

MAR 05 2019

By \_\_\_\_\_ Clerk  
Deputy Clerk

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

In Re CSRBA )

Case No. 49576 )

**ORDER DESIGNATING LEAD  
SUBCASES, SETTING DEADLINES,  
AND TRIAL DATE**

**SUBCASE NOS.: 91-7931, 91-7963,  
91-7995, 91-8007, and 91-8019  
(Lead Subcases for Groups 1-5)**

**(See Ex. A for complete list of subcases)**

**I. Lead Subcases**

A Status/Scheduling conference was held on February 20, 2019. At the hearing, the court designated five (5) lead subcases. A lead subcase was designated for each of the five groups identified by the U.S. Forest Service in the *Amended Claims*. The purpose of the lead subcases is not to identify test cases for trial, but rather to streamline the management of physical files where a document is to be filed in every subcase within the identified groups.

Previously, hearings have been noticed up in the six (6) original claims. Going forward, if a document applies to all 259 *Amended Claims*, the caption should include the five lead subcase numbers with an exhibit listing all 259 subcases (see the above caption and Exhibit A as an example). If a document applies to all of the subcases within a group, the caption should include that group's lead subcase number and an exhibit listing all of the subcase numbers in that group. If a document applies to only selected subcases within a group, the caption should list only those subcases.

**II. Scheduling**

The parties agreed to reschedule the Settlement Conference which was vacated at the parties' request during the shutdown of the federal government (December 2018 through January 2019). The parties requested scheduling Summary Judgment deadlines relating to two issues raised by *Objectors' Joint Proposed Initial Scheduling Order*. The Court set those deadlines. Finally, the parties agreed to schedule a two-week trial for these subcases, August 17 – 31, 2020 in

Twin Falls at the Water Court Building. Additional Status Conferences will be set, including a Status Conference on March 27, 2019.

Please be advised that Special Master Brigitte Bilyeu set the following dates and deadlines:

<b><u>Prior to:</u></b>	<b><u>March 25, 2019</u></b>	IDWR and Parties to meet to continue discussion of settlement of amended claims
<b>March 27, 2019</b>	<b><u>9:00 am (PT)</u></b> <b><u>10:00 am (MT)</u></b>	<b><u>Status Conference</u></b> <b>Location:</b> Idaho Water Adjudication Court 253 3 <sup>rd</sup> Ave. North Twin Falls, Idaho 83301

Parties may participate by telephone for the Status Conference by dialing 1-720-279-0026 and when prompted enter participant code 476045#. Any questions regarding telephone participation, please contact the Clerk's office at (208)736-3011.


Please be further advised that the following deadlines and trial dates have been set:

<b>June 20, 2019</b>	<b>5:00 pm</b>	Deadline to File Summary Judgment Motions and Initial Briefing on Proposed Issues for Summary Judgment
<b>July 19, 2019</b>	<b>5:00 pm</b>	Deadline to File Response Brief
<b>August 5, 2019</b>	<b>5:00 pm</b>	Deadline to File Reply Brief
<b>August 21, 2019</b>	<b><u>9:00 am (PT)</u></b> <b><u>10:00 am (MT)</u></b>	<b><u>Summary Judgment Hearing</u></b> <b>Location:</b> Idaho Water Adjudication Court 253 3 <sup>rd</sup> Ave. North Twin Falls, Idaho 83301

Parties may participate by telephone for the Summary Judgment by dialing 1-720-279-0026 and when prompted enter participant code 476045#. Any questions regarding telephone participation, please contact the Clerk's office at (208)736-3011.

<b>August 17-31, 2020</b>	<b>10:00 am (MT)</b>	<b><u>Trial ( 2 weeks )</u></b> <b>Location:</b> Idaho Water Adjudication Court 253 3 <sup>rd</sup> Ave. North Twin Falls, Idaho 83301
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Dated: March 5, 2019.

