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

**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,

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 16th day of September, 2013.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED

By: Randall C. Budge
Randall C. Budge
Attorneys for IGWA

CERTIFICATE OF SERVICE

I certify that on this 16th 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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