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

UNITED STATES OF AMERICA,

Plaintiffs,

v.

STATE OF IDAHO; The IDAHO DEPARTMENT OF WATER RESOURCES, an agency of the State of Idaho, and GARY SPACKMAN, in his official capacity as the Director of the Idaho Department of Water Resources,

Defendants,

v.

IDAHO HOUSE OF REPRESENTATIVES; MIKE MOYLE, in his official capacity as Majority Leader of the House; IDAHO SENATE; and CHUCK WINDER, in his official capacity as President Pro Tempore of the Senate,

Intervenor-Defendants.

Case No. 1:22-cv-00236-DCN

**AMENDED JOINT DISCOVERY  
PLAN**

Plaintiff, Defendants, and Intervenor-Defendants (collectively, “Parties”) have conferred as required by Fed. R. Civ. P. 26(f), Dist. Idaho Loc. Civ. R. 16.1(a), and this Court’s order of September 2, 2022 (Dkt. 23) and agree this case can likely be resolved on cross motions for summary judgment, with no need for discovery unless motions practice indicates otherwise.<sup>1</sup> Simultaneous with this filing, the Parties are filing a Joint Litigation Plan in which they advise the Court that this case can be handled in 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.

Respectfully submitted, this 14<sup>th</sup> day of September, 2022.

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<sup>1</sup> The Parties have also conferred with counsel for Joyce Livestock Co., LU Ranching Co., Pickett Ranch & Sheep Co., and the Idaho Farm Bureau (“Ranchers”), who have a pending motion to intervene. Dkt. 25. Counsel for the Ranchers has stated that if the motion is granted, the Ranchers will agree to this Amended Joint Discovery Plan.

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By: email approval to file 09/14/2022

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