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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 BUY OR FOR THE BENEFIT OF)
A&B IRRIGATION DISTRICT, AMERICAN) **MOTION**
FALLS RESERVOIR DISTRICT #2, BURLEY) **FOR ORDER**
IRRIGATION DISTRICT, MILNER) **REQUIRING PREPARED**
IRRIGATION DISTRICT, MINIDOKA) **TESTIMONY AND**
IRRIGATION DISTRICT, NORTH SIDE) **EXHIBITS**
CANAL COMPANY, AND TWIN FALLS) **(Rule 530)**
CANAL CO.)
_____)

COME NOW the Idaho Ground Water Appropriators, Inc., acting for and on behalf of the Ground Water Districts, and the City of Pocatello, through counsel, and for purposes of the formal hearing of this matter to be discussed and scheduled at the June 5, 2007 status conference, hereby move the Director of the Idaho Department of Water

Resources (“Department”) for an Order pursuant to Rule 530 of the Rules of Procedure of the Department, IDAPA 37.01.01 that all parties be required to prepare and file all direct testimony and exhibits and rebuttal testimony and exhibits on dates certain prior to the scheduled hearing. This Motion is made upon the ground and for the reasons as follows:

1. Rule 530 of the Procedures of the Department, IDAPA 37.01.01, provides that the Department may by “order, notice or rule” require a party to file before hearing and to serve on all other parties prepared expert testimony and exhibits to be presented at hearing, with assigned exhibit numbers used in all prepared testimony.
2. The hearing to be scheduled on this matter involves multiple parties, extensive expert testimony and exhibits and is expected to last several weeks.
3. The filing of pre-filed testimony and exhibits would provide for the orderly and efficient presentation of evidence and conduct of the hearing which would be limited to the live cross-examination of witnesses on their prefiled testimony and exhibits, thus saving considerable time and expense and promoting judicial efficiency, both in the case preparation and in the filing.
4. Conducting hearings as provided by Rule 530 with pre-filed testimony and exhibits is a common practice in hearings involving extensive expert testimony and exhibits, particularly the Idaho Public Utilities Commission, which mandates it in all such general rate proceedings involving multiple parties and witnesses, and has proven to be an effective and efficient

means of presenting evidence, establishing a record and simplifying and shortening proceedings of this nature.

Based on the foregoing, IGWA respectfully requests the Department to issue an Order pursuant to Rule 530 requiring that all direct and rebuttal testimony and exhibits in this matter be pre-filed on dates and times certain prior to the hearing.

DATED this 31st day of May, 2007.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED

By Randall C. Budge
RANDALL C. BUDGE

WHITE & JANKOWSKI

By Randall C. Budge For Sarah Klahn
For SARAH KLAHN

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May 2007, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

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