

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

IN THE MATTER OF DISTRIBUTION OF)
WATER TO VARIOUS WATER RIGHTS)
HELD BY OR FOR THE BENEFIT OF)
A&B IRRIGATION DISTRICT,)
AMERICAN FALLS RESERVOIR)
DISTRICT #2, BURLEY IRRIGATION)
DISTRICT, MILNER IRRIGATION)
DISTRICT, MINIDOKA IRRIGATION)
DISTRICT, NORTH SIDE CANAL)
)
COMPANY, AND TWIN FALLS)
CANAL COMPANY)
_____)

**STIPULATED MOTION FOR
HEARING SCHEDULE / RESOLUTION
OF IGWA AND POCATELO MOTION
REGARDING PRE-FILED
TESTIMONY AND EXHIBITS
AND
ORDER**

The parties hereto jointly move the Director of the Idaho Department of Water Resources, pursuant to Rule 26(c) of the Idaho Rules of Civil Procedure, and IDAPA 37.01.01.532 to enter an order adopting the following schedule stipulated to by the parties with respect to the hearing on the Director's *May 2, 2005 Amended Order*. This motion further addresses the *Motion for Order Requiring Prepared Testimony and Exhibits* filed by IGWA and Pocatello on May 31, 2007. As this is a stipulated motion, no oral argument or hearing is requested.

Proposed Hearing Schedule:

August 22--deadline for updating expert reports previously disclosed.

August 22 – deadline for pre-filed direct testimony (required for retained consultants / optional for others), and all exhibits to be used at hearing with experts.

October 3 – deadline for rebuttal reports.

October 3 – deadline for pre-filed rebuttal testimony and all exhibits to be used in rebuttal.

October 17 – disclose all lay witnesses / identify all exhibits to be used at hearing with lay witnesses (as well as any pre-filed direct testimony for lay witnesses).¹

November 1 – deposition deadline / discovery completed deadline.

November 15 – written opening brief / trial brief (if desired).

November 16 – pre-hearing conference and hearing on pre-hearing motions.

November 28 – Hearing Commences (with expected hearing to run through December 18 if necessary).

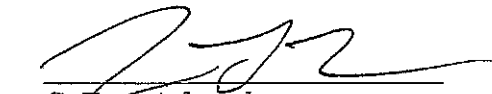
Pre-Filed Testimony:

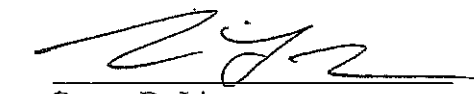
The parties have agreed to pre-file direct written testimony for retained consultants. The parties have agreed to leave it to their discretion with respect to filing such written testimony for lay witnesses.

DATED this ^{15th} ~~14th~~ day of June 2007.

ARKOOSH LAW OFFICES, CHTD.

ROBINSON & ASSOCIATES



Tom Arkoosh

Roger D. Ling

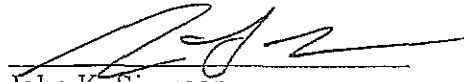
Attorneys for American Falls Reservoir
District #2

Attorneys for A & B Irrigation District
and Burley Irrigation District

¹ The Parties have also agreed informally that the deposition deadline can be extended on a case-by-case basis in order to facilitate depositions of lay witnesses prior to trial.

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ORDER

Upon consideration of the duly filed Stipulation on Motion for Hearing Schedule/Resolution of IGWA and Pocatello Motion Regarding Pre-filed Testimony and Exhibits and good cause appearing therefore:

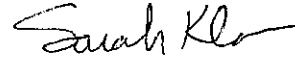
IT IS HEREBY ORDERED that the foregoing hearing schedule and pre-filed testimony requirements be hereby approved.

IT IS SO ORDERED this _____ day of June, 2007.

DAVID R. TUTHILL, JR.
Director

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June, 2007, I caused to be served a true and correct copy of the foregoing **Stipulated Motion for Hearing Schedule / Resolution of IGWA and Pocatello Motion Regarding Pre-filed Testimony and Exhibits and Proposed Order** by email and or facsimile to:



Sarah Klahn, White & Jankowski, LLP

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