

Idaho Supreme Court subsequently filed its *Remittitur* with this Court on October 12, 2012.

Therefore, the parties shall abide by the following scheduling order in this matter:

Agency Record:¹ In its *Petition for Judicial Review*, A&B provides that it “anticipates that it can reach a stipulation regarding the agency record with the Respondents and the other parties, and will pay its necessary share of the fee for preparation of the record at such time.” To the Court’s knowledge no agency record or transcript in conjunction with A&B’s *Petition* has been prepared or lodged with this Court or the Department pursuant to Idaho Rule of Civil Procedure 84(f). **The clerk of the Department shall lodge the record with the Department within 28 days of the entry of this Order, or no later than November 13, 2012.**

Settlement of Record: Pursuant to I.R.C.P. 84(j), and unless otherwise provided by statute, upon receipt of the transcript and upon completion of the record, the Department shall mail or deliver notice of lodging of transcript and record to all attorneys of record or parties appearing in person and to the district court. The parties shall have 14 days from the date of mailing of the notice to pick up a copy of the transcript and agency record and to object to the transcript or record. All fees for the preparation of the transcript and record shall be paid by the responsible party at or before the pick-up of the agency record and transcript. Any objection to the record shall be determined by the Department within 14 days of the receipt of the objection and the decision on the objection shall be included in the record on petition for review. Upon the failure of the party to object within 14 days, the transcript and record shall be deemed settled. The settled record and transcript shall be lodged with the district court no later than **December 4, 2012.**

Briefs and Memoranda: The petitioner’s brief shall be filed with the clerk of the court within 35 days after lodging of the transcript and record. The respondent’s (and cross-petitioner’s brief) shall be filed within 28 days after service of petitioner’s brief. Any reply brief shall be filed within 21 days after service of respondent’s brief. The organization and content of briefs shall be governed by I.A.R. 35 and 36. Pursuant to I.R.C.P. 84(p) only one (1) original signed brief may be filed with the court and copies shall be served on all parties.

Oral Argument, Telephonic and Video Teleconferencing: Oral argument will be heard on **March 4, 2013, at 1:30 p.m. (Mountain Time) at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho.** Telephone participation will be available by dialing **1-215-446-0193** and entering **406128#** when prompted. Video teleconferencing (“VTC”) will also be available by appearing at the **Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho.** Parties should refer to the *Procedural Order* regarding protocol for telephone and VTC participation. The form and order of argument shall be governed by **I.A.R. 37.**

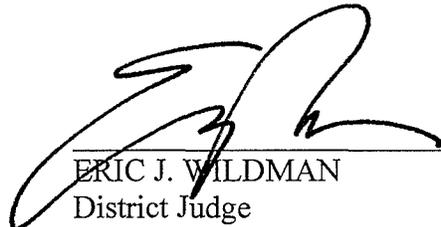
To the extent identified in the paragraphs above, this *Scheduling Order* modifies the pre-appeal schedule on judicial review set forth in this Court’s *Procedural Order* dated July 1, 2011.

¹ A&B has not requested the preparation of any transcript in conjunction with its *Petition for Judicial Review*.

Aside from those changes, this Court's July 1, 2011 *Procedural Order* is unaltered, and shall remain in full effect and force.

IT IS SO ORDERED.

Dated October 16, 2012



ERIC J. WILDMAN
District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SCHEDULING ORDER FOLLOWING IDAHO SUPREME COURT REMITTUR was mailed on October 16, 2012, with sufficient first-class postage to the following:

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