

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

IN THE MATTER OF THE PETITION FOR )  
DELIVERY CALL OF A&B IRRIGATION )  
DISTRICT FOR THE DELIVERY OF GROUND ) **ORDER AMENDING**  
WATER AND FOR THE CREATION OF A ) **HEARING SCHEDULE**  
GROUND WATER MANAGEMENT AREA )  
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On October 19, 2007, the Director of the Department of Water Resources (“Director” or “Department”) issued a *Notice of Motion to Proceed filed by A&B Irrigation District; and Order Lifting Stay, Setting Hearing Schedule, and Appointing Hearing Officer* (“Scheduling Order”). The Scheduling Order appointed Gerald F. Schroeder as hearing officer and established pre-hearing deadlines, as well as a hearing date of March 18, 2008. The Scheduling Order provided: “The pre-hearing schedule, subject to any subsequent modification, shall govern unless the parties agree upon an acceptable alternate date for commencement of the hearing.” *Scheduling Order* at 2.

A *Stipulation and Joint Motion to Amend Pre-Hearing Schedule* was filed by the A&B Irrigation District (“A&B”) and the Idaho Power Company to adjust various pre-hearing dates, but keep the established hearing date of March 18, 2008. On November 30, 2007, the Idaho Ground Water Appropriators, Inc. (“IGWA”) and the City of Pocatello (“City”) filed a *Joint Response to Stipulated Motion to Amend Schedule* (“Joint Response”), which sought to either stay the matter in its entirety until the hearing officer issued his orders in the consolidated delivery calls by Blue Lakes Trout Farm and Clear Springs Foods, and the delivery call filed by the Surface Water Coalition. In the alternative, the Joint Response sought to amend the Scheduling Order. A hearing on the Joint Response was requested and noticed for December 20, 2007.

Attorneys for numerous parties appeared at the December 20, 2007 hearing in-person and by conference call. After the opportunity for argument and response, it was agreed that the Scheduling Order would be amended as follows:

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|-------------------|---|
| January 30, 2008  | Deadline to file petitions to challenge the Director’s January 15, 2008 order regarding material injury to A&B;   |
| February 28, 2008 | 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; |

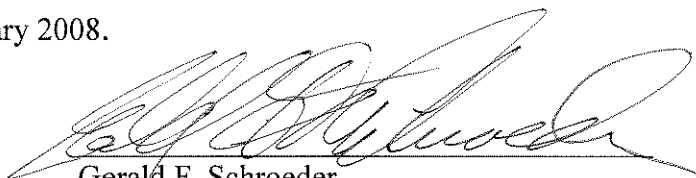
March 15, 2008	Deadline to disclose names, addresses, title and position, if any, and substance of testimony of lay witnesses, and all exhibits to be used at hearing with lay witnesses;
March 28, 2008	Deadline for rebuttal reports; deadline for pre-filed rebuttal testimony and all exhibits to be used in rebuttal;
April 15, 2008	Deadline for motions for summary judgment;
April 30, 2008	Discovery completed deadline;
May 5, 2008	Written opening brief/trial brief (if desired);
May 6, 2008	Pre-hearing conference and hearing on pre-hearing motions; and
May 13 to June 3, 2008	Hearing.

Interrogatories shall not be authorized without a written request from the parties and subsequent order from the hearing officer approving their use. IDAPA 37.01.01.521.

### **ORDER**

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the previously established hearing schedule is amended and shall be as set forth above.

Dated this 8 day of January 2008.

  
Gerald F. Schroeder  
Hearing Officer

## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the following described document on the persons listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on the 8<sup>th</sup> day of January 2008.

Roger D. Ling PO Box 396 Rupert, Idaho 83350	John K. Simpson Travis L. Thompson Barker Rosholt & Simpson 113 Main Avenue West, Suite 303 P.O. Box 485 Twin Falls, ID 83303-0485
Gerald F. Schroeder Hearing Officer 3216 N. Mountain View Dr. Boise, ID 83704	City of Firth Box 37 Firth, Idaho 83236
B.J. Driscoll McGrath Meacham & Smith PLLC 414 Shoup PO Box 50731 Idaho Falls ID 83405	Michael Patterson, President Desert Ridge Farms, Inc. PO Box 185 Paul ID 83347
Randall C. Budge Racine Olson Nye Budge & Bailey PO Box 1391 201 E Center Street Pocatello ID 83204-1391	Candice M. McHugh Racine Olson Nye Budge & Bailey 101 S Capitol Suite 208 Boise ID 83702
Todd Lowder 2607 W 1200 S Sterling ID 83210	Neil and Julie Morgan 762 West Hwy 39 Blackfoot ID 83221
Charlene Patterson, President Patterson Farms of Idaho 277 N 725 Lane W Paul ID 83347	William A. Parsons Parsons Smith & Stone, LLP 137 West 13 <sup>th</sup> Street PO Box 910 Burley ID 83318
A. Dean Tranmer City of Pocatello Box 4169 Pocatello ID 83201	Sarah A. Klahn White & Jankowski LLP 511 Sixteenth Street Suite 500 Denver CO 80202
Winding Brook Corporation C/o Charles W. Bryan Jr. UBS Agrivest LLC PO Box 53 Nampa ID 83653	James C. Tucker Idaho Power Company 1221 West Idaho Street Boise, ID 83702-5627
James S. Lochhead Michael A. Gheleta Brownstein Hyatt Farber Schreck P.C. 410 Seventeenth Street Suite 2200 Denver, CO 80202	City of Castleford PO Box 626 300 Main Castleford, ID 83321
F. Randall Kline PO Box 397 427 North Main St Pocatello, ID 83204	Lary S. Larson Hopkins Roden Crockett Hansen & Hoopes PLLC PO Box 51219 Idaho Falls, ID 83405-1219

Josephine P. Beeman Beeman & Associates P.C. 409 West Jefferson Street Boise, ID 83702	City of Basalt PO Box 178 Basalt, Idaho 83218
M. Jay Meyers Meyers Law Office PLLC 300 North Seventh Avenue PO Box 4747 Pocatello ID 83205	John J. Hockberger Jr. Kathleen Marion Carr Office of the Field Solicitor U.S. Department of the Interior 960 Broadway Avenue, Suite 400 Boise, ID 83706
LaDell and Sherry R. Anderson 304 N 500 W Paul ID 83347	Denise Glore, Attorney Office of Chief Counsel U.S. Department of Energy 1955 Fremont Avenue MS 1209 Idaho Falls ID 83415-1510
Mary Ann Plant 480 N 150 W Blackfoot, ID 83221	O.E. Feld & Berneta Feld 1470 S 2750 W Aberdeen, ID 83210
Jeff Feld 719 Bitterroot Drive Pocatello ID 83201	Eugene Hruza PO Box 66 Minidoka ID 83343
Jerry Rigby Rigby Andrus and Moeller 25 North Second East Rexburg, ID 83440	Robert E. Williams Fredericksen Williams Meservy & Lothspeich LLP 153 East Main Street PO Box 168 Jerome ID 83338
Gregory P. Meacham McGrath Meacham & Smith PLLC 414 Shoup Idaho Falls ID 83405	Fred & Phyllis Stewart 300 Sugar Leo Road St. George, UT 84790
Richard J. Kimmel 867N 800E Shelley, ID 83274	Steve L. Stephens City of Arco 260 Grand Avenue PO Box 736 Arco, ID 83213

*Karen Wood*

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 Karen Wood  
 Administrative Assistant  
 Idaho Department of Water Resources