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FEB 25 2010

**DEPARTMENT OF
 WATER RESOURCES**

Attorneys for North Side Canal Company and Twin Falls Canal Company

**BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO**

IN THE MATTER OF	)	
APPLICATION FOR PERMIT & LICENSE	)	STIPULATION TO EXTEND
NO. 01-07011	)	SUMMARY JUDGMENT
	)	BRIEFING SCHEDULE AND
APPLICANT:	)	NOTICE SETTING NEW
Twin Falls Canal Company &	)	HEARING ON MOTIONS FOR
North Side Canal Company	)	SUMMARY JUDGMENT
	)	
	)	

COMES NOW, Counsel for Claimants/Objectors and all Intervenor, and hereby submit for the Hearing Officer's approval the following Stipulation of the parties to extend the summary judgment briefing schedule and submission of a new date for hearing on the Motions for Summary Judgment currently scheduled in the above-entitled action.

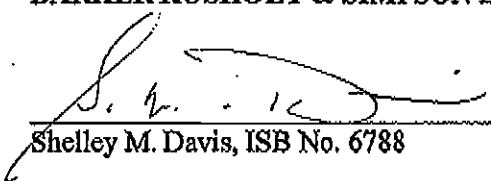
1. Presently the Claimants/Objectors' Responses in Opposition to the Intervenor's Motions for Summary Judgment filed and served on or before February 12, 2010, are due to be filed on February 26, 2010. The Intervenor has agreed to allow the Claimants/Objectors an additional week to file their Memorandum in Opposition to the Motions, which will make the date due for the filing and service of the Memorandum, March 5, 2010.

2. In exchange, the Claimants/Objectors have agreed to provide an additional week to the Intervenor to file and serve any Reply Memorandum to the Memorandum in Opposition to the Motions for Summary Judgment, which will make the date due for filing and service of the Reply Memoranda March 19, 2010.

3. Because of the length of briefing in this matter, and the large volume of exhibits accompanying the briefing, all counsel believe that more than one week is necessary for the Hearing Officer to have to time to adequately review all briefing and, therefore, propose that the new hearing date be set to Monday, April 12, 2010, at 10:00 a.m. to be held at the Idaho Department of Water Resources.

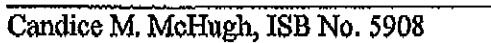
Dated this 24th day of February, 2010.

BARKER ROSHOLT & SIMPSON LLP


Shelley M. Davis, ISB No. 6788

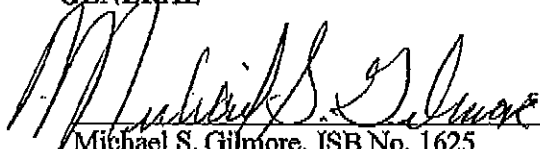
Dated this ____ day of February, 2010.

**RACINE OLSON NYE BUDGE & BAILEY,
CHTD.**


Candice M. McHugh, ISB No. 5908

Dated this 24th day of February, 2010.

**IDAHO OFFICE OF THE ATTORNEY
GENERAL**


Michael S. Gilmore, ISB No. 1625

2. In exchange, the Claimants/Objectors have agreed to provide an additional week to the Intervenor to file and serve any Reply Memorandum to the Memorandum in Opposition to the Motions for Summary Judgment, which will make the date due for filing and service of the Reply Memoranda March 19, 2010.

3. Because of the length of briefing in this matter, and the large volume of exhibits accompanying the briefing, all counsel believe that more than one week is necessary for the Hearing Officer to have to time to adequately review all briefing and, therefore, propose that the new hearing date be set to Monday, April 12, 2010, at 10:00 a.m. to be held at the Idaho Department of Water Resources.

Dated this ____ day of February, 2010.

BARKER ROSHOLT & SIMPSON LLP

Shelley M. Davis, ISB No. 6788

Dated this 21st day of February, 2010.

**RACINE OLSON NYE BUDGE & BAILEY,
CHTD.**

Candice M. McHugh, ISB No. 5908

Dated this ____ day of February, 2010.

**IDAHO OFFICE OF THE ATTORNEY
GENERAL**

Michael S. Gilmore, ISB No. 1625

Dated this ²⁴~~21~~ day of February, 2010.

HOLDEN KIDWELL HAHN & CRAPO, PLLC


Robert L. Harris, ISB No. 7018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of February, 2010, I served a true and correct copy of the foregoing document, **STIPULATION TO EXTEND SUMMARY JUDGMENT BRIEFING SCHEDULE AND NOTICE SETTING NEW HEARING ON MOTIONS FOR SUMMARY JUDGMENT**, upon the following persons via the method indication below:

Interim Director Gary Spackman
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile

Hearing Officer
Justice Gerald Schroeder
3216 Mountain View Dr.
Boise, ID 83704
fcjschroeder@gmail.com

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
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Lawrence Wasden
Steven L. Olsen
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Boise, ID 83720-0010
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Shelley M. Davis

**BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LICENSING WATER	)	
RIGHT PERMIT NO. 01-7011 (in the name of	)	ORDER APPROVING
Twin Falls Canal Company and North Side Canal	)	STIPULATION TO EXTEND
Company)	)	SUMMARY JUDGMENT BRIEFING
	)	SCHEDULE AND NOTICE
	)	SETTING NEW HEARING ON
	)	MOTIONS FOR SUMMARY
	)	JUDGMENT

The Parties presented a **STIPULATION TO EXTEND SUMMARY JUDGMENT BRIEFING SCHEDULE AND NOTICE SETTING NEW HEARING ON MOTIONS FOR SUMMARY JUDGMENT** for approval by this Hearing Officer on February 24, 2010. The Hearing Officer hereby approves the Stipulation of the parties.

The Hearing on Motions for Summary Judgment presently scheduled for March 12, 2010 at 10:00 a.m. is hereby vacated. A hearing on the Intervenor's Motions for Summary Judgment will be held on Monday April 12, 2010, at 10:00 a.m. before the Hearing Officer at the Idaho Department of Water Resources State Office, 322 E. Front St., Boise, Idaho 83702. The Intervenor's and Canal Companies may participate by telephone by dialing the following number **1-713-577-1201** and entering the participant code **260503**, if necessary, but the Hearing Officer requests that the parties make all reasonable efforts to appear in person.

GERALD F. SCHROEDER
Hearing Officer