**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<br><br>(Water Districts No. 120 and 130) | ) | **ORDER REQUESTING DOCUMENTS RELATING TO THE SURFACE WATER COALITION'S MOTION IN LIMINE TO EXCLUDE THE EXPERT REPORT OF JOHN CHURCH** |

This matter is before the Director of the Department of Water Resources ("Director" or "Department") as a result of a *Motion in Limine to Exclude Expert Report of John Church* ("Motion") filed by the Surface Water Coalition ("SWC") on January 23, 2006, pursuant to Idaho Rule of Evidence 403. In its Motion, the SWC seeks to exclude the "*Expert Report of John Church* with its accompanying affidavit and economic reports" from being considered by the Director in the above captioned matter. *Motion* at 2. After a review of the Motion and accompanying memorandum, and a review of the record in the pending administrative matter, it is unclear whether the report the SWC seeks to exclude is on file with the Department or whether it was intended to be submitted with the Motion. Therefore, the SWC should submit the *Expert Report of John Church* and its accompanying affidavit and economic reports.

**ORDER**

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

That the Surface Water Coalition provide a copy of the *Expert Report of John Church* with its accompanying affidavit and economic reports no later than February 1, 2006. Pursuant to IDAPA 37.01.01.565, any responses to the *Motion in Limine to Exclude the Expert Report of John Church* must be received no later than February 15, 2006.

DATED this 24th day of January 2006.

KARL J. DREHER
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 2006, the above and foregoing, was served by the method indicated below, and addressed to the following:

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