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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 01 2022	
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 CSRBA	)	ORDER GRANTING MOTION IN PART;
	)	DENYING IN PART; SETTING TRIAL
	)	DATES AND DEADLINES
	)	
Case No. 49576	)	SUBCASE NOS.: 95-2067, 95-4518, 95-8003,
	)	95-9115, and 95-9119

I. BACKGROUND

The claimant Avista Corporation and the additional parties filed a *Status Update and Joint Motion to Vacate and Reschedule Trial* on July 20, 2022. At the Status Conference on July 20, 2022, the Court **granted** the *Motion* in part and **denied** the *Motion* in part.

It is useful to set forth the background of these subcases. Claims were filed for these subcases in 2018. *Objections* were filed by the parties in April 2019. The Court ordered a Mandatory Settlement Conference in October 2019. Regular status conferences were held after the Mandatory Settlement Conference, and the parties reported that they were attending regular settlement conferences.

Additional Status Conferences took place in 2020. The parties reported that settlement discussions were productive and that progress was being made. In the meantime, Avista Corporation filed late claims related to these subcases.

In December 2021, the parties asked for an additional three months to review new information obtained from IDWR. The Court required monthly status conferences in order to ensure that the subcases would make significant progress. *Order Setting Status/Scheduling Conferences (Dec. 10, 2021)*; *Order Setting Status Conferences* (Jan. 18, 2022).

The parties stipulated to a Trial Schedule which included Summary Judgment deadlines, Summary Judgment Hearing, Pretrial Conference, Pretrial Briefs and a Trial Date beginning

October 24, 2022. Accordingly, the Court issued a ***Trial Scheduling Order*** establishing the dates to which the parties agreed. ***Trial Scheduling Order*** (Feb. 28, 2022).

On March 16, 2022, the parties reported that they had made significant progress and had reached a tentative agreement. The parties were prepared to sign *SF5* settlement agreements. Subsequently, the parties asked for an extension of the *SF5* deadline which was granted. The new deadline was moved to June 24, 2022. The parties asked for an additional extension of the *SF5* deadline which was moved to July of 2022.

The parties explained that negotiations in other subcases had impacted the ability to sign the *SF5s*. Then in July 2022, the parties filed a *Status Update and Joint Motion to Vacate and Reschedule Trial*. The Court **granted** the *Motion* in part and **denied** the *Motion* in part.

The *Motion* explained that the parties were negotiating in consolidated subcase 91-7755. The parties here stated that they are receiving input and feedback from the Coeur d'Alene Tribe and the U.S. who are involved in 91-7755. That consolidated subcase had stalled while some of the parties ceased settlement negotiations.

In support of the *Motion to Vacate and Reschedule Trial*, the parties here represent that parties to 91-7755 have returned to settlement discussions and have arranged a series of mediation dates that will occur during the course of the next three months.

II. ORDER

Based on the continued attendance and participation in good faith of the parties in subcase 91-7755, this Court **granted in part** the *Motion to Vacate and Reschedule Trial*.

It is **Ordered that** the Trial previously set for October 24 – 28, 2022 in Coeur d'Alene is **Vacated**. It is further **Ordered that** the following dates and deadlines apply:

<u>August 17, 2022</u>	<u>9:00 am (PT)</u> <u>10:00 am (MT)</u>	<u>Status Conference – PREVIOUSLY SET</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301
<u>September 14, 2022</u>	<u>9:00 am (PT)</u> <u>10:00 am (MT)</u>	<u>Status Conference – PREVIOUSLY SET</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301
<u>October 12, 2022</u>	* <u>10:00 am</u> *(PT) <u>11:00 am (MT)</u>	<u>Status Conference</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301

November 9, 2022	<u>9:00 am (PT)</u> <u>10:00 am (MT)</u>	<u>Status Conference</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301
December 14, 2022	<u>9:00 am (PT)</u> <u>10:00 am (MT)</u>	<u>Status Conference</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301
January 11, 2023	<u>9:00 am (PT)</u> <u>10:00 am (MT)</u>	<u>Status Conference</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301
February 15, 2023	<u>9:00 am (PT)</u> <u>10:00 am (MT)</u>	<u>Status Conference</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301
March 15, 2023	<u>9:00 am (PT)</u> <u>10:00 am (MT)</u>	<u>Status Conference</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301
April 10, 2023	5:00 pm (MT)	<u>Deadline to file 706 Report</u>
April 12, 2023	<u>9:00 am (PT)</u> <u>10:00 am (MT)</u>	<u>Status Conference</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301
May 10, 2023	<u>9:00 am (PT)</u> <u>10:00 am (MT)</u>	<u>Pretrial Conference</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301
May 10, 2022	5:00 pm (MT)	<u>Deadline to Exchange Witness and Exhibit Lists</u>
May17, 2023	<u>9:00 am (PT)</u> <u>10:00 am (MT)</u>	<u>Status Conference</u> Location: Idaho Water Adjudication Court 253 3 rd Ave. North Twin Falls, Idaho 83301
May 26, 2023	5:00 pm (MT)	<u>Trial Briefs Due</u>

June 13-16, 2023

9:00 am (PT)

Trial – 4 days

Location: Idaho State Police

District 1 Offices

615 W Wilbur Ave.

Coeur d'Alene, ID 83815

Parties may participate by telephone for the Status Conferences and Pretrial Conference by dialing 1-720-279-0026 and when prompted enter participant code 476045#. Any questions regarding telephone participation, please contact the Clerk's office at (208)736-3011.

The *Motion* is **denied** as to re-opening or **extending deadlines** that have already passed including the deadline for Summary Judgment and Discovery deadlines. No summary judgment motions were filed by the parties, and they stated that there were no issues appropriate for Summary Judgment resolution.

Therefore, the Court declines to reopen those deadlines. Similarly, there is no current reason to reopen discovery. Nevertheless, the parties shall answer outstanding discovery requests.

Dated August 1, 2022.



BRIGETTE BILYEU

Special Master

Coeur d'Alene-Spokane River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
IN PART; DENYING IN PART; SETTING TRIAL DATES AND DEADLINES
was mailed on August 01, 2022, with sufficient first-class postage
to the following:

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