. Lawrence

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*Representing: State of Idaho*

David J. Barber

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Director

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Deputy Clerk