

John K. Simpson, ISB No. 4242
 Travis L. Thompson, ISB No. 6168
 Shelley M. Davis, ISB No. 6788
BARKER ROSHOLT & SIMPSON LLP
 1010 W. Jefferson St., Ste. 102
 P.O. Box 2139
 Boise, Idaho 83701-2139
 (208) 336-0700 – Telephone
 (208) 344-6034 – Facsimile

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 VACATE
NO. 01-07011	)	AND RE-SET HEARING AND
	)	CORRESPONDING
APPLICANT:	)	STIPULATED SCHEDULE
Twin Falls Canal Company &	)	
North Side Canal Company	)	
	)	
	)	

COMES NOW, Counsel for Claimants/Objectors and all Intervenors, and hereby submit for the Hearing Officer's approval the following Stipulation of the parties to vacate and re-set the Hearing currently scheduled in the above-entitled action, and an accompanying corresponding schedule for completion of discovery and the hearing of any summary judgment motions filed in the matter.

1. On August 28, 2009, a Scheduling Order was entered in this action setting the Hearing of this matter for four days commencing February 23, 2010. The parties to this action hereby agree to vacate the hearing as currently set, and re-schedule the hearing for four days beginning May 4, 2010.

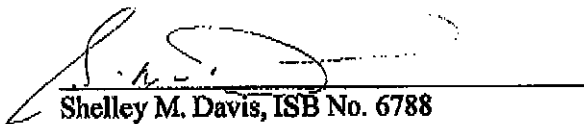
2. Hearing on any Motions for Summary Judgment shall be heard March 12, 2010, at 10:00 a.m. The timing for filing any Motions for Summary Judgment and the responses and briefing shall comply with the Idaho Rules of Civil Procedure.

3. Discovery, including the answers to requests for discovery, shall conclude by February 26, 2010. The conduct of discovery shall comply with the Idaho Rules of Civil Procedure.

4. A further Status Conference shall be held upon the request of any party.

Dated this 8th day of December, 2009

BARKER ROSHOLT & SIMPSON LLP


Shelley M. Davis, ISB No. 6788

Dated this ____ day of December, 2009

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

Candice M. McHugh, ISB No. 5908

Dated this 8th day of December, 2009

**IDAHO OFFICE OF THE ATTORNEY
GENERAL**


Michael S. Gilmore, ISB No. 1625

2. Hearing on any Motions for Summary Judgment shall be heard March 12, 2010, at 10:00 a.m. The timing for filing any Motions for Summary Judgment and the responses and briefing shall comply with the Idaho Rules of Civil Procedure.

3. Discovery, including the answers to requests for discovery, shall conclude by February 26, 2010. The conduct of discovery shall comply with the Idaho Rules of Civil Procedure.

4. A further Status Conference shall be held upon the request of any party.

Dated this ____ day of December, 2009

BARKER ROSHOLT & SIMPSON LLP

Shelley M. Davis, ISB No. 6788

Dated this 8th day of December, 2009

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

Candice M. McHugh, ISB No. 5908

Dated this ____ day of December, 2009

**IDAHO OFFICE OF THE ATTORNEY
GENERAL**

Michael S. Gilmore, ISB No. 1625

Dated this 12th day of December, 2009

HOLDEN KIDWELL HAHN & CRAPO, PLLC


Robert L. Harris, ISB No. 7018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December, 2009, I served a true and correct copy of the foregoing document, **STIPULATION TO VACATE AND RE-SET HEARING AND CORRESPONDING STIPULATED SCHEDULE**, 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

Randall C. Budge
Candice M. McHugh
Racine Olson Nye Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, ID 83204-1391
Fax No. (208)232-6109

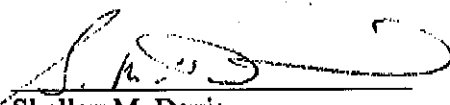
☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile

Robert L. Harris, Esq.
HOLDEN KIDWELL HAHN & CRAPO, PLLC
P.O. Box 50130
1000 Riverwalk Dr., Ste. 200
Idaho Falls, ID 83405
Fax No. (208)523-9518

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

Lawrence Wasden
Steven L. Olsen
Michael S. Gilmore
Idaho Atty. Gen. Office
P.O. Box 83720
Boise, ID 83720-0010
Fax No. (208) 854-8073

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


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 VACATE AND**
Company)) **RE-SET HEARING AND**
) **CORRESPONDING STIPULATED**
) **SCHEDULE**

The parties to the above entitled action submitted for the Department's approval a

STIPULATION TO VACATE AND RE-SET HEARING AND CORRESPONDING STIPULATED SCHEDULE. The hearing officer has reviewed the Stipulation and hereby approves the Stipulation to Vacate and Re-Set Hearing and Corresponding Stipulated Schedule. The new Hearing dates and corresponding schedule in this matter shall be as follows:

1. On August 28, 2009, a Scheduling Order was entered in this action setting the Hearing of this matter for four days commencing February 23, 2010. The parties to this action hereby agree to vacate the hearing as currently set, and re-schedule the hearing for four days beginning May 4, 2010.

2. Hearing on any Motions for Summary Judgment shall be heard March 12, 2010, at 10:00 a.m. The timing for filing any Motions for Summary Judgment and the responses and briefing shall comply with the Idaho Rules of Civil Procedure.

3. Discovery, including the answers to requests for discovery, shall conclude by February 26, 2010. The conduct of discovery shall comply with the Idaho Rules of Civil Procedure.

4. A further Status Conference shall be held upon the request of any party.

Dated this ____ day of December, 2009.

GERALD F. SCHROEDER
Hearing Officer