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*Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)*

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**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

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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,

Docket No.: CM-DC-2010-001

**IGWA'S OBJECTION TO THE SURFACE  
WATER COALITION'S SUPPLEMENT  
TO AND MOTION TO AUTHORIZE  
DISCOVERY/REQUEST FOR HEARING**

COMES NOW, the Idaho Ground Water Appropriators, Inc. ("IGWA"),  
by and through their attorneys of record, and files this Objection to the Surface  
Water Coalition's Supplement to and Motion to Authorize Discovery/Request for  
Hearing.

On September 6, 2013, the Surface Water Coalition ("SWC") filed their  
Motion to Authorize Discovery. A supplement to this motion was filed on  
September 11, 2013.

The SWC requests authorization to conduct discovery for a formal

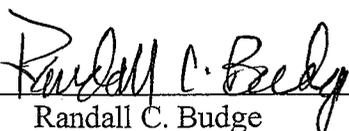
accounting of the water leases acquired by IGWA during the 2013 irrigation season. Further, the SWC requests a formal hearing "to discover the factual basis" for recent emails and information provided by IGWA regarding the storage water IGWA acquired during the 2013 irrigation season.

IGWA hereby objects to this motion, generally, since the discovery sought is outside the scope of the Idaho Rules of Civil Procedure and the Department Rules of Procedure. Further, the scope of discovery sought by the SWC violates the attorney-client and the attorney-work product privileges. IGWA established to the Director's satisfaction that it secured the volume of water necessary to mitigate for any injury to the SWC for the 2013 irrigation season, paid the appropriate Water District 01 and Idaho Water Resource Board fees and has fully cooperated with Department personnel to assist with storage assignments and other matters to meet its obligation.

The Director has previously denied the SWC's request for hearing and motion for an order authorizing discovery in this matter. IGWA respectfully requests that the Director once more deny this recent request.

RESPECTFULLY SUBMITTED this 16<sup>th</sup> day of September, 2013.

RACINE OLSON NYE BUDGE  
& BAILEY, CHARTERED

By:   
Randall C. Budge  
*Attorneys for IGWA*

**CERTIFICATE OF SERVICE**

I certify that on this 16<sup>th</sup> day of September, 2013, I caused to be served a true and correct copy of the foregoing **IGWA'S OBJECTION TO THE SURFACE WATER COALITION'S SUPPLEMENT TO AND MOTION TO AUTHORIZE DISCOVERY/REQUEST FOR HEARING** upon the following persons by the method(s) indicated:

  
 RANDALL C. BUDGE

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| <p><b>Original:</b><br/>         Director, Gary Spackman<br/>         Idaho Department of Water Resources<br/>         PO Box 83720<br/>         Boise, ID 83720-0098<br/>         Attn: Deborah Gibson<br/> <a href="mailto:Deborah.Gibson@idwr.idaho.gov">Deborah.Gibson@idwr.idaho.gov</a><br/> <a href="mailto:Kimi.white@idwr.idaho.gov">Kimi.white@idwr.idaho.gov</a></p> | <p> <input checked="" type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email         </p> |
| <p>Deputy Attorney General<br/>         Garrick L. Baxter<br/>         Idaho Department of Water Resources<br/>         P.O. Box 83720<br/>         Boise, Idaho 83720-0098<br/>         Fax: 208-287-6700<br/> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a></p>  | <p> <input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email         </p>            |
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| <p>Sarah Klahn<br/> Mitra Pemberton<br/> 511 16<sup>th</sup> Street, Suite 500<br/> Denver, CO 80202<br/> <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a><br/> <a href="mailto:mitrap@white-jankowski.com">mitrap@white-jankowski.com</a></p>   | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
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| <p>Environmental and Natural Resources<br/> Division<br/> Natural Resources Section<br/> US Department of Justice<br/> 999 18<sup>th</sup> Street<br/> South Terrace – Suite 370<br/> Denver, CO 80294<br/> Attn: David W. Gehlert<br/> <a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p> | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>United States Dept. of Interior<br/> Office of Solicitor<br/> University Plaza<br/> 960 Broadway Ave., Ste. 400<br/> Boise, ID 83706<br/> Attn: Kathleen Carr<br/> <a href="mailto:kathleenmarion.carr@sol.doi.gov">kathleenmarion.carr@sol.doi.gov</a></p>   | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>U.S. Bureau of Reclamation<br/> 1150 N Curtis Rd.<br/> Boise, ID 83706-1234<br/> <a href="mailto:mhoward@pn.usbr.gov">mhoward@pn.usbr.gov</a><br/> <a href="mailto:emcgarry@pn.usbr.gov">emcgarry@pn.usbr.gov</a></p>   | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Michael C. Creamer<br/> Jeffrey C. Fereday<br/> Givens Pursley</p>  | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail</p>  |

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| <p>William A. Parsons<br/>         Parsons, Smith &amp; Stone LLP<br/>         PO Box 910<br/>         Burley, ID 83318<br/> <a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a></p>   | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |
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| <p>IDWR Southern Region<br/>         1341 Fillmore St., Ste. 200<br/>         Twin Falls, ID 83301-3380<br/> <a href="mailto:allen.merritt@idwr.idaho.gov">allen.merritt@idwr.idaho.gov</a><br/> <a href="mailto:cindy.yenter@idwr.idaho.gov">cindy.yenter@idwr.idaho.gov</a></p> | <p><input type="checkbox"/> U.S. Mail<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> Email</p> |