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DEPARTMENT OF
WATER RESOURCES

Attorneys for Idaho Dairymen's Association

Scott L. Campbell, ISB No. 2251
Angela Schaer Kaufmann, ISB No. 5436
Andrew J. Waldera, ISB No. 6608
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
18-936.17

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY OR FOR THE BENEFIT OF A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY	**IDAHO DAIRYMEN'S ASSOCIATION'S MOTION FOR ORDER AUTHORIZING DISCOVERY**

The Idaho Dairymen's Association ("IDA"), by and through their counsel of record Moffatt, Thomas, Barrett, Rock & Fields, Chtd., and in accordance with the Idaho Department of Water Resources' Rules of Procedure (IDAPA 37.01.01) and the Director's June 16, 2005, Order Regarding Status and Scheduling Conference of June 15, 2005, hereby moves the Director for an Order authorizing discovery in the above-captioned matter.

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ORIGINAL

Rule of Procedure 521 provides:

> No party before the agency is entitled to engage in discovery unless the party moves for an order authorizing discovery and the agency issues an order authorizing the requested discovery, or upon agreement of all parties to the discovery that discovery may be conducted. The presiding officer shall provide a schedule for discovery in the order authorizing discovery, but the order authorizing and scheduling discovery needs to conform to the timetables of the Idaho Rules of Civil Procedure. A party, upon reasonable notice to other parties and all persons affected thereby, may apply for an order compelling discovery in a manner consistent with the provisions of Rule 37(a) of the Idaho Rules of Civil Procedure. The agency or agency staff may conduct statutory inspection, examination, investigation, etc., at any time without filing a motion to authorize discovery.

IDAPA 37.01.01.521. In accordance with that rule, the IDA respectfully requests that the Director issue an order authorized the IDA to conduct discovery in this matter, including written discovery (interrogatories, requests for production, and requests for admission) and depositions. If this matter proceeds to hearing, as it appears that it will, the interests of the Department and the parties in a full and fair discussion and analysis of the issues in this matter dictate that discovery be allowed, and that it be allowed to commence as soon as possible.

DATED this 28th day of June, 2005.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By _____
Scott L. Campbell – Of the Firm

By _____
Angela Schaer Kaufmann – Of the Firm
Attorneys for Idaho Dairymen's Association

CERTIFICATE OF SERVICE

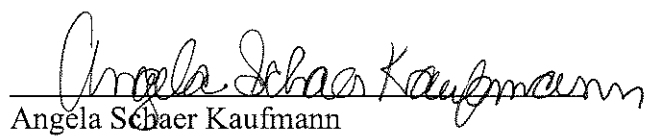
I HEREBY CERTIFY that on this 28th day of June, 2005, I caused a true and correct copy of the foregoing **IDAHO DAIRYMEN'S ASSOCIATION'S MOTION FOR ORDER AUTHORIZING DISCOVERY** to be served by the method indicated below, and addressed to the following:

John K. Simpson Barker Rosholt & Simpson 205 N. 10th Street, Suite 520 P.O. Box 2139 Boise, ID 83701 Fax: 344-6034	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
Roger D. Ling Ling Robinson & Walker P.O. Box 396 Rupert, ID 83350-0396 Fax: (208) 436-6804	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
C. Thomas Arkoosh Arkoosh Law Office, Chartered 301 Main Street P.O. Box 32 Gooding, ID 83330-0032 Fax: (208) 934-8873	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
W. Kent Fletcher Fletcher Law Office 1200 Overland Avenue P.O. Box 248 Burley, ID 83318-0248 Fax: (208) 878-2548	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
Jeffrey C. Fereday Givens Pursley LLP 601 W. Bannock Street P.O. Box 2720 Boise, ID 8 3701-2720 Fax: 388-1300	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
Kathleen M. Carr U.S. Department of the Interior Office of the Solicitor Pacific Northwest Region Boise Field Office 550 West Fort Street, MSC 020 Boise, ID 83724-0020 Fax: 334-1919	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile

E. Gail McGarry PN-3100 Bureau of Reclamation 1150 N. Curtis Road, Suite 100 Boise, ID 83706-1234 Fax: 378-5019	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
John A. Rosholt Barker Rosholt & Simpson 113 Main Avenue, Suite 303 Twin Falls, ID 83301-6167 Fax: (208) 735-2444	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
Idaho Department of Water Resources Eastern Region 900 N. Skyline Drive, Suite A Idaho Falls, ID 83402-1718 Fax: (208) 528-7177	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
Idaho Department of Water Resources Southern Region 1341 Fillmore Street, Suite 200 Twin Falls, ID 83301-3380 Fax: (208) 736-3037	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile

Courtesy Copies

Josephine P. Beeman Beeman & Associates P.C. 409 W. Jefferson Street Boise, ID 83702 Fax: 331-0954	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile
Michael Gilmore Office of the Attorney General Statehouse, Room 210 P.O. Box 83720 Boise, ID 83720-0010 Fax: 334-2830	(**X**) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile



Angela Schaer Kaufmann