

2-17-2015

Scheduling order

Eric J. Wildman

Presiding Judge, Coeur d'Alene-Spokane River Basin Adjudication

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DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 17 2015	
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

) **Subcase No. 91-7755**
) **(353 consolidated subcases (see attached list))**
)
) **ORDER CONSOLIDATING SUBCASES**
)
) **ORDER BIFURCATING PROCEEDINGS**
)
) **SCHEDULING ORDER**
)
)
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I.

PROCEDURAL BACKGROUND

1. The United States of America, as trustee on behalf of the Coeur d'Alene Tribe ("Tribe"), filed 353 water right claims on behalf of the Tribe in the Coeur d'Alene-Spokane River Basin Adjudication ("CSRBA"). The claims will be referred to herein collectively as "the Tribal Claims." Objections and Responses to some or all of the Tribal Claims were filed by various parties.

2. On January 9, 2015, this Court issued a *Notice of Scheduling Conference* in the above-captioned subcases. Among other things, the *Notice* gave the parties the opportunity to submit a proposal for scheduling in these subcases.

3. On February 6, 2015, a *Joint Proposed Scheduling Order* was filed by the following parties: (1) the United States; (2) the State of Idaho; (3) the City of Coeur d'Alene; (4) Alpine Meadows Water and Sewer District, *et al.*; (5) Steve Addington, *et al.*; (6) Benewah County, *et al.*; (7) Hecla Mining Co.; and (8) Bernard Weber, *et al.* (i.e., the members of the North Idaho Water Rights Alliance).

ORDER CONSOLIDATING SUBCASES;
SCHEDULING ORDER

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4. A scheduling conference was held before this Court on February 12, 2015. No party opposed the *Joint Proposed Scheduling Order* submitted by the parties previously identified. Also, the parties discussed consolidating all Tribal Claims subcases into subcase number 91-7755, and bifurcating the proceedings between issues of entitlement and issues of quantification. No party opposed consolidation or bifurcation.

II.

CONSOLIDATION

The Idaho Supreme Court has directed that “whenever the court is of the opinion that it may expedite its business and further the interests of the litigants, at the same time minimizing the expense upon the public and the litigants alike, the order of consolidation should be made.” *Branom v. Smith Frozen Foods of Idaho, Inc.*, 83 Idaho 502, 508, 365 P.2d 958, 961 (1961). This Court finds that the Tribal Claims and Objections and Responses thereto may involve similar issues, and that consolidation of those subcases will expedite their resolution. Further, at the scheduling conference held before this Court on February 12, 2015, no party opposed consolidation. Therefore, the Tribal Claims subcases shall be consolidated into subcase number 91-7755, with the understanding that upon motion by the parties, or upon this Court’s own initiative, the subcases may be deconsolidated at a future date if circumstances so require.

III.

BIFURCATION

The *Joint Proposed Scheduling Order* proposed that the proceedings in the above-captioned subcases be bifurcated into issues of entitlement and quantification. Further, that issues related to entitlement be addressed in a single proceeding prior to litigation of quantification issues. At the scheduling conference held before this Court on February 12, 2015, no party opposed bifurcating the proceedings in this fashion. Therefore, proceedings in the above-captioned subcases shall be bifurcated between issues of entitlement and issues of quantification. Issues related to entitlement will be addressed in a single proceeding prior to litigation of quantification issues.

IV.

SCHEDULING ORDER

The *Joint Proposed Scheduling Order* sets forth a proposed schedule for litigation of entitlement issues. At the scheduling conference held before this Court on February 12, 2015, no party opposed the *Joint Proposed Scheduling Order*. In addition to the deadlines set forth in the *Joint Proposed Scheduling Order*, the Court directed that the parties shall submit a proposed order to the Court on or before June 6, 2015, setting forth a proposed process for settlement negotiations related to the above-captioned subcases. Therefore, the Court will adopt the deadlines and trial date set forth in the *Joint Proposed Scheduling Order*, with the addition of a deadline to submit a proposed order setting forth the process for settlement negotiations.

V.

ORDER

THEREFORE, BASED ON THE FOREGOING, THE FOLLOWING ARE HEREBY ORDERED:

1. The Tribal Claims subcases are hereby consolidated into subcase number 91-7755 until further order of the Court. All further captions used in this proceeding shall be styled as shown above.

2. Proceedings in the above-captioned consolidated subcase shall be bifurcated between issues of entitlement and issues of quantification. Issues related to entitlement will be addressed in a single proceeding prior to litigation of quantification issues.

