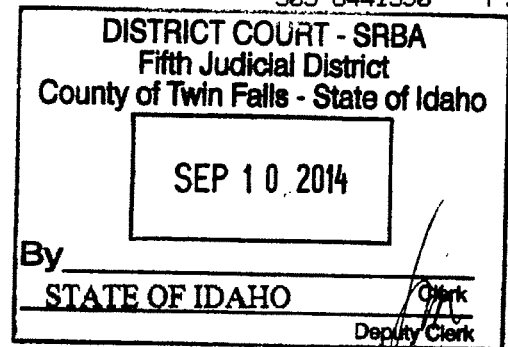




UNITED STATES OF AMERICA

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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) Subcase Nos. 51-13089, 51-13090, 51-13091, 51-
) 13092, 51-13093, 51-13094, 51-13095, 51-13096, 51-
Case No. 39576) 13097, 55-13897, 55-13898, 55-13899, 55-13900, 55-
) 13901, 55-13902, and 55-13903.
)
) **STIPULATION FOR SCHEDULING AND**
) **PLANNING**
)

The above parties hereby stipulate to the following scheduling deadlines:

A. EXPERT WITNESSES

(Claimant's experts)

1. January 30, 2015 – claimant shall disclose each person claimant intends to call as an expert witness at trial and state the subject matter on which the witness is expected to testify.
2. January 30, 2015 – claimant shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.
3. September 30, 2015 – objector(s) shall complete any depositions of the claimant's initial expert witnesses.

STIPULATION FOR SCDULING AND PLANNING

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(Objectors' experts)

4. December 1, 2015 – objector(s) shall disclose each person objector(s) intends to call as an expert witness at trial and state the subject matter on which the witness is expected to testify.

5. December 1, 2015 – objector(s) shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.

6. April 29, 2016 – claimant shall complete any depositions of the objector's expert witnesses.

(Claimant's rebuttal experts)

7. May 31, 2016 – claimant shall disclose each person claimant intends to call as an expert witness at trial to rebut new information on issues disclosed or raised by the objector(s).

8. May 31, 2016 – claimant shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding the rebuttal expert witnesses.

9. August 31, 2016 – objector(s) shall complete any depositions of the claimant's rebuttal expert witnesses.

B. LAY WITNESSES

1. January 30, 2015 – claimant shall disclose each person claimant intends to call as a lay witness at trial (excluding impeachment witnesses).

2. December 1, 2015 – objector(s) shall disclose each person objector(s) intends to call as a lay witness at trial, (excluding impeachment witnesses).

3. May 31, 2016 – claimant shall disclose each lay witness (excluding impeachment witnesses) claimant intends to call at trial to rebut new information or issues disclosed or raised by the objector(s).

4. August 31, 2016 – all parties shall complete any depositions of lay witnesses.

C. DEADLINES FOR INITIATING AND COMPLETING DISCOVERY

1. July 15, 2016 – last day for serving interrogatories, requests for production, requests to permit entry upon land or other property, and requests for admission.

2. July 15, 2016 – last day for filing motions for a physical or mental examination.

3. August 31, 2016 – all parties shall complete all discovery.

D. DEADLINE FOR SUPPLEMENTAL RESPONSES TO DISCOVERY

1. August 31, 2016 – all parties must serve any supplemental response to discovery required by Rule 26(e) of the Idaho Rules of Civil Procedures.

E. STIPULATION TO ALTER DISCOVERY DEADLINES

1. The parties may alter any discovery deadline by written agreement without the necessity of obtaining a court order.

2. The State of Idaho will be commencing field investigations related to the claims in the Spring of 2015, and the United States will be continuing its investigations over the 2015 field season. The parties acknowledge that it may be necessary for field work to continue beyond the 2015 field season, and agree to cooperate in adjusting discovery deadlines and other components of this schedule if necessary.

F. PRETRIAL MOTIONS

1. January 30, 2015 – last day to file motions to add additional parties to the lawsuit.

2. January 30, 2015 – last day to file a motion to amend the claims between existing parties to the lawsuit, including to add a claim for punitive damages.

3. All other non-dispositive pre-trial motions (including, but not limited to motions *in limine*) must be filed and scheduled for hearing not less than fourteen (14) days before trial. Exceptions will be granted infrequently, and only when justice so requires.

G. MOTIONS FOR SUMMARY JUDGMENT

1. October 28, 2016 – last day to file dispositive pre-trial motions (including motions for summary judgment) (at least **ninety-six (96) days** before trial).

2. Responses to dispositive motions shall be filed within thirty (30) days of service of the motion.

3. Replies concerning dispositive motions shall be filed within fifteen (15) days of service of the response.

4. Hearing on dispositive motions shall be set by the Court after the deadline for replies (prior to the **sixty (60) day** period prior to trial).

H. TRIAL SETTING

1. This case can be set for a trial to commence on or after April 3, 2017.

2. It is estimated that the trial will take ten (10) days.

STIPULATION FOR SCDULING AND PLANNING

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3. Parties preference for trial dates: **(Please confer and complete. Do not attach "unavailable dates")**.

- (a) April 3 – 7 & April 10 – 14, 2017.
- (b) April 10 – 14 & April 17 – 21, 2017.
- (c) April 17 – 21, 2017 & April 24 – 28, 2017.

4. The parties will submit a pretrial conference memorandum pursuant to I.R.C.P. 16(d), which shall be filed with the Clerk no later than seven (7) days before the pre-trial conference. The memorandum may be filed as a joint submission or separately.

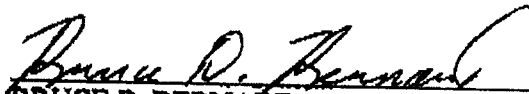
I. MEDIATION

- 1. The parties agree to mediation: Yes _____ No X
- 2. If yes:
 - a. The parties agree to submit to mediation with a mediator mutually agreed upon.
 - b. Mediation shall be _____ days prior to trial.
 - c. Unless otherwise agreed in writing between the parties, the cost of mediation shall be equally divided between the parties.

The parties reserve the right to amend this stipulation by agreement of all parties, subject to court approval; each party reserves the right to seek amendment hereof by court order, and to request further status conferences for such purpose, in accordance with I.R.C.P. 16(a) and 16(b).

The parties have executed this Stipulation for Scheduling and Planning on the date following their respective signatures.

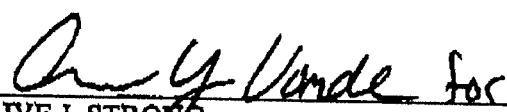
FOR THE UNITED STATES:


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Date: September 10, 2014

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ann.vonde@ag.idaho.gov

Date: September 10, 2014

STIPULATION FOR SCDULING AND PLANNING

CERTIFICATE OF SERVICE

I certify that on September 10, 2014, I served true and correct copies of the foregoing STIPULATION FOR SCHEDULING AND PLANNING as follows:

Via Facsimilie:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707
Phone: 208-736-3011
Fax: 208-736-2121

Via First Class U.S. Mail, pre-paid:

STATE OF IDAHO
Represented by:
CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-0449
Phone: 208-334-2400

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
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DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


Bruce Bernard

STIPULATION FOR SCDULING AND PLANNING

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