

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

**IN THE MATTER OF THE PETITION)
FOR DELIVERY CALL OF A&B)
IRRIGATION DISTRICT FOR THE)
DELIVERY OF GROUND WATER AND)
FOR THE CREATION OF A GROUND)
WATER MANAGEMENT AREA)**

**ORDER CLARIFYING
ORDER REGARDING
DISCOVERY**

The Idaho Ground Water Appropriators, Inc. has requested clarification of the Order Regarding Discovery Motions entered November 4, 2008, particularly the language that “the Sullivan sur-rebuttal was not untimely and that A&B may respond and may file rebuttal reports to IGWA and Pocatello’s rebuttal reports.” IGWA asserts that the language is too broad in that it can be read to allow A&B to file rebuttal reports to all matters contained in IGWA and Pocatello’s expert rebuttal reports. IGWA requests clarification to limit A&B’s sur-rebuttal to new issues only and to require A&B to identify those areas it believes were newly raised in the rebuttal reports. IGWA’s assertion is correct. The intent of the Order was to address new areas raised in the rebuttal reports, not to open up broad ranging responses to areas that A&B has had an adequate opportunity to respond. IGWA’s request is granted. This Order constitutes clarification of the November 4, 2008, Order.

DATED this 12 day of November, 2008.



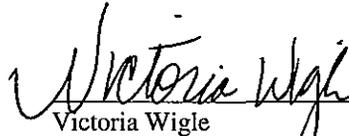
**GERALD SCHROEDER
HEARING OFFICER**

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the following attached document on the persons listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on the 13th day of November, 2008.

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