

RECEIVED

NOV 15 2005

Department of Water Resources

Jeffrey C. Fereday (Idaho State Bar # 2719)  
Michael C. Creamer (Idaho State Bar # 4030)  
John M. Marshall (Idaho State Bar # 5628)  
Brad V. Sneed (Idaho State Bar # 6254)  
GIVENS PURSLEY LLP  
601 Bannock Street, Suite 200  
P.O. Box 2720  
Boise, ID 83701-2720  
Telephone: (208) 388-1200  
Facsimile: (208) 388-1300  
*Attorneys for Idaho Ground Water Appropriators, Inc.*

**BEFORE 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

**IGWA'S REQUEST FOR ISSUANCE OF  
AMENDED SCHEDULING ORDER AND  
CLARIFICATION OF DEADLINES**

Idaho Ground Water Appropriators, Inc., through its counsel, Givens Pursley LLP, and on behalf of its ground water district members, Aberdeen-American Falls Ground Water District, Magic Valley Ground Water District, Bingham Ground Water District, North Snake Ground Water District, Bonneville-Jefferson Ground Water District, Southwest Irrigation District, and Madison Ground Water District (the "Ground Water Districts" or "IGWA"), hereby requests the Director of the Idaho Department of Water Resources ("Director") issue a revised scheduling order in this matter resetting and clarifying the deadlines for discovery and pre-hearing motions in this matter.

On July 22, 2005 the Director issued the *Scheduling Order* setting forth discovery and motion deadlines for the hearing in this matter. On September 1, 2005 the Director issued the *Order Amending Scheduling Order of July 22, 2005* (“*Amended Scheduling Order*”). On October 17, 2005 the Director issued the *Order Extending Time for Filing Expert Reports and for Hearing* (“*Order Extending Time*”). The *Order Extending Time* states that “the Director will issue a Second Amended Scheduling Order in the near future.” The second amended scheduling order referenced in *Order Extending Time* has yet to be issued and deadlines currently in effect are fast approaching.

IGWA proposes the following schedule be set for this matter. This schedule has been calculated consistent with the *Scheduling Order*, *Amended Scheduling Order* and the new dates for hearing and expert witness reports set forth in the *Order Extending Time*.

<b>DEADLINE</b>	<b>DATE</b>
Last Day to Serve Discovery Requests & Motions to Compel	December 23, 2005
Expert Witness Reports	December 30, 2005
Dispositive Motions	January 5, 2006
Last Day for Discovery and Responses to Discovery	January 9, 2006
Rebuttal Expert Witness Reports	January 13, 2006
Response to Dispositive Motions	January 19, 2006
Exhibit Disclosure	January 23, 2006
Replies to Responses to Dispositive Motions	February 2, 2006
Proposed Orders Governing Procedures at Hearing	February 7, 2006
Pre-hearing Conference	February 13, 2006
Written Opening Argument and Trial Brief	February 20, 2006
Hearing	March 6, 2006

IGWA respectfully requests the Director issue an amended scheduling order at the earliest possible time.

DATED this 15<sup>th</sup> day of November 2005.

GIVENS PURSLEY LLP

A handwritten signature in black ink, appearing to read "Michael C. Creamer", written over a horizontal line.

Jeffrey C. Fereday

Michael C. Creamer

John M. Marshall

Brad V. Sneed

*Attorneys for Idaho Ground Water Appropriators, Inc.*

## CERTIFICATE OF SERVICE

I hereby certify that on this 15<sup>th</sup> day of November 2005, 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. Karl J. Dreher	<input type="checkbox"/>	U.S. Mail
Director	<input type="checkbox"/>	Facsimile
Idaho Department of Water Resources	<input type="checkbox"/>	Overnight Mail
322 East Front Street	<input checked="" type="checkbox"/>	Hand Delivery
P.O. Box 83720	<input type="checkbox"/>	E-mail
Boise, ID 83720-0098		

C. Tom Arkoosh, Esq.	<input checked="" type="checkbox"/>	U.S. Mail
Arkoosh Law Offices, Chtd.	<input type="checkbox"/>	Facsimile
301 Main Street	<input type="checkbox"/>	Overnight Mail
P.O. Box 32	<input type="checkbox"/>	Hand Delivery
Gooding, ID 83330	<input type="checkbox"/>	E-mail

