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DEPARTMENT OF
WATER RESOURCES

District Court - SRBA
Fifth Judicial District
In Re: Administrative Appeals
County of Twin Falls - State of Idaho

JUL 18 2014

By _____
Clerk
Deputy Clerk: _____

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

ABERDEEN-SPRINGFIELD CANAL) Case No: CV-2014-165
COMPANY, an Idaho Corporation,)
JEFFREY and CHANA DUFFIN,) **ORDER FOR SCHEDULING**
individually, as stockholders, and as) **CONFERENCE**
husband and wife,)
)
Plaintiffs,)
)
vs.)
)
IDAHO DEPARTMENT OF WATER)
RESOURCES, an executive department)
of the State of Idaho)
)
Defendant,)
)
and)
)
A&B IRRIGATION DISTRICT,)
AMERICAN FALLS RESERVOIR)
DISTRICT #2, BURLEY IRRIGATION)
DISTRICT, MILNER IRRIGATION)
DISTRICT, MINIDOKA IRRIGATION)
DISTRICT, NORTH SIDE CANAL)
COMPANY and TWIN FALLS CANAL)
COMPANY,)
)
Defendant-Intervenors.)
)
)
_____)

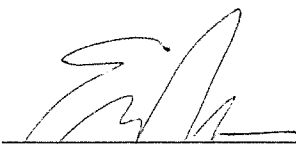
PURSUANT TO I.R.C.P. 16(b) IT IS HEREBY ORDERED that the above-captioned case is scheduled for a scheduling conference to commence **August 7, 2014 at 2:00 p.m.** at the Snake River Basin Adjudication District Court, 253 – 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. Video teleconferencing (“VTC”) will also be available by appearing at the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho.

The purpose of the conference will be to enter a scheduling order regarding the deadlines contained in the attached schedule. Counsel must be the handling attorney, or be fully familiar with the case, and have authority to bind his/her client and law firm on all matters set forth in I.R.C.P. 16(a) and 16(b).

In lieu of this scheduling conference, all parties may stipulate to deadlines and other information required in the enclosed **Stipulation for Scheduling and Planning**. This stipulation must be completed as written and not modified in any way. It must be signed by all parties, and filed with the court **at least (3) days before** the scheduling conference. The hearing will not be vacated until: (1) the attached stipulation is received by the court; and (2) counsel contact the court at the number set forth below.

IT IS SO ORDERED.

Dated July 18, 2014



ERIC J. WILDMAN
District Judge

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

ABERDEEN-SPRINGFIELD CANAL) Case No: CV-2014-165
COMPANY, an Idaho Corporation,)
JEFFREY and CHANA DUFFIN,) **STIPULATION FOR SCHEDULING**
individually, as stockholders, and as) **AND PLANNING**
husband and wife,)
)
Plaintiffs,)
)
vs.)
)
IDAHO DEPARTMENT OF WATER)
RESOURCES, an executive department)
of the State of Idaho)
)
Defendant,)
)
and)
)
A&B IRRIGATION DISTRICT,)
AMERICAN FALLS RESERVOIR)
DISTRICT #2, BURLEY IRRIGATION)
DISTRICT, MILNER IRRIGATION)
DISTRICT, MINIDOKA IRRIGATION)
DISTRICT, NORTH SIDE CANAL)
COMPANY and TWIN FALLS CANAL)
COMPANY,)
)
Defendant-Intervenors.)
)
_____)

The above parties hereby stipulate to the following scheduling deadlines:

A. EXPERT WITNESSES

(Plaintiff's experts)

1. _____ days before trial, plaintiff shall disclose each person plaintiff intends to call as an expert witness at trial and state the subject matter on which the witness is expected to testify.
2. _____ days before trial, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.
3. _____ days before trial, defendant shall complete any depositions of the plaintiff's initial expert witnesses.

(Defendant's experts)

4. _____ days before trial, defendant shall disclose each person defendant intends to call as an expert witness at trial and state the subject matter on which the witness is expected to testify.
5. _____ days before trial, defendant shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.
6. _____ days before trial, plaintiff shall complete any depositions of the defendant's expert witnesses.

(Plaintiff's rebuttal experts)

7. _____ days before trial, plaintiff shall disclose each person plaintiff intends to call as an expert witness at trial to rebut new information on issues disclosed or raised by the defendant.
8. _____ days before trial, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding the rebuttal expert witnesses.
9. _____ days before trial, defendant shall complete any depositions of the plaintiff's rebuttal expert witnesses.

