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DEPARTMENT OF
WATER RESOURCES

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Counsel for the State of Idaho

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. 01-00217, 01-00218,
) 01-04024, and 01-04025
) (Minidoka Power Rights)

)
) Subcase Nos. 01-02068 and 01-04054
) (Palisades Power Rights)

)
) **MOTION TO AMEND DEPOSITION**
) **SCHEDULE**
)

The State of Idaho, by and through the undersigned deputy attorney general, hereby moves the Court for an order amending the schedule set for the pending depositions in the above-captioned subcases.

The grounds for this motion are as follows:

1. I.R.C.P. 30(b)(3) provides that the "court may for cause shown enlarge or shorten

the time for taking the deposition.”

2. Depositions in the above-captioned subcases were noticed to commence as follows:

Gary Spackman, IDWR Director	10/22/2009 at 8:00 a.m.
Lyle Swank, Watermaster	10/22/2009 at 1:30 p.m.
Bureau of Reclamation	10/23/2009 at 9:00 a.m.
State of Idaho:	10/23/2009 at 1:30 p.m.

3. On October 14, 2009, Mr. W. Kent Fletcher indicated that it would be acceptable to the Surface Water Coalition (SWC) to amend the deposition schedule as follows:

Gary Spackman, IDWR Director	10/22/2009 at 8:00 a.m.
Lyle Swank, Watermaster	10/22/2009 at 1:30 p.m.
State of Idaho	10/23/2009 at 9:00 a.m.
Bureau of Reclamation	10/27/2009 at 9:00 a.m.

4. On October 15, 2009, counsel for the State of Idaho informed the parties that its deponent was not available on October 23. Counsel for the State proposed that the State’s deposition take place at the time set for the Director’s deposition, and vice versa:

State of Idaho	10/22/2009 at 9:00 a.m.
Lyle Swank, Watermaster	10/22/2009 at 1:30 p.m.
Gary Spackman, IDWR Director	10/23/2009 at 9:00 a.m.
Bureau of Reclamation	10/27/2009 at 9:00 a.m.

5. On October 15, 2009, Mr. C. Thomas Arkoosh and Mr. Travis L. Thompson indicated to counsel for the State that the SWC was unwilling to accommodate the proposed change.

6. There is good cause for an order amending the deposition schedule for the following reasons:

a. The State’s deponent is not available at the time currently set for his

deposition;

- b. Swapping the depositions of the State and the IDWR Director would not alter the times or dates contemplated for depositions, it would only change the order of the depositions;
- c. All depositions would still take place before the pending October 27, 2009; and
- d. The SWC will not be unduly prejudice by the schedule change.

The grounds for this motion are further set forth in, and supported by, the accompanying *Memorandum in Support of Motion to Amend Deposition Schedule* and the *Affidavit of David I. Stanish*.

Pending the accompanying *Motion for Expedited Hearing*, oral argument on this motion shall take place on October 16, 2009 at 9:00 a.m.

PRAYER FOR RELIEF

- 1. That the Court enter an order setting depositions in the above-captioned subcases to take place as follows:

State of Idaho	10/22/2009 at 9:00 a.m.
Lyle Swank, Watermaster	10/22/2009 at 1:30 p.m.
Gary Spackman, IDWR Director	10/23/2009 at 9:00 a.m.
Bureau of Reclamation	10/27/2009 at 9:00 a.m.

- 2. That the Court grant such other and further relief as it deems proper and just.

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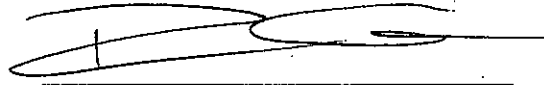
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RESPECTFULLY SUBMITTED this 15th day of October 2009.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

A handwritten signature in dark ink, appearing to read 'D. Stanish', is written over a horizontal line.

DAVID I. STANISH
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on this 15th day of October 2009, I caused to be served the original and copies of the **MOTION TO AMEND DEPOSITION SCHEDULE** on the following persons by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
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2. Copies to:

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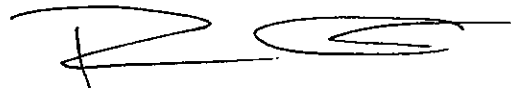
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- ☐ Statehouse Mail

IDWR DOCUMENT DEPOSITORY
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- ☐ Federal Express
- ☐ Facsimile: 287-6700
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