3. The parties shall abide by the following deadlines and schedule for litigation of entitlement issues in the above-captioned consolidated subcase:

April 15, 2015: United States initial disclosure of public records related to entitlement and identification of entitlement experts and subject matter on which they are expected to testify.

May 7, 2015: Initial settlement discussions.

May 15, 2015: State and Objector disclosure of public records related to entitlement, if any. State disclosure of entitlement experts and subject matter on which they are expected to testify.

June 8, 2015: Deadline for parties to submit to the Court a proposed order setting forth a proposed process for settlement negotiations.

September 1, 2015: Open formal discovery on entitlement.

November 2, 2015: Disclosure of United States' expert reports and supporting documents.

February 1, 2016: Disclosure of State's expert reports and supporting documents.

April 1, 2016: Disclosure of Objectors' expert reports and supporting documents.

May 27, 2016: Disclosure of United States' rebuttal expert reports and supporting documents.

July 31, 2016: Entitlement discovery cut-off.

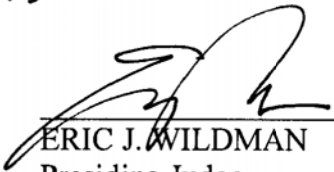
September 19, 2016: Summary Judgment Motion deadline.

March 1, 2017: Exchange witness and exhibit lists. Proposed findings of fact and conclusions of law. Pre-trial briefs.

April 3, 2017: Trial on Entitlement.

IT IS SO ORDERED.

DATED: February 17, 2015



ERIC J. WILDMAN

Presiding Judge

Coeur d'Alene-Spokane River Basin Adjudication

CSRBA TRIBAL CLAIMS

Subcase Nos:

91-07755	92-10921	93-07510	93-07560	93-07610	94-09251
91-07756	92-10922	93-07511	93-07561	93-07611	94-09252
91-07757	93-07462	93-07512	93-07562	93-07612	94-09253
91-07758	93-07463	93-07513	93-07563	93-07613	94-09254
91-07759	93-07464	93-07514	93-07564	93-07614	94-09255
91-07760	93-07465	93-07515	93-07565	93-07615	94-09256
91-07761	93-07466	93-07516	93-07566	93-07616	94-09257
91-07762	93-07467	93-07517	93-07567	93-07617	94-09258
91-07763	93-07468	93-07518	93-07568	93-07618	94-09259
91-07764	93-07469	93-07519	93-07569	93-07619	94-09260
91-07765	93-07470	93-07520	93-07570	93-07620	94-09261
91-07766	93-07471	93-07521	93-07571	93-07621	94-09262
91-07767	93-07472	93-07522	93-07572	93-07622	94-09263
91-07768	93-07473	93-07523	93-07573	93-07623	94-09264
91-07769	93-07474	93-07524	93-07574	93-07624	94-09265
91-07770	93-07475	93-07525	93-07575	93-07625	94-09266
91-07771	93-07476	93-07526	93-07576	93-07626	94-09267
91-07772	93-07477	93-07527	93-07577	93-07627	94-09268
91-07773	93-07478	93-07528	93-07578	93-07628	94-09269
91-07774	93-07479	93-07529	93-07579	93-07629	94-09270
91-07775	93-07480	93-07530	93-07580	93-07630	94-09271
91-07776	93-07481	93-07531	93-07581	93-07631	94-09272
91-07777	93-07482	93-07532	93-07582	93-07632	94-09273
91-07778	93-07483	93-07533	93-07583	93-07633	94-09274
91-07779	93-07484	93-07534	93-07584	93-07634	94-09275
91-07780	93-07485	93-07535	93-07585	93-07635	94-09276
91-07781	93-07486	93-07536	93-07586	93-07636	94-09277
91-07782	93-07487	93-07537	93-07587	93-07637	94-09278
91-07783	93-07488	93-07538	93-07588	93-07638	94-09279
91-07784	93-07489	93-07539	93-07589	93-07639	94-09280
91-07785	93-07490	93-07540	93-07590	93-07640	94-09281
91-07786	93-07491	93-07541	93-07591	93-07641	94-09282
91-07787	93-07492	93-07542	93-07592	93-07642	94-09283
91-07788	93-07493	93-07543	93-07593	93-07643	95-16668
91-07789	93-07494	93-07544	93-07594	93-07644	95-16669
92-10906	93-07495	93-07545	93-07595	93-07645	95-16670
92-10907	93-07496	93-07546	93-07596	93-07646	95-16671
92-10908	93-07497	93-07547	93-07597	93-07647	95-16672
92-10909	93-07498	93-07548	93-07598	93-07648	95-16673
92-10910	93-07499	93-07549	93-07599	93-07649	95-16674
92-10911	93-07500	93-07550	93-07600	93-07650	95-16675
92-10912	93-07501	93-07551	93-07601	93-07651	95-16676
92-10913	93-07502	93-07552	93-07602	93-07652	95-16677
92-10914	93-07503	93-07553	93-07603	94-09244	95-16678
92-10915	93-07504	93-07554	93-07604	94-09245	95-16679
92-10916	93-07505	93-07555	93-07605	94-09246	95-16680
92-10917	93-07506	93-07556	93-07606	94-09247	95-16681
92-10918	93-07507	93-07557	93-07607	94-09248	95-16682
92-10919	93-07508	93-07558	93-07608	94-09249	95-16683
92-10920	93-07509	93-07559	93-07609	94-09250	95-16684

