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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP - 4 2009
By _____ Clerk
Deputy Clerk

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

) Subcases 63-00012, 63-00013, 63-00014,
) 63-00015, 63-00016, 63-00308, 63-02103A,
) 63-02103B, 63-03603, 63-04037, 63-05067,
) 63-05195, 63-07595, 63-09758, 63-21875,
) 63-27649, 63-27671, 63-30006, 63-30007,
) 63-31050, 63-31051, 63-31052, 63-31053,
) 63-31054, 63-31055, 63-31056, 63-31057,
) 63-31058, 63-31059, 63-31060, 63-31062,
) 63-32895
)
) TRIAL SCHEDULING ORDER

A scheduling conference was held on September 1, 2009. The following dates shall govern the conduct of these subcases through trial:

October 30, 2009 5:00 PM Deadline to Narrow Issues Raised in Objections.
At the scheduling conference, the parties discussed the possibility that one or more parties may elect to not pursue some issues raised in their objections. In other words, the parties desired an opportunity to file with the court a "Notice of Partial Withdrawal of Objection" or some similarly titled document for the purpose of narrowing the issues to be tried.

January 8, 2010 10:00 AM Mandatory Settlement Conference. A settlement conference will be held in the above-captioned subcases at the IDWR Western Regional Office, 2735 Airport Way, Boise, Idaho. Hon. John Melanson is appointed as settlement moderator.¹ Each party and IDWR are required to be present

¹ Judge Melanson was recently appointed to the Idaho Court of Appeals, and at the time this Scheduling Order was written there was some uncertainty regarding Judge Melanson's schedule for January 8, 2010. As the time for the settlement conference approaches, Judge Melanson's schedule will become more certain, and will result in either the parties being notified that Judge Melanson will not be available in which case the parties will proceed with the settlement conference in the absence of a moderator; or in the event that Judge Melanson's schedule allows him to be present at the settlement conference, he will likely ask the parties in advance to provide him with written confidential settlement statements.

with the individual having full settlement authority on every aspect of the subcases. Partnerships, corporations, limited partnerships, unincorporated associations and all governmental entities must have a responsible officer or partner with settlement authority in attendance, in addition to their attorney of record, unless written authority to settle has been given to the attorney and is presented to the settlement moderator. **Failure to attend or attendance without settlement authority may result in the non-attending party being deemed to have consented to any settlement that may be reached among the participating parties.**

February 23, 2010	9:00 AM	Status Conference. A status conference will be held at the Snake River Basin Adjudication Courthouse, 253 3 rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.
May 3, 2010	5:00 PM	Disclosure of Witnesses. Disclosure of all 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).
June 1, 2010	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.
July 16, 2010	1:30 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). The date and time specified herein has been reserved for summary judgment oral arguments in these subcases. If a motion for summary judgment is filed, the hearing

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. Parties may also participate by videoconference. (At the scheduling conference the parties stipulated to telephonic participation.)

August 31, 2010 1:30 PM 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.

September 20, 2010 10:00 AM Trial. The trial be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower-level conference room.
to October 1, 2010

Dated

Sept 4, 2009

Theodore R. Booth

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the TRIAL SCHEDULING ORDER was mailed on September 04, 2009, with sufficient first-class postage to the following:

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