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FAX COVER SHEET

DATE: August 19, 2009

TO: Pat Brown
CC: Craig Hobdey
Chris Bromley

FAX: (208) 733-9343
(208) 934-4420
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FROM: Dana Hofstetter

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ORIGINAL BY MAIL: YES X NO ____.

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Attorney at Law

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August 19, 2009

VIA FACSIMILE (208 733-9343) and U.S. MAIL

Patrick D. Brown
Hutchinson & Brown, LLP
P.O. Box 207
Twin Falls, Idaho 83303-0207

Re: Snake River Basin Adjudication ("SRBA")
Subcase Nos. 37-296A, 37-717, 37-1216 and 37-7854

Dear Pat:

I appreciate your preparing and circulating a draft Scheduling Order in the above-referenced matter. I offer the following comments and suggestions on the draft:

1. Item No. 2, as currently drafted, suggests that Summary Judgment motions are due the same day as the Summary Judgment hearing deadline. Accordingly, please revise this sentence to read as follows: "Any motion for Summary Judgment shall be filed consistent with I.R.C.P. 56, and shall be heard not later than 60 days before the trial date."
2. Due to the relatively short time until trial, the discovery completion deadline should be 30 days before the trial date and Item No. 6 thereby should be deleted as unnecessary.
3. Please delete Item No. 4 so that any such motions would be subject to any usual applicable standards.
4. Please revise the disclosure deadline for rebuttal experts to 60 days before the trial date.
5. At the Initial Hearing, the Special Master indicated that the parties were to contact the SRBA Court to schedule a mandatory settlement conference with Special Master Booth. Such a mandatory settlement conference date should be identified in Item No. 10.

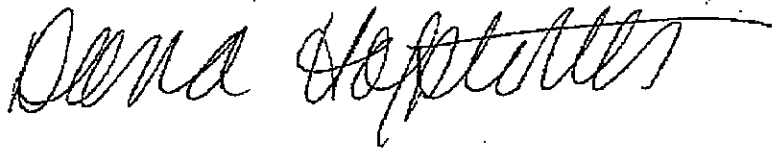
Patrick D. Brown
August 19, 2009
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6. Further, the Special Master indicated at the Initial Hearing that the proposed Scheduling Order should identify a deadline for filing jurisdictional motions. I would propose that any such motions be filed well in advance of any trial preparation beginning in earnest, or by about September 15, 2009.

Thank you for your consideration of these matters. Please let me know prior to this Friday, August 21, 2009, whether these proposed revisions are acceptable. Thank you for your attention to this matter.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

A handwritten signature in black ink, appearing to read "Dana Hofstetter", with a long horizontal stroke extending to the right.

Dana L. Hofstetter

cc: Craig Hobdey (via facsimile)
Chris Bromley (via facsimile)

Enclosure
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