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FAX TRANSMISSION COVER SHEET

DATE: Sept 13, 2006
TO: Gary Spackman - Hearing Officer IDWR
FAX NO: 208-287-6700

FROM: MILTON SLAVIN

RE: Motion to Continue Hearing

NOTE: Please find a motion to continue
with a copy of the order for trial
from Judge Anderson - and a notice
of telephonic hearing - since we do not have
the ability I understand that the IDWR
will set up the conference call - if we can
help. please let our office know.

Number of pages to follow: 12

CONFIDENTIALITY NOTICE

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

IN THE MATTER OF APPLICATION FOR
AMENDMENT FOR WATER RIGHT NO.
75-7052 and 75-7589 IN THE NAME OF
WILLIAMS LAKE RECREATIONAL
WATER & SEWER DISTRICT

MOTION TO CONTINUE

COMES NOW, Milton A. Slavin, Esq., attorney for Williams Lake Recreation Water and Sewer District and moves for a continuance of the Hearing scheduled in the above matter on the grounds and for the reason that District Judge, Gregory S. Anderson, has set trial to commence for Lemhi County Case No. CV 05-181 on September 26, 2006, at 10:00 a.m., which is the same day as the IDWR hearing, and is scheduled to last two days, also the same as the IDWR hearing.

That the parties have not been able to mediate or resolve the matter and that Milton A. Slavin, Esq., is both the attorney of record and one of the Plaintiff's in Lemhi County Case No. CV 05-181.

In support of said Motion, attached is a copy of the Order Setting Trial.

DATED: this 13th day of September 2006.

Respectfully Submitted


MILTON A. SLAVIN

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

The Estate of MILTON E. SLAVIN,)
The Estate of HELEN G. SLAVIN,)
and MILTON A. SLAVIN,)

Plaintiffs,)

vs.)

RICHARD A. SELL, W. DAVID LORING,)
and PAM R. LORING,)

Defendants)

Case No. CV-2005-181

ORDER SETTING TRIAL AND
PRETRIAL CONFERENCE

FILED IN CHAMBERS
at Idaho Falls
Bonneville County
Honorable Gregory S. Anderson
Date May 18, 2006
Time 1:20 PM
Deputy Clerk JM

Pursuant to Rule 16 of the Idaho Rules of Civil Procedure, the following pre-trial schedule shall govern all proceedings in this case:

I. IT IS HEREBY ORDERED¹:

1. A pre-trial conference shall be held at 9:30 A.M., on September 20, 2006.
2. Trial shall commence at 10:00 A.M., on September 26, 2006.
3. No later than ninety (90) days before the date set for trial, counsel shall disclose the names, addresses, and telephone numbers of expert witnesses that may be called to testify at trial.
4. All discovery shall be completed seventy (70) days prior to trial.²
5. All Motions for Summary Judgment must be filed sixty (60) days prior to trial in conformance with Rule 56(a), I.R.C.P.

¹The disclosure cut-off date, discovery completion date and motion dates are for the benefit of the Court in managing this case. They will be enforced at the Court's discretion. The disclosure date should not be relied on by the parties for discovery purposes. The disclosure, discovery and motion dates will not be modified by the Court without a hearing and assurance from the parties that the modification will not necessitate continuance of the trial.

² Discovery requests must be served so that timely responses will be due prior to the discovery cutoff date.

6. All Motions for Summary Judgment must be heard at least twenty-eight (28) days prior to trial.

II. IT IS FURTHER ORDERED that each attorney shall, no later than fourteen (14) days before trial:

1. Submit a list of names to the court of persons who may be called to testify.
2. Submit a descriptive list of all exhibits proposed to be offered into evidence to the court indicating which exhibits counsel have agreed will be received in evidence without objection and those to which objections will be made, including the basis upon which each objection will be made.
3. Submit a brief to the court citing legal authorities upon which the party relies as to each issue of law to be litigated.
4. If this is a jury trial, counsel shall submit proposed jury instructions to all parties to the action and the court. All requested instructions submitted to the court shall be in duplicate form as set out in Idaho Rule of Civil Procedure 51(a)(1).
5. Submit that counsel have in good faith tried to settle this action.
6. State whether liability is disputed.

III. IT IS FURTHER ORDERED that each attorney shall no later than seven (7) days before trial:

1. Submit any objections to the jury instructions requested by an opponent specifying the instruction and the grounds for the objection.
2. Deposit with the clerk of the court all exhibits to be introduced, except those for impeachment. The clerk shall mark plaintiff's exhibits in numerical sequence as requested by plaintiff and shall mark all defendant's exhibits in alphabetical sequence as requested by defendant.
3. A duplicate set of all exhibits to be introduced, except those for impeachment, shall be placed in binders, indexed, and deposited with the clerk of the court.

IV. IT IS FURTHER ORDERED that:

1. Any exhibits or witnesses discovered after the last required disclosure shall immediately be disclosed to the court and opposing counsel by filing and service

stating the date upon which the same was discovered.

2. No exhibits shall be admitted into evidence at trial other than those disclosed, listed and submitted to the clerk of the court in accordance with this order, except when offered for impeachment purposes or unless they were discovered after the last required disclosure.
3. This order shall control the course of this action unless modified for good cause shown to prevent manifest injustice.
4. The court may impose appropriate sanctions for violation of this order.

DATED this 18th day of May, 2006.

Gregory S. Anderson
GREGORY S. ANDERSON
District Judge