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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 15 2010
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	)	ORDER GRANTING MOTION TO
	)	QUASH DISCOVERY REQUESTS
Case No. 39576	)	AND SETTING DEADLINES
	)	
	)	SUBCASE NO.: 27-4096
_____	)	

I. PROCEDURAL BACKGROUND

Subcase 27-4096 was selected as the test case for the volumetric *Objections* filed by the Shoshone Bannock Tribes. The test case is scheduled for trial December 6 through 10, 2010. On October 27, 2010 the United States and the Shoshone-Bannock Tribes filed a *Motion to Quash Discovery Requests and Brief in Support*. The basis of the *Motion* was that the *Trial Scheduling Order* established a deadline for Discovery to be completed by September 30, 2010. The State of Idaho sent Discovery Requests to the United States on September 29, 2010.

II. STANDARD OF REVIEW

The Idaho Rules of Civil Procedure contemplate a 30 day period for parties to respond to discovery. I.R.C.P. 33 for example, allows 30 days for answering interrogatories. Therefore, the United States and the Tribes argued that the State of Idaho's Discovery Requests were served too late to be completed by the September 30 deadline. Consequently, the United States and the Tribes requested that the discovery be quashed.

A hearing was held on the *Motion* on November 10, 2010. At the hearing, the State of Idaho recognized the deadline for Discovery did not leave sufficient time for responses. Therefore, the State of Idaho offered to withdraw its discovery requests.

IV FINDINGS

The court thus **granted** the *Motion* on the record. Subsequently, the parties and the court

discussed the importance of the test case to resolving some 300 subcases in Basin 27. The parties concurred that it is important for the parties to adequately prepare for trial. The United States, the Tribes, the State of Idaho, and the Committee of Nine agreed to exchange exhibit and witness lists prior to the Pretrial Conference set for November 17, 2010. All parties to the test case **shall exchange Exhibit and Witness Lists** prior to the Pretrial Conference set for November 17, 2010 and **shall file a copy of the Exhibit and Witness Lists** with the court. The lists **shall include** the name of each **fact witness** expected to be called at trial, the name of each **expert witness** expected to be called at trial, and a **list of exhibits** expected to be introduced at trial. For each expert witness, a short sentence shall be provided stating a summary of the opinions to which each expert is expected to testify. The court also set a deadline for trial briefs to be submitted on November 30, 2010.

Dated: November 15, 2010.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO QUASH DISCOVERY REQUESTS AND SETTING DEADLINES was mailed on November 15, 2010, with sufficient first-class postage to the following:

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