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DEPARTMENT OF WATER RESOURCES

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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

IDAHO DAIRYMEN'S ASSOCIATION'S
MOTION FOR ORDER AUTHORIZING
DISCOVERY

The Idaho Dairymen's Association ("IDA"), by and through their counsel of record Moffatt, Thomas, Barrett, Rock & Fields, Chtd., and in accordance with the Idaho Department of Water Resources' Rules of Procedure (IDAPA 37.01.01) and the Director's June 16, 2005, Order Regarding Status and Scheduling Conference of June 15, 2005, hereby moves the Director for an Order authorizing discovery in the above-captioned matter.

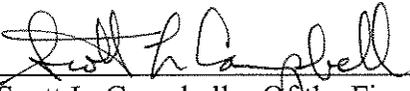
Rule of Procedure 521 provides:

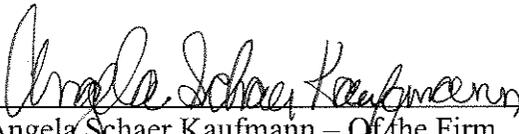
No party before the agency is entitled to engage in discovery unless the party moves for an order authorizing discovery and the agency issues an order authorizing the requested discovery, or upon agreement of all parties to the discovery that discovery may be conducted. The presiding officer shall provide a schedule for discovery in the order authorizing discovery, but the order authorizing and scheduling discovery needs to conform to the timetables of the Idaho Rules of Civil Procedure. A party, upon reasonable notice to other parties and all persons affected thereby, may apply for an order compelling discovery in a manner consistent with the provisions of Rule 37(a) of the Idaho Rules of Civil Procedure. The agency or agency staff may conduct statutory inspection, examination, investigation, etc., at any time without filing a motion to authorize discovery.

IDAPA 37.01.01.521. In accordance with that rule, the IDA respectfully requests that the Director issue an order authorized the IDA to conduct discovery in this matter, including written discovery (interrogatories, requests for production, and requests for admission) and depositions. If this matter proceeds to hearing, as it appears that it will, the interests of the Department and the parties in a full and fair discussion and analysis of the issues in this matter dictate that discovery be allowed, and that it be allowed to commence as soon as possible.

DATED this 28th day of June, 2005.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Scott L. Campbell – Of the Firm

By 
Angela Schaefer Kaufmann – Of the Firm
Attorneys for Idaho Dairymen's
Association

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of June, 2005, I caused a true and correct copy of the foregoing **IDAHO DAIRYMEN'S ASSOCIATION'S MOTION FOR ORDER AUTHORIZING DISCOVERY** to be served by the method indicated below, and addressed to the following:

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