

DISTRICT COURT - PRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 14 2026	
By _____	 Clerk
	Deputy Clerk

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

IN RE: PRBA

Case No. 59576

Subcase Nos: Attachment A

**STIPULATION REGARDING
LITIGATION SCHEDULE**

On December 12, 2024, the Court granted the United States' *Motion to Enter Litigation Schedule for Federal Claims*. Since then, the federal subcases, *see* Attachment A, have proceeded on a dual track, where the parties have participated in settlement negotiations in an attempt to resolve the claims and objections without a trial, while simultaneously preparing for motions for summary judgment and trial through conducting discovery. At various times throughout the litigation, the parties

STIPULATION REGARDING LITIGATION SCHEDULE-1

have requested, and the Court has granted, stipulations regarding the litigation schedule. Most recently, the Court entered its *Third Order on Stipulation to Stay* ("Order")¹ on March 31, 2026. The Order establishes that the close of discovery is September 14, 2026, and summary judgment motions are due October 26, 2026. The Nez Perce Tribe sent a settlement offer to the Objector parties on May 11, 2026. The State and other Objectors sent a counteroffer on August 12, 2026. Considering the favorable progress made in the recent settlement offers, the parties would like additional time to pursue additional mediation and attempt to work through the settlement issues without the burdens of litigation deadlines.

The State conferred with counsel for the United States, the Nez Perce Tribe, and most counsel for private parties.² The parties agree to stay the litigation for six months, including current deadlines for responses to outstanding discovery requests, to allow the parties time to focus on continued active settlement discussions and avoid the need to simultaneously pursue litigation. These modifications will require that the Order's deadlines be modified.

Accordingly, the parties to these subcases submit this stipulation to modify the schedule set forth in the Order as follows:

Stipulated Proposed Schedule

The following schedule is for all three categories of subcases including DCMI, Springs, and Instream Flow claims:

¹ The Order is attached hereto as Attachment B.

² The State did not receive a response from counsel for the University of Idaho and Schweitzer Properties.

STAY ENDS	FEB. 14, 2027
DISCOVERY CLOSES	MAY 14, 2027
SUMMARY JUDGMENT MOTIONS DUE³	JULY 26, 2027
RESPONSE BRIEFS ON SUMM. JUDGMENT	SEPT. 28, 2027
REPLY BRIEFS ON SUMM. JUDGMENT	NOV. 12, 2027
HEARING ON MOTIONS FOR SUMM. JUDGMENT	DEC. 15, 2027
STATUS CONFERENCE	APRIL 2028

The following Pretrial Conference, Exhibit and Witness Lists and Trial deadlines are only for the DCMI and Springs subcases. (No Trial date is currently set for the Instream Flow subcases).

PRETRIAL CONFERENCE	MAY 2028
EXHIBIT & WITNESS LISTS DUE ALL PARTIES	MAY 2028
TRIAL	JUNE 2028 BOISE, IDAHO

Respectfully submitted this 14th day of August 2026.



Rowdy Keller
Deputy Attorney General

³ The parties agree to the summary judgment briefing and hearing schedule set forth in this stipulation for motions filed on the April 26, 2027 deadline but reserve their right to seek a different schedule for summary judgment motions filed before the deadline pursuant to I.R.C.P. 56.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August 2026, I caused to be served a true and correct copy of the foregoing document by the methods indicated:

CLERK OF THE DISTRICT COURT PALOUSE RIVER BASIN ADJUDICATION 253 THIRD AVE NORTH P.O. BOX 2707 TWIN FALLS, ID 83303-2707 NORMAN M SEMANKO PARSONS BEHLE & LATIMER 800 W MAIN STREET STE 1300 BOISE, ID 83702 DIRECTOR OF IDWR PO BOX 83720 BOISE, ID 83720-0098 U S DEPARTMENT OF JUSTICE ENVIRO & NAT'L RESOURCES DIV PO Box 7611, Ben Franklin Station WASHINGTON D.C. 20044-7611 CHARLIE S BASER MICHAEL P LAWRENCE GIVENS PURSLEY LLP 601 W BANNOCK ST PO BOX 2720 BOISE, ID 83701-2720 THOMAS MURPHY NATIVE AMERICAN RIGHTS FUND 250 ARAPAHOE AVE BOULDER, CO 80302 JOSEPH BUSHYHEAD NEZ PERCE TRIBE LEGAL COUNSEL 100 AGENCY RD PO BOX 305 LAPWAI, ID 83540	☒ By U.S. Postal Service ☐ Overnight w/FedEx ☐ By email to: ☐ By U.S. Postal Service ☒ By email to: <u>NSemanko@parsonsbehle.com</u> ☐ By U.S. Postal Service ☒ By email to: <u>file@idwr.idaho.gov</u> ☐ By U.S. Postal Service ☒ By email to: <u>Emmi.Blades@usdoj.gov</u>, <u>Hillary.Hoffman@usdoj.gov</u> ☐ By U.S. Postal Service ☒ By email to: <u>mpl@givenspursley.com</u> <u>charliebaser@givenspursley.com</u> ☐ By U.S. Postal Service ☒ By email to: <u>murphy@narf.org</u> ☐ By U.S. Postal Service ☒ By email to: <u>joeb@nezperce.org</u>
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DEPUTY ATTORNEY GENERAL

