

AUG 17 2015

DEPARTMENT OF WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF ACCOUNTING )  
FOR DISTRIBUTION OF WATER TO )  
THE FEDERAL ON-STREAM )  
RESERVOIRS IN WATER )  
DISTRICT 63 )  
\_\_\_\_\_ )

**JOINT MOTION IN LIMINE OF  
IRRIGATION ENTITIES**

COME NOW, the Boise Project Board of Control, New York Irrigation District, Farmers Union Ditch Company, Ltd., and the Ditch Companies (hereinafter "Irrigation Entities"), by and through their respective counsel of record, and hereby move this Presiding Officer for an Order, in conformance with the Director's Fifth Amended Scheduling Order and Notice of Hearing, dated May 20, 2015, Idaho Administrative Procedure Act, Idaho Department

of Water Resources Rules of Procedure, 37.01.01.260, and with Id. R. Civ. P. 16(b)(4)(A), and Idaho Rules of Evidence 701 through 705, limiting the expert testimony of Elizabeth Cresto consistently with the Department's June 19, 2015, Expert Witness Disclosure, and limiting the testimony of any witness not identified as an expert in this contested case to that of a lay witness. This motion is supported by the Memorandum in Support of Joint Motion in Limine of the Irrigation Entities filed concurrently herewith.

Dated this 13<sup>th</sup> day of August, 2015

**BARKER ROSHOLT & SIMPSON LLP**



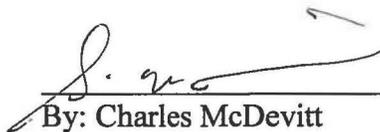
By: Shelley M. Davis  
*Attorneys for Boise Project Board of Control*

**SAWTOOTH LAW OFFICES, PLLC**

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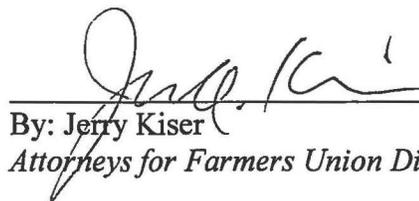
By: Andrew J. Waldera  
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**MCDEVITT & MILLER, PLLC**



By: Charles McDevitt  
*Attorneys for New York Irrigation District*

**JERRY KISER, ATTORNEY AT LAW**



By: Jerry Kiser  
*Attorneys for Farmers Union Ditch Co.*

of Water Resources Rules of Procedure, 37.01.01.260, and with Id. R. Civ. P. 16(b)(4)(A), and Idaho Rules of Evidence 701 through 705, limiting the expert testimony of Elizabeth Cresto consistently with the Department's June 19, 2015, Expert Witness Disclosure, and limiting the testimony of any witness not identified as an expert in this contested case to that of a lay witness. This motion is supported by the Memorandum in Support of Joint Motion in Limine of the Irrigation Entities filed concurrently herewith.

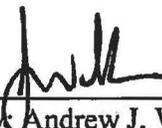
Dated this 13<sup>th</sup> day of August, 2015

**BARKER ROSHOLT & SIMPSON LLP**

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*Attorneys for Boise Project Board of Control*

**SAWTOOTH LAW OFFICES, PLLC**



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By: Charles McDevitt  
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**JERRY KISER, ATTORNEY AT LAW**

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By: Jerry Kiser  
*Attorneys for Farmers Union Ditch Co.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> day of August, 2015, I caused to be served a true and correct copy of the foregoing **JOINT MOTION IN LIMINE OF THE IRRIGATION ENTITIES** the method indicated below, and addressed to each of the following:

Original to:

Idaho Department of Water Resources  
Water Management Division  
322 E. Front Street  
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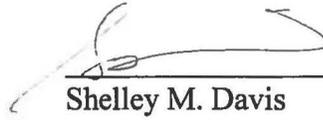
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