

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

IN THE MATTER OF DISTRIBUTION OF WATER)
 TO WATER RIGHTS NOS. 36-02356A, 36-07210,)
 AND 36-07427)
(Blue Lakes Delivery Call))

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

IN THE MATTER OF DISTRIBUTION OF WATER)
 TO WATER RIGHTS NOS. 36-04013A, 36-04013B,)
 AND 36-07148)
(Clear Springs, Snake River Farm Delivery Call))

On July 5, 2007, the Director of the Department of Water Resources (“Director” or “Department”) issued separate orders in the above-entitled matters setting a combined hearing and prehearing schedule providing for a joint hearing to commence on October 10, 2007.

On July 26, 2007, the Idaho Ground Water Appropriators, Inc. (“IGWA”), Blue Lakes Trout Farm, Inc. (“Blue Lakes”), and Clear Springs Foods, Inc. (“Clear Springs”), three of the five parties to the two matters, filed with the Department a *Stipulation and Joint Motion for Rescheduled Hearing and Order* (“Stipulation”). The Idaho Dairymen’s Association (“IDA”) and the State Agency Ground Water Users (“SAGWU”), the other two parties to the proceedings, did not sign the Stipulation.

On August 1, 2007, IDA filed *Idaho Dairymen’s Association Response to Stipulation and Joint Motion for Rescheduled Hearing and Order* (“IDA Response”). The IDA Response states, “IDA joins in paragraphs 3 and 4 of the Stipulation, and takes no position with respect to the balance of the Stipulation concerning the proposed amended hearing schedule.”

On August 1, 2007, SAGWU filed *State Agency Ground Water Users’ Joinder in Stipulation and Motion for Rescheduled Hearing and Order* (“SAGWU Response”). The SAGWU Response joins in the Stipulation.

The Stipulation entered into between IGWA, Blue Lakes, and Clear Springs provides as follows:

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

September 12, 2007	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;
October 10, 2007	Deadline for rebuttal reports; deadline for pre-filed rebuttal testimony and all exhibits to be used in rebuttal;
October 17, 2007	Deadline to 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, if desired);
November 1, 2007	Deposition deadline / discovery completed deadline;
November 15, 2007	Written opening brief / trial brief (if desired);
November 16, 2007	Prehearing conference and hearing on prehearing motions; and
November 28 to December 18, 2007	Hearing.

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 prehearing 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.


ORDER

Based upon the *Stipulation and Joint Motion for Rescheduled Hearing and Order* filed by IGWA, Blue Lakes, and Clear Springs, and the responses thereto filed by IDA and SAGWU, and good cause appearing therefor,

IT IS HEREBY ORDERED that all provisions of the foregoing Stipulation, including the revised hearing schedule and prehearing requirements, be and are hereby approved and shall bind the parties in accordance with their respective agreement to the same.

IT IS FURTHER ORDERED that any petition for intervention by additional persons or entities to become a party to these proceeding shall be considered only if they accept the designated hearing officer and the existing hearing and prehearing schedule.

Dated this 1st day of August, 2007.



DAVID R. TUTHILL, JR.
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of August 2007, the above and foregoing, was served by the method indicated below, and addressed to the following:

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