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DEPARTMENT OF
WATER RESOURCES

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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. Attachment A

**SURFACE WATER
COALITION'S AND STATE OF
IDAHO'S JOINT MOTION TO
AMEND TRIAL SCHEDULE**

COME NOW, A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company and Twin Falls Canal Company, (hereinafter collectively referred to as the "Surface Water Coalition" or "SWC"), and the State of Idaho ("State"), by and through counsel of record, hereby move the Special Master to amend certain deadlines within the existing trial schedule. The motion does not seek to amend or change either the pre-trial hearing date (November 29, 2012) or the trial date (December 10, 2012). The reasons for this motion are set forth below.

MOTION

On May 3, 2012 the Special Master entered an *Order Granting Motion to Reset Schedules and Amended Trial Schedule Order* ("Trial Order"). The *Trial Order* set a deadline to complete discovery by September 28, 2012. Since May the parties have engaged in summary judgment litigation, discovery, and negotiations concerning remaining issues in the above-captioned subcases. On September 25, 2012, the parties filed a *Stipulation* resolving most of the remaining issues except those identified in paragraph #11. *See Stipulation* at 6-7. Given the negotiations and time spent resolving the issues identified in the *Stipulation* and the ruling in the Special Master's *Order Granting United States' Motion, Certification, and Partial Special Master Report and Recommendation* (August 22, 2012), the parties had previously agreed to extend the time for responding to pending discovery requests until September 28, 2012, believing all issues were nearly resolved or would have to be addressed on challenge before the Presiding Judge.

Since the Special Master entered his *Amended Order Granting United States' Motion, Certification, and Partial Special Master Report and Recommendation* on September 14, 2012, certain objections and issues remain pending before the Court. *See Stipulation* at 6-7 (Paragraph

11). In addition, the parties have outstanding discovery requests and need additional time to complete discovery, including depositions, prior to trial.

For these reasons the Coalition and State request the Court to amend the trial schedule as follows:

Deadline to Identify Witnesses ¹	October 12, 2012
Deadline to Complete Discovery and File Expert Reports	November 2, 2012
Depositions Completed Deadline	November 9, 2012
Pre-Trial Statements Deadline	November 20, 2012

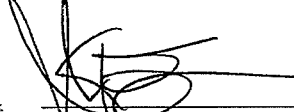
The parties do not request a hearing on this motion.

DATED this 28th day of September, 2012.

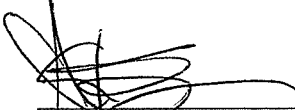
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¹ Witnesses identified in response to discovery requests expected to testify in a case in chief for any party. This deadline does not apply to rebuttal witnesses that may need to be designated in response opening witnesses' testimony or any expert reports.

MICHAEL C. ORR
Deputy Attorney General


Attorneys for State of Idaho

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September, 2012, I served a true and correct copy of the foregoing **SURFACE WATER COALITION'S AND STATE OF IDAHO'S JOINT MOTION TO AMEND TRIAL SCHEDULE** on the person(s) listed below, by U.S. Mail, and electronic mail if available:

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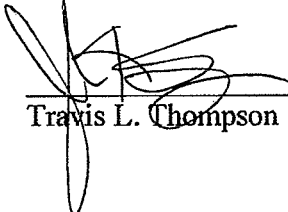
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ATTACHMENT A

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01-2064A
01-2064B
01-2064C
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