  
\_\_\_\_\_  
BRIGETTE BILYEU, Special Master  
Coeur d'Alene-Spokane River Basin Adjudication

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the ORDER DESIGNATING LEAD SUBCASES, SETTING DEADLINES, AND TRIAL DATE was mailed on March 05, 2019, with sufficient first-class postage to the following:

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US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
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PO BOX 83720  
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EXHIBIT A

GROUP 1 (SURFACE WATER FIRE SUPPRESSION)

Subcase Nos:

91-07931	94-09517
91-07932	94-09518
91-07933	94-09519
91-07934	94-09520
91-07935	94-09521
91-07936	94-09522
91-07937	94-09523
91-07938	94-09524
91-07939	94-09525
91-07940	94-09526
91-07941	94-09527
91-07942	94-09528
91-07943	94-09529
91-07944	94-09530
91-07945	94-09531
91-07946	94-09532
91-07947	94-09533
91-07948	94-09534
91-07949	94-09535
91-07950	94-09536
91-07951	94-09537
91-07952	94-09538
91-07953	94-09539
91-07954	94-09540
91-07955	94-09541
91-07956	94-09542
91-07957	94-09543
91-07958	94-09544
91-07959	94-09545
91-07960	94-09546
91-07961	95-17393
91-07962	95-17394
92-11058	95-17395
92-11059	95-17396
92-11060	95-17397
92-11061	95-17398
92-11062	95-17399
92-11063	95-17400
92-11064	95-17401
92-11065	95-17402
92-11066	95-17403
92-11078	
92-11079	
93-07671	
94-09511	
94-09512	
94-09513	
94-09514	
94-09515	
94-09516	

(Subcase list: SWFSG1 )

GROUP 2 (SURFACE WATER NATL FOREST ADMIN)

Subcase Nos:

91-07963	94-09553
91-07964	94-09554
91-07965	94-09555
91-07966	94-09556
91-07967	94-09557
91-07968	94-09558
91-07969	94-09559
91-07970	94-09560
91-07971	94-09561
91-07972	94-09562
91-07973	94-09563
91-07974	94-09564
91-07975	94-09565
91-07976	94-09566
91-07977	94-09567
91-07978	94-09568
91-07979	94-09569
91-07980	94-09570
91-07981	94-09571
91-07982	94-09572
91-07983	94-09573
91-07984	94-09574
91-07985	94-09575
91-07986	94-09576
91-07987	94-09577
91-07988	94-09578
91-07989	94-09579
91-07990	94-09580
91-07991	94-09581
91-07992	94-09582
91-07993	95-17404
91-07994	95-17405
92-11067	95-17406
92-11068	95-17407
92-11069	95-17408
92-11070	95-17409
92-11071	95-17410
92-11072	95-17411
92-11073	95-17412
92-11074	95-17413
92-11075	95-17414
92-11080	
92-11081	
93-07672	
94-09547	
94-09548	
94-09549	
94-09550	
94-09551	
94-09552	

(Subcase list: SWNFAG2 )

GROUP 3 (GROUND WATER FIRE SUPPRESSION)

Subcase Nos:

91-07995  
91-07996  
91-07997  
91-07998  
91-07999  
91-08000  
91-08001  
91-08002  
91-08003  
91-08004  
91-08005  
91-08006  
92-11076  
94-09583  
94-09584  
94-09585  
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94-09590  
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94-09594  
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95-17415  
95-17416  
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95-17418  
95-17419  
95-17420  
95-17421  
95-17422  
95-17423  
95-17424

GROUP 4 (GROUND WATER NATL FOREST ADMIN)

Subcase Nos:

91-08007  
91-08008  
91-08009  
91-08010  
91-08011  
91-08012  
91-08013  
91-08014  
91-08015  
91-08016  
91-08017  
91-08018  
92-11077  
94-09596  
94-09597  
94-09598  
94-09599  
94-09600  
94-09601  
94-09602  
94-09603  
94-09604  
94-09605  
94-09606  
94-09607  
94-09608  
95-17425  
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95-17431  
95-17432  
95-17433  
95-17434

(Subcase list: GWNFAG4 )

GROUP 5 (GROUND WATER FS ADMIN SITES)

Subcase Nos:

91-08019  
91-08020  
94-09609  
94-09610  
94-09611

(Subcase list: GWNFASG5 )