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September 20, 2007

Honorable Gerald F. Schroeder
3216 Mountain View Drive
Boise, Idaho 83704

E-Mail: fcjschroeder@gmail.com

Re: *Status Conference - October 1, 2007 at 11:00 a.m.*
IDWR: SWC Delivery Calls Proceedings

Dear Judge Schroeder:

This will respond to your Notice of Status Conference dated September 19, 2007, which indicated that any party desiring to have specific items addressed at the status conference should identify them in a letter sent to the Hearing Officer and copied to the parties of record based upon which an agenda will be developed. The following are items that IGWA requests be included in the agenda:

1. IDWR Witness Identification. IGWA requests that IDWR disclose current and former employees who participated in preparing the Department's substantive orders in this matter and who could be available to appear as witnesses at the hearing. Any IDWR witnesses unavailable to testify at the hearing should be disclosed and arrangements discussed for presenting their testimony by deposition.

2. Findings of Fact/Conclusions of Law. The parties should identify those findings of fact and conclusions of law in all prior Director's Orders which they intend to challenge and support.

3. IDWR Record. We desire a commitment by IDWR that a complete and accurate record of all information relied upon in support of the subject Orders of the Director has been produced. IDWR has provided a partial agency record that contains those documents relating to the

Amended Order of May 2, 2005, but IDWR should provide the parties with a timely supplemental response to that record. The record should contain sufficient identification and Bates numbering adequately identifying each document and to allow the parties to determine which order or orders the document relates to.

4. Order Clarification. We desire to clarify and confirm that all previous Orders of the Director in the record are considered relevant, but should not have a presumption of validity.

5. Hearing Schedule. The order of presentation of witnesses by the Department and the parties should be determined to provide guidance in preparing for the hearing and scheduling witnesses. It also should be clarified and confirmed that the purpose of the hearing and scope of the testimony would be limited to the cross-examination of expert witnesses on their pre-filed direct and rebuttal testimony and exhibits, the cross-examination of lay witnesses who filed pre-filed testimony and exhibits, and direct testimony and cross-examination of lay witnesses who did not pre-file testimony. Accordingly, it is anticipated that all witnesses presenting pre-filed testimony would be called, sworn in, identify their pre-filed testimony and exhibits, provide any corrections, then tendered for cross-examination without additional new live testimony or live summaries of pre-filed testimony. Of course, the purpose of this is to establish a complete record, avoid redundancy and a lengthy hearing.

6. Deposition Scheduling. The parties have been collaborating for the purpose of scheduling multiple depositions. The dates, times, places, payment of costs, formal notices of taking depositions duces tecum, and related matters need to be discussed, coordinated and established.

7. Spring Users Case. Most of the same issues will be discussed at the status conference on the spring users delivery call case set for the same day, October 1, 2007, at 10:00 a.m. Since most of the parties are involved in both cases, efficiency and judicial economy may permit both matters to be conducted simultaneously.

Respectfully submitted,



RANDALL C. BUDGE

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cc: Service List (E-mail)