

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

IN THE MATTER OF DISTRIBUTION OF WATER )  
 TO WATER RIGHTS NOS. 36-07210, )  
 AND 36-07427 )  
 (Blue Lakes Delivery Call) )  
 \_\_\_\_\_ )  
 IN THE MATTER OF DISTRIBUTION OF WATER )  
 TO WATER RIGHTS NOS. 36-04013A, 36-04013B, )  
 AND 36-07148 (SNAKE RIVER FARM); AND TO )  
 WATER RIGHTS NOS. 36-07083 AND 36-07568 )  
 (CRYSTAL SPRINGS FARMS) )  
 (Clear Springs Delivery Call) )  
 \_\_\_\_\_ )

**STIPULATION AND  
JOINT MOTION FOR  
RESCHEDULED  
HEARING AND ORDER**

COMES NOW, IDAHO GROUND WATER APPROPRIATORS, INC., BLUE LAKES TROUT COMPANY, INC., AND CLEAR SPRINGS FOODS, INC. (hereinafter collectively referred to as the “parties”), by and through their undersigned counsel of record, and hereby stipulate to the following and jointly move the Director of the Idaho Department of Water Resources to enter an Order approving the same without further notice of hearing, to-wit:

1. That the existing hearing schedule and pre-hearing deadlines be revised and the following schedule be adopted:

<b>Deadline Description</b>	<b>BL / CS – 130</b>
Deadline for submitting expert reports; deadline for pre-filed direct testimony (required for retained consultants / optional for others), and all exhibits to be used at hearing with experts	9/12/07
Deadline for rebuttal reports, pre-filed rebuttal testimony and all exhibits to be used in rebuttal	10/10/07
Deadline to disclose all lay witnesses / identify all exhibits to be used at hearing with lay witnesses (as well as any pre-filed direct	10/17/07

testimony for lay witnesses, if desired)	
Deposition deadline / discovery completed deadline	11/1/07
Written opening brief / trial brief (if desired)	11/15/07
Pre-hearing conference and hearing on pre-hearing motions	11/16/07
Hearing	11/28-12/18/07

2. No party to this stipulation will seek a continuance of the above schedule, unless for, death, illness, or similar circumstances beyond their control.

3. No party to this stipulation will seek to disqualify the proposed designated hearing officer identified to the parties' counsel either with or without cause.

4. The parties to this stipulation agree to cooperate in good faith to timely complete pre-hearing discovery.

5. With respect to this consolidated proceeding, the parties to this stipulation agree not to oppose intervention by other water users who are not parties for the purpose of presenting briefs and argument on common issues of law, including responding to IGWA's motion for summary judgment and petition for declaratory ruling filed on June 18, 2007. This non-opposition is conditioned upon those intervening water users accepting the designated hearing officer and the schedule addressing those issues of law.

6. That the Director or Hearing Officer enter an Order approving this Stipulation and Joint Motion for Rescheduled Hearing and Order without oral argument or hearing.


7. If the Director or the Hearing Officer does not enter an Order approving the Stipulation and granting this Motion and the motion filed by the Surface Water Coalition and IGWA in the proceeding regarding the Coalition's Delivery Call, this stipulation shall not be

binding upon any party, shall be deemed withdrawn, with the hearing remaining as scheduled by previous Order.

8. This Stipulation and Joint Motion for Rescheduled Hearing and Order is made upon the grounds and for the reasons that the foregoing Stipulation will avoid scheduling conflicts with the hearing on the Surface Water Coalition Delivery Call, enable the parties to fully prepare for the hearings, and facilitate a timely and orderly disposition of all proceedings.

DATED this 27<sup>th</sup> day of July, 2007.

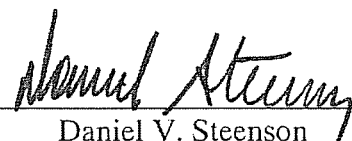
BARKER, ROSHOLT & SIMPSON, LLP

By   
John K. Simpson, Attorney for  
Clear Springs Foods, Inc.

RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED

By \_\_\_\_\_  
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Ground Water District, Magic Valley  
Ground Water District

RINGERT, CLARK

By   
Daniel V. Steenson  
Charles L. Honsinger  
Attorneys for Blue Lakes Trout Farm

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8. This Stipulation and Joint Motion for Rescheduled Hearing and Order is made upon the grounds and for the reasons that the foregoing Stipulation will avoid scheduling conflicts with the hearing on the Surface Water Coalition Delivery Call, enable the parties to fully prepare for the hearings, and facilitate a timely and orderly disposition of all proceedings.

DATED this 26<sup>th</sup> day of July, 2007.

BARKER, ROSHOLT & SIMPSON, LLP

By \_\_\_\_\_  
John K. Simpson, Attorney for  
Clear Springs Foods, Inc.

RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED

By Randall C. Budge 7-26-07  
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Appropriators, Inc. (IGWA), North Snake  
Ground Water District, Magic Valley  
Ground Water District

RINGERT, CLARK

By \_\_\_\_\_  
Daniel V. Steenson  
Charles L. Honsinger  
Attorneys for Blue Lakes Trout Farm

**ORDER**

Upon duly-filed Combined Stipulation and Joint Motion for Rescheduled Hearing and good cause appearing therefore,

IT IS HEREBY ORDERED that the foregoing Stipulation, revised hearing schedule and pre-hearing requirements be and are hereby approved; and

IT IS SO ORDERED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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DAVID R. TUTHILL, JR., Director

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of July, 2007, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

Mr. David R. Tuthill	<u>  x  </u>	U.S. Mail
Director	_____	Facsimile
Idaho Department of Water Resources	_____	Overnight Mail
322 East Front Street	_____	Hand Delivery
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<a href="mailto:victoria.wigle@idwr.idaho.gov">victoria.wigle@idwr.idaho.gov</a>		

Randy Budge	<u>  x  </u>	U.S. Mail
Candice McHugh	_____	Facsimile
Racine Olson	_____	Overnight Mail
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<a href="mailto:cmm@racinelaw.net">cmm@racinelaw.net</a>		

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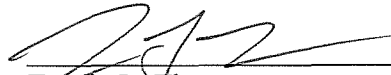
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<input type="checkbox"/>	Hand Delivery
<input checked="" type="checkbox"/>	E-Mail

  
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Travis L. Thompson