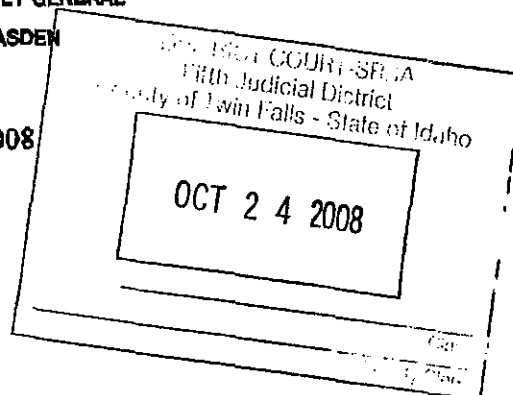




STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

October 24, 2008



VIA U.S. MAIL AND
FACSIMILE (208) 736-2121

Honorable Theodore Booth
Special Master
253 3rd Avenue
P.O. Box 2707
Twin Falls, ID 83302-2707

Re: Subcase Nos. 63-2529, 63-3163, 63-3274, 63-3323, 63-3324, 63-9109,
and 63-10435.

Dear Special Master Booth:

Enclosed for your consideration is a proposed Summary Judgment Scheduling Order for the above seven subcases. I sent an earlier draft of this proposed Summary Judgment Scheduling Order to Mr. Lawrence last week. I have made a minor addition to that earlier schedule to add a reply brief deadline. I spoke with Mr. Lawrence briefly about the matter. When I called, he still needed to discuss the matter further with Mr. Campbell.

Sincerely,

A handwritten signature in black ink, reading "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/ov

Encl.

cc: Dylan Lawrence (FAX 385-5384)
Scott Campbell (FAX 385-5384)
Garrick Baxter (FAX 287-6700)

Natural Resources Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8072
Located at 700 W. State Street
Joe R. Williams Building, 2nd Floor

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. 63-02529 63-03163
	)	63-03274 63-03323
	)	63-03324 63-09109
Case No. 39576	)	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:

November 14, 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 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).
January 15, 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 6, 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.

February 20, 2009	5:00 PM	Summary Judgment Response Briefs Due. Any responsive briefing and affidavits shall be filed by this deadline.
February 27, 2009	5:00 PM	Summary Judgment Reply Briefs Due. Any reply brief and affidavits shall be filed by this deadline.
March __, 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.

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 SUMMARY JUDGMENT SCHEDULING ORDER was mailed on _____, with sufficient first class postage to the following:

Scott L. Campbell
Dylan B. Lawrence
MOFFAT, THOMAS, BARRETT, ROCK &
FIELDS
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, ID 83701-0829

David J. Barber
Deputy Attorney General
Office of the Attorney General
700 West State St. - 2nd Floor
P.O. Box 44449
Boise ID 83711-4449

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

Deputy Clerk