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DEPARTMENT OF
WATER RESOURCES

FILED
Monday, December 22, 2014 at 11:24 AM
CHRISTOPHER D. RICH, CLERK OF THE COURT
By: *Jannine Hansen*
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

D L EVANS BANK,

Plaintiff,

vs.

BALLENTYNE DITCH COMPANY,
LIMITED,
THOMAS MECHAM RICKS,
GARY SPACKMAN,
IDAHO DEPARTMENT OF WATER
RESOURCES,
AARON RICKS,
SHAUN BOWMAN,
JOE KING,
STEVE SNEAD,

Defendant.

Case No. CV-OC-2013-17406

NOTICE OF TRIAL SETTING
AND ORDER GOVERNING
FURTHER PROCEEDINGS

This case is hereby set for a Court Trial to commence on **MONDAY, APRIL 27, 2015**
at 08:30 AM. The trial is scheduled for **3** days.

A status conference is hereby set for **WEDNESDAY, MARCH 4, 2015 at 2:30 p.m.**

A final pretrial conference is hereby set for **WEDNESDAY, MARCH 18, 2015 at 2:30 p.m.** All pretrial materials in I.R.C.P. 16 must be filed on or before the pretrial conference date. A copy of exhibit lists, witness lists, and requested jury instructions (jury trial) or proposed findings of fact and conclusions of law (court trial) shall be submitted no later than this hearing. It is sufficient for the parties to identify unmodified pattern jury instructions by number. Counsel will retain the exhibits until the day of trial and will not lodge actual exhibits with the clerk. All parties must be represented at the pretrial conference. Counsel must be the handling attorney, or be fully familiar with the case and have authority to bind the client and law firm to all matters within I.R.C.P. 16. If the parties agreed to mediation in their scheduling stipulation, the mediation must be completed and the report received by the court by this date.

IT IS HEREBY FURTHER ORDERED that the dates stipulated to by all counsel be so ordered.

IT IS HEREBY ORDERED:

A. TRIAL EXHIBITS

Before trial, each party shall call the Judge's clerk or secretary at 287-7564 to find out how to mark their exhibits and shall pre-mark all exhibits the party intends to offer into evidence using evidence stickers of the type used by the Clerk's Office.

B. DRAWING JURORS (if Jury Trial)

Jurors names for seating order will be randomly drawn by the computer before the date of trial. If counsel intend to observe this process, they must contact the court clerk.

C. VOIR DIRE

Voir dire of respective jurors by counsel will be limited to a total of 45 minutes per side, unless otherwise ordered by the Court.

D. TRIAL PROCEEDING

Trials scheduled for four days or more will be conducted from 9:00a.m. to 2:00 p.m., EXCEPT ON THE FIRST DAY OF TRIAL AND THE LAST DAY OF TRIAL, with two 15-minute breaks. Trials of three days or less will be conducted from 9:00a.m. to 5:00p.m.

Unless otherwise specified, no trial proceedings will take place on Thursdays because of the Court's criminal arraignment and civil motion calendars in Ada County. Trials over four days may have to recess for intervening matters set on the court's calendar in Elmore County.

E. DOUBLE-SETS

This case has been double-set with other cases. Because of statutory and constitutional speedy trial requirements, criminal cases will have preference over civil trials.

F. OBJECTIONS TO TRIAL DATE

ANY OBJECTION TO THE TRIAL DATE MUST BE FILED AND SERVED WITHIN FOURTEEN (14) DAYS AFTER THE DATE OF SERVICE OF THIS ORDER AND MUST BE ACCOMPANIED BY A LIST OF UNAVAILABLE DATES OF THE PARTY MAKING THE OBJECTION. IF THERE IS A TIMELY OBJECTION, THEN ALL OTHER PARTIES WILL HAVE SEVEN (7) DAYS AFTER THE SERVICE OF SUCH OBJECTION TO FILE WITH THE COURT THEIR UNAVAILABLE DATES TO

BE CONSIDERED IN ANY RESCHEDULING. FAILURE TO TIMELY OBJECT WILL WAIVE ANY OBJECTION TO THE TRIAL DATE.

G. Notice is hereby given, pursuant to Idaho Rule of Civil Procedure 40(d)(1)(G), that an **alternate Judge** may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

Hon. G. D. Carey	Justice Gerald Schroeder
Hon. Dennis Goff	Hon. Kathryn Sticklen
Hon. Renae Hoff	Hon. Linda Trout (mediations only, limited)
Hon. Daniel C. Hurlbutt, Jr.	Hon. Darla Williamson
Hon. James Judd	Hon. Ronald Wilper
Hon. D. Duff McKee	Hon. William Woodland
Hon. James Morfitt	All Sitting Fourth District Judges

Unless a party has previously exercised their right to **disqualification without cause** under Rule 40(d)(1), each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge not later than ten (10) days after service of this notice.

H. Counsel shall jointly file a brief **status report** between 120 days and 130 days before trial to confirm scheduled mediation, whether the case is proceeding, whether the case will be ready for trial at the time scheduled, or request a rule 16 status conference.

I. Any stipulation to vacate or continue the trial by the parties is not binding upon the court. A **hearing** must be properly noticed and held for the court to consider such stipulation.

DATED this 22nd day of December, 2014.



LYNN G. NORTON
District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 22nd day of December, 2014, I mailed (served) a true and correct copy of the within instrument to:

JASON R NAESS
ATTORNEY AT LAW
PO BOX 910
BURLEY ID 83318

By United States mail
 By telefacsimile
 By personal delivery
 By overnight mail/Federal Express

S BRYCE FARRIS
ATTORNEY AT LAW
PO BOX 7985
BOISE ID 83707

By United States mail
 By telefacsimile
 By personal delivery
 By overnight mail/Federal Express

CHRISTOPHER M BROMLEY
ATTORNEY AT LAW
380 S 4TH, STE. 103
BOISE ID 83702

By United States mail
 By telefacsimile
 By personal delivery
 By overnight mail/Federal Express

JOHN HOMAN
MEGAN CARTER
IDAHO DEPT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83720-0098

By United States mail
 By telefacsimile
 By personal delivery
 By overnight mail/Federal Express

CHRISTOPHER D. RICH
Clerk of the District Court

By: *Lanine Hansen*
Deputy Court Clerk