W. Kent Fletcher, Esq.	<input checked="" type="checkbox"/>	U.S. Mail
Fletcher Law Office	<input type="checkbox"/>	Facsimile
P.O. Box 248	<input type="checkbox"/>	Overnight Mail
Burley, ID 83318-0248	<input type="checkbox"/>	Hand Delivery
	<input type="checkbox"/>	E-mail

Roger D. Ling, Esq.	<input checked="" type="checkbox"/>	U.S. Mail
Ling, Robinson & Walker	<input type="checkbox"/>	Facsimile
615 H St.	<input type="checkbox"/>	Overnight Mail
P.O. Box 396	<input type="checkbox"/>	Hand Delivery
Rupert, ID 83350-0396	<input type="checkbox"/>	E-mail

John A. Rosholt, Esq.	<input checked="" type="checkbox"/>	U.S. Mail
John K. Simpson, Esq.	<input type="checkbox"/>	Facsimile
Travis L. Thompson, Esq.	<input type="checkbox"/>	Overnight Mail
Barker, Rosholt & Simpson	<input type="checkbox"/>	Hand Delivery
113 Main Avenue West, Ste. 303	<input type="checkbox"/>	E-mail
Twin Falls, ID 83301-6167		

Kathleen Marion Carr, Esq.	<input checked="" type="checkbox"/>	U.S. Mail
Office of the Field Solicitor	<input type="checkbox"/>	Facsimile
U.S. Department of the Interior	<input type="checkbox"/>	Overnight Mail
960 Broadway Street, Ste. 400	<input type="checkbox"/>	Hand Delivery
Boise, ID 83706	<input type="checkbox"/>	E-mail

Matt J. Howard, Esq. U.S. Bureau of Reclamation Pacific Northwest Region 1150 N. Curtis Road Boise, ID 83706-1234	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
Scott L. Campbell, Esq. Moffatt Thomas Barrett Rock & Fields, Chtd. 101 S. Capitol Blvd., 10th Floor P.O. Box 829 Boise, ID 83701-0829	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
Michael S. Gilmore, Esq. Deputy Attorney General Civil Litigation Division Office of the Attorney General P.O. Box 83720 Boise, ID 83720-0010	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
Josephine P. Beeman, Esq. Beeman & Associates PC 409 West Jefferson Boise, ID 83702-6049	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
Sarah A. Klahn, Esq. William A. Hillhouse, II, Esq. Amy W. Beatie, Esq. White & Jankowski, LLP 511 16th Street, Suite 500 Denver, CO 80202	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
Terry T. Uhling, Esq. J.R. Simplot Company 999 Main Street P.O. Box 27 Boise, ID 83707	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
James C. Tucker, Esq. Idaho Power Company 1221 West Idaho P.O. Box 70 Boise, ID 83707	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail

James S. Lochhead, Esq.  
Adam T. DeVoe, Esq.  
Brownstein, Hyatt & Farber P.C.  
410 17th Street, 22nd Floor  
Denver, CO 80202

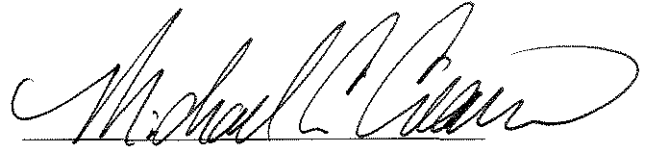
U.S. Mail  
 Facsimile  
 Overnight Mail  
 Hand Delivery  
 E-mail

Mr. Ron Carlson  
Mr. Lewis Rounds  
Idaho Department of Water Resources  
Eastern Regional Office  
900 North Skyline Dr.  
Idaho Falls, ID 83402-6105

U.S. Mail  
 Facsimile  
 Overnight Mail  
 Hand Delivery  
 E-mail

Mr. Allen Merritt  
Ms. Cindy Yenter  
Idaho Department of Water Resources  
Southern Regional Office  
1341 Fillmore St., Ste. 200  
Twin Falls, ID 83301-3033

U.S. Mail  
 Facsimile  
 Overnight Mail  
 Hand Delivery  
 E-mail



Jeffrey C. Fereday  
Michael C. Creamer  
John M. Marshall  
Brad V. Sneed