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Attorneys for Unit A Association

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE NORTH
SNAKE AND MAGIC VALLEY GROUND
WATER DISTRICTS' 2009 JOINT
MITIGATION PLAN FOR 2009
(Blue Lakes)

Docket No. CM-MP-2009-002

IN THE MATTER OF A&B IRRIGATION
DISTRICT'S RULE 43 MITIGATION PLAN

**MOTION TO STRIKE AND/OR
MOTION IN LIMINE RE: TESTIMONY
OF DR. CHARLES E. BROCKWAY**

(Water Right Nos. 36-02356A, 36-07210, and
36-07427)

Protestant Unit A Association, by and through its attorneys of record, Perkins Coie LLP, pursuant to IDAPA 37.01.01 Rules 260 and 600 and the Idaho Rules of Evidence, including Rules 702 and 704, hereby moves the Director to enter an order striking and/or excluding the testimony of Dr. Charles E. Brockway found in the Direct Testimony of Charles E. Brockway, Ph.D., P.E., on page 6, lines 11-18, submitted on behalf of the A&B Irrigation District on January 11, 2010, on the grounds and for the reasons that the referenced testimony lacks foundation, calls for a legal conclusion that invades the province of the trier of fact, and will not assist the trier of fact.

This motion is supported by the files and records herein and the Memorandum in Support of Motion to Strike and/or Motion in Limine Re: Testimony of Dr. Charles E.

Brockway.

Oral argument is requested.

DATED: February 1, 2010.

PERKINS COIE LLP

By: 

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on February 1, 2010, I caused a true and correct copy of the within named document to be forwarded with all required charges prepaid and properly addressed, by the method(s) indicated below, in accordance with IDAPA 37.01.01.303, to all of the parties of record in this proceeding, as follows:

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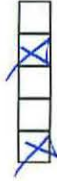
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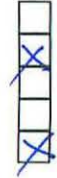
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