(Subcase list: CSRBATRIBE)

CSRBA TRIBAL CLAIMS

Subcase Nos:

95-16686	95-16740
95-16687	95-16741
95-16688	95-16742
95-16689	
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95-16738	
95-16739	

(Subcase list: CSRBATRIBE)
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700 BANK ST STE 120
WALLACE, ID 83873
Phone: 208-752-3331

HECLA LIMITED
Represented by:
ALBERT P BARKER
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CITY OF COEUR D'ALENE
Represented by:
CANDICE M MCHUGH
380 S 4TH STREET STE 103
BOISE, ID 83702
Phone: 208-287-0991

STATE OF IDAHO
Represented by:
CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

ALPINE MEADOWS WATER AND SEWER
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ORDER

RICHARD J CLEMSON
STANLEY J HARRISON
SUTHERLAND FAMILY REVOCABLE
THOMAS M PATRICK REVOCABLE

Represented by:
CHRISTOPHER H MEYER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

BERNARD & DAWN WEBER
CAROL CLARK
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Represented by:
DOUGLAS P PAYNE
701 W COLLAGE AVE STE 201
ST MARIES, ID 83861
Phone: 208-245-2564

POTLATCH FOREST HOLDINGS INC
POTLATCH LAND & LUMBER LLC
POTLATCH TRS IDAHO LLC

Represented by:
JEFFREY C FEREDAY
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

HAGADONE HOSPITALITY CO
JOHN BALDWIN
POTLATCH FOREST HOLDINGS INC
POTLATCH LAND & LUMBER LLC
POTLATCH TRS IDAHO LLC

Represented by:
JEFFREY W BOWER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200
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BENEWAH COUNTY BOARD OF
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CITY OF HARRISON
CITY OF ST MARIES
DAVID BRADLEY & MARY CORKILL
JACK A & ELEANOR L BUELL
WHITEMAN LUMBER CO INC

Represented by:
MARIAH R DUNHAM
722 MAIN AVE
ST MARIES, ID 83861
Phone: 208-245-2523

HAGADONE HOSPITALITY CO
JOHN BALDWIN
POTLATCH FOREST HOLDINGS INC
POTLATCH LAND & LUMBER LLC
POTLATCH TRS IDAHO LLC

Represented by:
MICHAEL P LAWRENCE
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

BENEWAH COUNTY BOARD OF
BUELL BROS INC
CITY OF HARRISON
CITY OF ST MARIES
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WHITEMAN LUMBER CO INC

Represented by:
NANCY A WOLFF
722 MAIN AVE
ST MARIES, ID 83861
Phone: 208-245-2523

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JODI POWELL
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JOHN & AGNES MCFADDIN
JOHN BOOTHE
JOHN M MARSAN
JOHN NEIRINCKX
Represented by:
NORMAN M SEMANKO
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

JOHN NEIRINCKX II
JOHN R KRAACK
JORDON REDMAN
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SERENA LUCAS
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SHIRLEY MARSAN
SHOSHONE COUNTY PUBLIC WORKS
SHOSHONE COUNTY SPORTSMEN'S
STEPHEN MATTHEWS
STEVE ADDINGTON
ORDER

STEVE THOMSON
STEVEN M LISS
SUSAN E DREDGE
SUSAN RODGERS
Represented by:
NORMAN M SEMANKO
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