ATTACHMENT A**ALLOTMENT SUBCASES**

87-12157
87-12158

INSTREAM FLOW SUBCASES**Group F2**

87-11982	87-11988	87-11994	87-12000
87-11983	87-11989	87-11995	87-12001
87-11984	87-11990	87-11996	87-12002
87-11985	87-11991	87-11997	87-12003
87-11986	87-11992	87-11998	87-12004
87-11987	87-11993	87-11999	

SPRINGS AND FOUNTAINS SUBCASES

87-12338

Group F3

87-12007	87-12028	87-12052	87-12078
87-12008	87-12029	87-12054	87-12079
87-12009	87-12030	87-12055	87-12080
87-12010	87-12031	87-12056	87-12081
87-12011	87-12032	87-12057	87-12082
87-12012	87-12033	87-12059	87-12083
87-12013	87-12036	87-12060	87-12084
87-12014	87-12037	87-12062	87-12085
87-12015	87-12038	87-12063	87-12086
87-12016	87-12039	87-12064	87-12088
87-12017	87-12040	87-12066	87-12089
87-12018	87-12041	87-12067	87-12090
87-12019	87-12042	87-12068	87-12092
87-12020	87-12043	87-12069	87-12106
87-12021	87-12044	87-12071	87-12107
87-12022	87-12045	87-12072	87-12108
87-12023	87-12046	87-12073	87-12111
87-12024	87-12047	87-12074	87-12342
87-12025	87-12048	87-12075	87-12366
87-12026	87-12049	87-12076	

STIPULATION REGARDING LITIGATION SCHEDULE-8

87-12027	87-12051	87-12077	
Group F4			
87-12050	87-12117	87-12138	87-12162*
87-12091	87-12118	87-12139	87-12163*
87-12093	87-12119	87-12140	87-12165*
87-12095	87-12120	87-12141	87-12166*
87-12096	87-12121	87-12142	87-12167*
87-12097	87-12122	87-12143	87-12168*
87-12098	87-12123	87-12144	87-12169*
87-12099	87-12124	87-12145	87-12170*
87-12100	87-12125	87-12146	87-12171*
87-12101	87-12126	87-12147	87-12172*
87-12102	87-12127	87-12148	87-12173*
87-12103	87-12128	87-12149	87-12174*
87-12104	87-12129	87-12150	87-12176*
87-12105	87-12130	87-12151	87-12337
87-12109	87-12131	87-12152	87-12339
87-12110	87-12132	87-12153	87-12340
87-12112	87-12133	87-12154	87-12343
87-12113	87-12134	87-12155	87-12344
87-12114	87-12135	87-12156	87-12346
87-12115	87-12136	87-12159*	87-12364
87-12116	87-12137	87-12161*	87-12365

STIPULATION REGARDING LITIGATION SCHEDULE-7

ATTACHMENT B

STIPULATION REGARDING LITIGATION SCHEDULE-8

DISTRICT COURT - PRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 31 2026	
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 PRBA	)	THIRD ORDER ON STIPULATION TO
	)	STAY
Case No. 59576	)	
	)	SUBCASE NO(S): SEE EXHIBIT A
_____	)	

PROCEDURAL BACKGROUND

The Claimants and parties to these subcases represented by counsel filed a third *Stipulation Regarding Litigation Schedule*. (Mar. 25, 2025) The *Stipulation* asserts that the deadlines need to be rescheduled to allow the State of Idaho and other parties additional time to inspect six springs and to observe conditions about the connectivity of these springs to streams, creeks and rivers. This third request to extend the deadlines includes the DCMI, Springs, and Instream Flow claims.

Based on these circumstances, and *Stipulation*, the court hereby vacates the deadlines set in the *Order on Stipulation to Stay* (Dec. 12, 2025).

The following deadlines are now set for all three categories of subcases including DCMI, Springs, and Instream Flow claims:

CLAIMANTS' REBUTTAL EXPERT REPORTS	MARCH 31, 2026
OBJECTORS' EXPERT WITNESS REPORTS (SPRINGS)	MAY 26, 2026
CLAIMANTS' REBUTTAL EXPERT REPORT (SPRINGS)	JULY 20, 2026
DISCOVERY CLOSES	SEPT. 14, 2026
SUMMARY JUDGMENT MOTIONS DUE	OCT 26, 2026
RESPONSE BRIEFS ON SUMM. JUDGMENT	DEC. 28, 2026
REPLY BRIEFS ON SUMM. JUDGMENT	FEB. 12, 2027
<u>MOTION ON SUMMARY JUDG. HEARING</u>	<u>MAR. 31, 2027</u>
STATUS CONFERENCE	JULY 2027

The following Pretrial Conference, Exhibit and Witness Lists and Trial deadlines are for the DCMI and Springs subcases:

PRETRIAL CONFERENCE	AUG. 2027
EXHIBIT & WITNESS LISTS DUE - ALL PARTIES	AUG. 2027
TRIAL	SEPT. 2027
	BOISE, ID

Dated: March 31, 2026.



Brigitte Bilyeu
Special Master
Palouse River Basin Adjudication