

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS**

CITY OF POCA TELLO,

Plaintiff,

vs.

IDAHO WATER RESOURCES BOARD, IDAHO  
DEPARTMENT OF WATER RESOURCES, GARY  
SPACKMAN, in his capacity as Director of the Idaho  
Department of Water Resources, and TONY  
OLENICHAK, in his capacity as Water District 01  
Watermaster,

Defendants,

and

CITY OF BLISS, CITY OF BURLEY, CITY OF CAREY,  
CITY OF DECLO, CITY OF DIETRICH, CITY OF  
GOODING, CITY OF HAZELTON, CITY OF  
HEYBURN, CITY OF JEROME, CITY OF PAUL, CITY  
OF RICHFIELD, CITY OF RUPERT, CITY OF  
SHOSHONE, and CITY OF WENDELL, BURLEY  
IRRIGATION DISTRICT, FREMONT-MADISON  
IRRIGATION DISTRICT, and IDAHO IRRIGATION  
DISTRICT,

Intervenors.

**Case No. CV42-23-1668**

**SCHEDULING ORDER**

On August 21, 2023, the Parties in the captioned matter filed a *Joint Motion to Enter Scheduling Order*. Having reviewed said *Joint Motion*, THE COURT HEREBY ORDERS the following scheduling deadlines:

**A. EXPERT WITNESSES**

**1. Plaintiff's Experts**

- a. 180 days before trial (April 4, 2024), 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.
- b. 180 days before trial (April 4, 2024), plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure ("I.R.C.P.") regarding expert witnesses.
- c. 49 days before trial (August 13, 2024), defendant shall complete any depositions of the plaintiff's initial expert witnesses.

**2. Defendants' Experts**

- a. 120 days before trial (June 3, 2024), 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.
- b. 120 days before trial (June 3, 2024), defendant shall disclose all information required by I.R.C.P. 26(b)(4) regarding expert witnesses.
- c. 49 days before trial (August 13, 2024), plaintiff shall complete any depositions of the defendant's expert witnesses.

**3. Plaintiff's Rebuttal Experts**

- a. 90 days before trial (July 3, 2024), 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.

- b. 90 days before trial (July 3, 2024), plaintiff shall disclose all information required by I.R.C.P. 26(b)(4) regarding the rebuttal expert witnesses.
- c. 49 days before trial (August 13, 2024), defendant shall complete any deposition of the plaintiff's rebuttal expert witnesses.

**B. LAY WITNESSES**

- 1. 60 days before trial (August 2, 2024), plaintiff shall disclose each person plaintiff intends to call as a lay witness at trial (excluding impeachment witnesses).
- 2. 60 days before trial (August 2, 2024), defendant shall disclose each person defendant intends to call as a lay witness at trial (excluding impeachment witnesses).
- 3. 56 days before trial (August 6, 2024), 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. 49 days before trial (August 13, 2024), all parties shall complete any depositions of lay witnesses.

**C. DEADLINES FOR COMPLETING DISCOVERY**

- 1. 90 days before trial (July 3, 2024) is the last day for serving written interrogatories, requests for production, requests to permit entry upon land or other property, and requests for admission.
- 2. 90 days before trial (July 3, 2024) is the last day for filing motions for a physical or mental examination.

**D. DEADLINE FOR SUPPLEMENTAL RESPONSES TO DISCOVERY**

1. 49 days before trial (August 13, 2024), all parties must serve any supplemental response to discovery required by I.R.C.P. 26(e).

**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. PRE-TRIAL MOTIONS**

1. 200 days before trial (March 15, 2024) is the last day to file motions to add additional parties to the lawsuit.
2. 200 days before trial (March 15, 2024) 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 28 days before trial (September 3, 2024). Non-movants shall have 21 days to file response briefs, movants shall have 14 days to file reply briefs, and hearings shall be 7 days following filing of reply briefs.

**G. MOTIONS FOR SUMMARY JUDGMENT**

1. All motions for summary judgment must be filed 120 days before trial (June 3, 2024).
2. All response briefs must be filed 92 days before trial (July 1, 2024).
3. All reply briefs must be filed 71 days before trial (July 22, 2024).

4. No hearing on any summary judgment will be permitted in the 60-day period prior to trial.


**H. TRIAL SETTING**

1. This case will be set for a trial to commence on October 1, 2024.
2. It is estimated that the trial will take 3 days.
3. This case is to be tried as a court trial.
4. A pre-trial conference has been set for 15 days before trial (September 16, 2024) at 3:30 pm. The court will offer remote attendance via Zoom.
5. No later than 7 days before the pre-trial conference (September 9, 2024), the parties will file with the Clerk a pre-trial conference memorandum pursuant to I.R.C.P. 16(d). The memorandum may be filed as a joint submission or separate.

**I. MEDIATION**

The parties have elected to not pursue mediation at this time.

Dated 8/23/2023 11:25:34 AM

  
\_\_\_\_\_  
ERIC J. WILDMAN  
District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I caused to be served via email a true and correct copy of the foregoing document upon the following:

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IDAHO WATER RESOURCE BOARD  
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DATED: 8/23/2023 04:09 PM

BY:   
Deputy Clerk