TERRY BURGER
TERRY GILBRETH
TERRY L WALL
THOMAS F DUNNIGAN
TIM DAY
TIM SHANNON
TOM LUCAS
TROY FRANCIS
VERLAND WOEMPNER
VICKI CARROLL
VICKI HENDRICK & SAM OWEN
WARREN HALL
WENDY JACQUEMIN
WESLEY & LINDA JORDAN
WILLIAM B & GRETCHEN HARRISON
WILLIAM K HASZ
WILLIAM WHITE

Represented by:
NORMAN M SEMANKO
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

HAGADONE HOSPITALITY CO
Represented by:
ROYCE B. LEE
570 S WOODRUFF AVE
IDAHO FALLS, ID 83401
Phone: 208-524-2001

UNITED STATES OF AMERICA AS
UNITED STATES OF AMERICA AS TR
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033

(Certificate of mailing continued)

BOISE, ID 83724

AVISTA CORPORATION

Represented by:
WILLIAM J SCHROEDER
PAINE HAMBLIN LLP
717 W SPRAGUE AVE, STE 1200
SPOKANE, WA 99201-3905
Phone: 509-455-6000

LEROY BAILEY

BOX 1252
PINEHURST, ID 83850
Phone: 208-682-4460

CITY OF MULLAN

C/O DON KOTSCHER, MAYOR
PO BOX 475
MULLAN, ID 83846
Phone: 208-744-1515

DOUG LANYON

N 10610 ESSEX CT
SPOKANE, WA 99208
Phone: 509-954-8063

HARMON PROPERTY OWNERS ASSN

PO BOX 104
WORLEY, ID 83876
Phone: 208-292-4264

DENNIS TATE

PO BOX 273
KELLOGG, ID 83837
Phone: 208-661-2384

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

KENT L & DONNA J DAVIS

114 ATLAS RD
PO BOX 453
MULLAN, ID 83846
Phone: 208-744-1279

ROSALIE MILLER

119 E ST
ORDER

SMELTERVILLE, ID 83868
Phone: 208-784-1414

DENISE R SCHLEPP

12482 W EAGLEWOOD CT
NINE MILE FALLS, WA 99026-509
Phone: 509-467-4245

BELINDA MILLER

13704 CATALDO DR
CATALDO, ID 83810
Phone: 208-512-2413

MIKE MARKUS

15699 S HWY 3
CATALDO, ID 83810
Phone: 208-512-3697

DON RUMPEL

1957 MONTGOMERY GULCH
KELLOGG, ID 83837
Phone: 208-783-6601

JOHN T MCFADDIN

20189 S EAGLE PEAK RD
CATALDO, ID 83810
Phone: 208-689-3156

CHRIS LARSON

24724 SNOW OWL LANE BOX 111
WORLEY, ID 83876
Phone: 920-327-2020

JOHN & CHRISTIE THOMAS

24864 S COTTONWOOD BAY LN
WORLEY, ID 83876
Phone: 208-689-9218

CORRINE CHRISTMANN

26171 E DUDLEY RD
CATALDO, ID 83810
Phone: 208-682-4054

CAROLINE CHRISTMANN

26175 E DUDLEY RD
CATALDO, ID 83810
Phone: 208-682-4265

(Certificate of mailing continued)

VICTORIA WICK
26430 E DUDLEY RD
CATALDO, ID 83810
Phone: 208-661-8956

Phone: 208-691-3301

LINDA ALLDREDGE
26914 E DUDLEY RD
CATALDO, ID 83810
Phone: 208-682-2556

DORIS MILLER
27002 E DUDLEY RD
CATALDO, ID 83810
Phone: 208-661-1136

WILLIAM M GREEN
2803 N 5TH ST
COEUR D'ALENE, ID 83815
Phone: 208-765-6203

BERGEN BOTHMAN
3761 W TULE LN
WORLEY, ID 83876
Phone: 208-689-3525

LANCE STANLEY
500 CEDAR STREET
WALLACE, ID 83873
Phone: 208-556-1571

EDDIE A BAILEY
57 DEER LANE
KELLOGG, ID 83837
Phone: 208-783-3841

MARY M SCHULER
6389 TALL PINES RD
COEUR D'ALENE, ID 83814
Phone: 208-664-6253

RONALD D HEYN
828 WESTFORK EAGLE CREEK
WALLACE, ID 83873
Phone: 208-682-3088

D VINCE & JILL K RINALDI
943 HIRSCHI
MOSCOW, ID 83843

ORDER

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Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".