

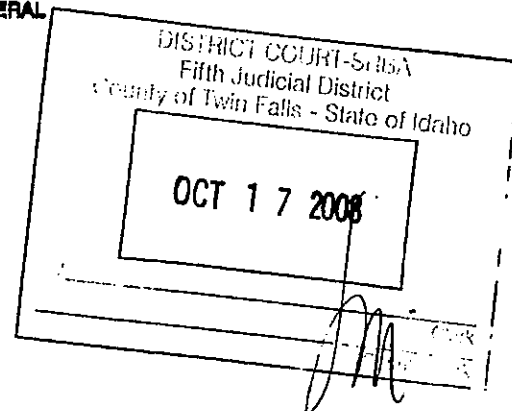


STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

October 17, 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. 63-30978 and 63-31973.

Dear Special Master Booth:

After giving further consideration to the trial schedule that I proposed for the above two subcases, I concluded that the preparation of expert reports would facilitate the resolution of the dispute. Accordingly, I prepared a modified Scheduling Order, which is attached for your consideration at the hearing scheduled on Monday, October 20, 2008. I am also sending this letter and modified Scheduling Order to Mr. David Negri by facsimile.

Sincerely,

A handwritten signature in cursive script, reading "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/ov

Encl.

cc: David Negri
(FAX 334-1414)

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	)	SUMMARY JUDGMENT
	)	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 summary
judgment proceedings:

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	Service of Expert Reports on Historical Matters. Each party shall serve on the other party an expert report on historical matters.
March 20, 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.

April 10, 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.
May 8, 2009	5:00 PM	Summary Judgment Response Briefs Due. Any responsive briefing and affidavits shall be filed by this deadline.
May 15, 2009	5:00 PM	Summary Judgment Reply Briefs Due. Any reply briefing and affidavits shall be filed by this deadline.
June __, 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:

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