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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA, ) Case No. 1:22-cv-00236-DCN  
)  
Plaintiff, )  
) **JOINT DISCOVERY PLAN**  
v. )  
)  
STATE OF IDAHO; IDAHO )  
DEPARTMENT OF WATER RESOURCES, )  
an agency of the State of Idaho; and GARY )  
SPACKMAN, in his official capacity as )  
Director of the Idaho Department of Water )  
Resources, )  
)  
Defendants. )  
\_\_\_\_\_ )

Plaintiff and Defendants (collectively, “Parties”), have conferred as required by Fed. R. Civ. P. 26(f) and Dist. Idaho Loc. Civ. R.16.1(a) and agree that this case can likely be resolved on cross motions for summary judgment, with no need for discovery unless motions practice indicates otherwise. Simultaneous with this filing, the Parties are filing a Joint Litigation Plan in which they advise the Court that this case can be handled on a “Legal Track,” with no need, at least initially, for discovery, including no need for initial disclosures under Fed. R. Civ. P. 26(a)(1). The Parties have proposed in the Joint Litigation Plan a summary judgment briefing schedule which they believe at this time is likely to resolve this case in whole or part without completing any discovery. The Parties recognize that discovery may become advisable or necessary, either in response to a summary judgment filing or as a result of the Court’s ruling on the summary judgment motions and reserve the ability to seek discovery under Fed. R. Civ. P. 56(d) or otherwise, as future events may dictate. The Parties represent, though, that they believe no discovery is needed at this time and request that the Court accept the summary judgment briefing schedule and page limitations agreed to in the Litigation Plan without authorizing any preceding discovery. Accordingly, the Parties propose no discovery deadlines at this time and agree that, if the Parties’ Litigation Plan is accepted by the Court, no discovery will be conducted, and there will be no exchange of initial disclosures under Fed. R. Civ. P. 26(a)(1), except upon future motion and Court order.

Respectively submitted, this 30th day of August, 2022.

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*/s/ David L. Negri* \_\_\_\_\_  
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*email approval to file 08/29/22*  
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