

RECEIVED

JUN 29 2005

DEPARTMENT OF  
WATER RESOURCES

LAWRENCE G. WASDEN  
ATTORNEY GENERAL

DAVID G. HIGH, ISB No. 1820  
Chief of Civil Litigation

MICHAEL S. GILMORE, ISB No. 1625  
Deputy Attorney General  
Statehouse, Room 210  
Boise, ID 83720  
Telephone: (208) 334-4130  
Telefax: (208) 334-2830

ORIGINAL

Attorneys for State Agency Ground Water Users  
q:\water resources\swc call\p5179mgb.doc

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PETITION FOR	)	
ADMINISTRATION BY A&B IRRIGATION	)	<b>STATE AGENCY GROUND</b>
DISTRICT, AMERICAN FALLS RESERVOIR	)	<b>WATER USERS' MOTION TO</b>
DISTRICT # 2, BURLEY IRRIGATION	)	<b>DESIGNATE PERSON</b>
DISTRICT, MILNER IRRIGATION DISTRICT,	)	<b>RESPONSIBLE FOR DISCOVERY</b>
MINIDOKA IRRIGATION DISTRICT, NORTH	)	<b>REQUESTS TO IDWR STAFF</b>
SIDE CANAL COMPANY, AND TWIN FALL	)	
CANAL COMPANY	)	

The Idaho Department of Fish & Game, the Idaho Department of Health & Welfare, the Idaho Department of Juvenile Corrections, and the Idaho Transportation Department, who have intervened as the State Agency Ground Water Users (SAGWU), by and through their counsel of record, Michael S. Gilmore, Deputy Attorney General, file this Motion to Designate Person Responsible for Discovery Requests to IDWR Staff.

Today the SAGWU have moved to conduct discovery to the IDWR Staff to the extent that the presiding officer in this proceeding may take official notice of (i) "any facts that could be judicially noticed in the courts of this state," Idaho Code § 67-5251(4)(a), (ii) any "generally recognized technical or scientific facts within [IDWR's] specialized knowledge," § 67-5251(4)(b), or (iii) "specific facts or materials noticed and the source thereof, including any [IDWR] staff memoranda and data," § 67-5251(4).

In order to facilitate this discovery, the SAGWU move the Department to designate one

person, either a member of the IDWR staff or a member of the Attorney General's Office familiar with IDWR and its Staff, through whom all requests for discovery to IDWR Staff shall be directed and through whom all answers to requests for discovery shall be served upon the party making discovery and other parties (or, in the case of voluminous answers, through whom parties will be notified of the availability of the voluminous answers).

DATED this 29<sup>th</sup> day of June, 2005.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By   
MICHAEL S. GILMORE  
Deputy Attorney General

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of June, 2005, I caused to be served a true and correct copy of the foregoing by regular U.S. Mail, postage prepaid, to:

Roger D. Ling  
LING ROBINSON & WALKER  
PO Box 396  
Rupert, Idaho 83330

C. Tom Arkoosh  
ARKOOSH LAW OFFICES, CHTD.  
PO Box 32  
Gooding, Idaho 83330

John A. Rosholt  
Travis L. Thompson  
BARKER ROSHOLT & SIMPSON LLP  
113 Main Ave. West, Suite 303  
Twin Falls, Idaho 83301-6167

W. Kent Fletcher  
FLETCHER LAW OFFICE  
PO Box 248  
Burley, Idaho 83318

John Simpson  
BARKER ROSHOLT & SIMPSON LLP  
PO Box 2139  
Boise, Idaho 83301-6167

Scott L. Campbell  
MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHTD  
101 S. Capitol Blvd., 10th Floor  
PO Box 829  
Boise, Idaho 83701

Jeffrey C. Fereday  
Michael C. Creamer  
GIVENS PURSLEY LLP  
601 Bannock Street, Suite 200  
PO Box 2720  
Boise, Idaho 83701-2729

Josephine P. Beeman  
BEEMAN & ASSOCIATES, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702

Kathleen Marion Carr  
OFFICE OF THE FIELD SOLICITOR  
550 W. Front Street, MSC 020  
Boise, Idaho 83724

Sarah A. Klahn  
WHITE & JANKOWSKI, LLP  
511 16th St. Suite 500  
Denver, Colorado 80202

James S. Lochhead  
Adam T. DeVoe  
BROWNSTEIN HYATT & FARBER, P.C.  
410 17th Street, 22nd Floor  
Denver, Colorado 80202

James Tucker  
Senior Attorney  
Idaho Power Company, Legal Department  
1221 West Idaho Street  
Boise, Idaho 83702



Michael S. Gilmore  
Deputy Attorney General