

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

ABERDEEN-SPRINGFIELD CANAL
COMPANY, and Idaho Corporation,
JEFFREY and CHANA DUFFIN,
individually, as stockholders, and as 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.

Case No. CV-2014-165

**STIPULATION FOR SCHEDULING
AND PLANNING**

The above parties hereby stipulate to the following scheduling deadlines:

A. EXPERT WITNESSES

(Plaintiff's experts)

1. 187 days before trial or no later than December 10, 2014, 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. 187 days before trial or no later than December 10, 2014, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.

3. 106 days before trial or no later than March 2, 2015, defendant shall complete any depositions of the plaintiff's initial expert witnesses.

(Defendant's experts)

4. 152 days before trial or no later than January 14, 2015, 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. 152 days before trial or no later than January 14, 2015, defendant shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.

6. 106 days before trial or no later than March 2, 2015, plaintiff shall complete any depositions of the defendant's expert witnesses.

7. 131 days before trial or no later than February 4, 2015, 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. 131 days before trial or no later than February 4, 2015, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding the rebuttal expert witnesses.

9. 106 days before trial or no later than March 2, 2015, defendant shall complete any depositions of the plaintiff's rebuttal expert witnesses.

B. LAY WITNESSES

1. 187 days before trial or no later than December 10, 2014, plaintiff shall disclose each person plaintiff intends to call as a lay witness at trial (excluding impeachment witnesses).

2. 152 days before trial or no later than January 14, 2015, defendant shall disclose each person defendant intends to call as a lay witness at trial, (excluding impeachment witnesses).

3. 131 days before trial or no later than February 4, 2015, 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. 106 days before trial or no later than March 2, 2015, all parties shall complete any depositions of lay witnesses.

C. DEADLINES FOR INITIATING DISCOVERY

1. 135 days before trial or February 1, 2015 is the last day for serving interrogatories, requests for production, requests to permit entry upon land other property, and requests for admission.

2. 135 days before trial or February 1, 2015 is the last day for filing motions for a physical or mental examination.

D. DEADLINE FOR SUPPLEMENTAL RESPONSES TO DISCOVERY

1. 106 days before trial or no later than March 2, 2015, 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. 131 days before trial or February 4, 2015 is the last day to file motions to add additional parties to the lawsuit.

2. 131 days before trial or February 4, 2015 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 June 15, 2015. **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 3 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 attached “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 x No ____

2. If yes:

- a. The parties agree to submit to mediation with a mediator mutually agreed upon.
- b. Mediation shall be 90 days prior to trial.
- c. Unless otherwise agreed in writing between the parties, the cost of mediation shall be equally divided between the parties.

J. EXECUTION BY COUNTERPARTS

Unless the Court requires otherwise, this Stipulation may be executed in one or more counterparts and each counterpart will have the same force and effect as an original document and as if all the Stipulating Parties had signed the same document.

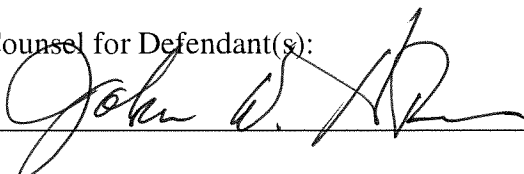
The parties reserve the right to amend this stipulation by agreement of all parties, subject to court approval; each party reserves the right to seek amendment hereof by court order, and to request further status conferences for such purpose, in accordance with I.R.C.P. 16(a) and (b).

Appearances:

Counsel for Plaintiff(s):

_____ Date _____

Counsel for Defendant(s):

 _____ Date 8-12-14

Counsel for Defendant-Intervenors

_____ Date _____

_____ Date _____

_____ Date _____

J. EXECUTION BY COUNTERPARTS

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Appearances:

Counsel for Plaintiff(s):

Russell C. Budge Date 8/12/14

Counsel for Defendant(s):

_____ Date _____

Counsel for Defendant-Intervenors

_____ Date _____

_____ Date _____

_____ Date _____

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Appearances:

Counsel for Plaintiff(s):

_____ Date _____

Counsel for Defendant(s):

_____ Date _____

Counsel for Defendant-Intervenors

W. August Filth

[Signature]

Date August 11, 2014

Date 8/11/14

Date _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of August 2014, I caused a true and correct copy of the foregoing document to be filed with the Court and served on the following parties by the indicated methods:

Original to:
Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707
Facsimile: (208) 736-2121

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

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Carol Tippi Volyn
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& BAILEY, CHARTERED
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- Hand Delivery
- Overnight Mail
- Facsimile
- Email

James Cefalo
Water Master
900 N. Skyline Dr., Ste. A
Idaho Falls, Idaho 83402
james.cefalo@idwr.idaho.gov

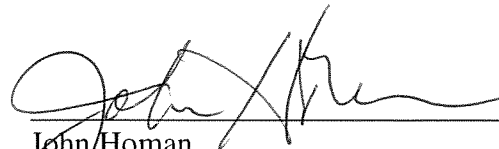
- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
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John Homan
Deputy Attorney General