B. LAY WITNESSES

1. _____ days before trial, plaintiff shall disclose each person plaintiff intends to call as a lay witness at trial (excluding impeachment witnesses).

2. _____ days before trial, defendant shall disclose each person defendant intends to call as a lay witness at trial, (excluding impeachment witnesses).

3. _____ days before trial, plaintiff shall disclose each lay witness (excluding impeachment witnesses) plaintiff intends to call at trial to rebut new information or issues disclosed or raised by the defendant.

4. _____ days before trial, all parties shall complete any depositions of lay witnesses.

C. DEADLINES FOR INITIATING DISCOVERY

1. _____ days before trial is the last day for serving interrogatories, requests for production, requests to permit entry upon land or other property, and requests for admission.

2. _____ days before trial is the last day for filing motions for a physical or mental examination.

D. DEADLINE FOR SUPPLEMENTAL RESPONSES TO DISCOVERY

1. _____ days before trial, all parties must serve any supplemental response to discovery required by Rule 26(e) of the Idaho Rules of Civil Procedures.

E. STIPULATION TO ALTER DISCOVERY DEADLINES

1. The parties may alter any discovery deadline by written agreement without the necessity of obtaining a court order.

F. PRETRIAL MOTIONS

1. _____ days before trial is the last day to file motions to add additional parties to the lawsuit.

2. _____ days before trial is the last day to file a motion to amend the claims between existing parties to the lawsuit, including to add a claim for punitive damages.

3. All other non-dispositive pre-trial motions (including, but not limited to motions *in limine*) must be filed and scheduled for hearing not less than fourteen (14) days before trial. Exceptions will be granted infrequently, and only when justice so requires.

G. MOTIONS FOR SUMMARY JUDGMENT

1. All motions for summary judgment must be filed at least **ninety-six (96) days** before trial.

2. No hearing on any summary judgment will be permitted in the **sixty (60) day** period prior to trial.

H. TRIAL SETTING

1. This case can be set for a trial to commence on or after _____. **Note that, absent extremely compelling circumstances, no case will be set for trial more than 510 days from the date of filing the complaint.**

2. It is estimated that the trial will take _____ days.

3. This case is to be tried as a:

court trial

jury trial

4. Parties preference for trial dates: **(Please confer and complete. Do not attach “unavailable dates”).**

(a) _____, 20__.

(b) _____, 20__.

(c) _____, 20__.

5. **The parties will submit a pretrial conference memorandum pursuant to I.R.C.P. 16(d), which shall be filed with the Clerk no later than seven (7) days before the pre-trial conference. The memorandum may be filed as a joint submission or separately.**

I. MEDIATION

1. The parties agree to mediation: Yes _____ No _____

2. If yes:

a. The parties agree to submit to mediation with a mediator mutually agreed upon.

b. Mediation shall be _____ days prior to trial.

c. Unless otherwise agreed in writing between the parties, the cost of mediation shall be equally divided between the parties.

The parties reserve the right to amend this stipulation by agreement of all parties, subject to court approval; each party reserves the right to seek amendment hereof by court order, and to request further status conferences for such purpose, in accordance with I.R.C.P. 16(a) and 16(b).

Appearances:

Counsel for Plaintiff(s):

_____ Date _____

Counsel for Defendant(s)

_____ Date _____

Counsel for Defendant- Intervenors

_____ Date _____

_____ Date _____

_____ Date _____

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER FOR SCHEDULING CONFERENCE was mailed on July 18, 2014, with sufficient first-class postage to the following:

MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY
Represented by:
BARKER ROSHOLT & SIMPSON LLP
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

IDAHO DEPARTMENT OF WATER
Represented by:
GARRICK L BAXTER
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO - IDWR
PO BOX 83720
BOISE, ID 83720-0098
Phone: 208-287-4800

IDAHO DEPARTMENT OF WATER
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DEPUTY ATTORNEY GENERAL
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PO BOX 83720
BOISE, ID 83720-0098
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IDAHO DEPARTMENT OF WATER
Represented by:
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ABERDEEN-SPRINGFIELD CANAL
JEFFREY & CHANA DUFFIN
Represented by:
RANDALL C BUDGE
201 E CENTER ST STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
Represented by:
TRAVIS L THOMPSON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

ABERDEEN-SPRINGFIELD CANAL
JEFFREY & CHANA DUFFIN
Represented by:
VOLYN, CAROL TIPPI
RACINE OLSON NYE BUDGE &
BAILEY CHARTERED
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

AMERICAN FALLS RESERVOIR
MINIDOKA IRRIGATION DISTRICT
Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318-0248
Phone: 208-678-3250

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

