

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

IN THE MATTER OF BASIN 37  
ADMINISTRATIVE PROCEEDING

Docket No. AA-WRA-2021-001

**ORDER AUTHORIZING  
DISCOVERY**

On May 4, 2021, the Director of the Idaho Department of Water Resources (“Department”) issued a *Notice of Administrative Proceeding, Pre-Hearing Conference, and Hearing* (“Notice”). The Director commenced the administrative proceeding in response to predicted drought in Basin 37 for the 2021 irrigation season and in response to ground water modeling showing that curtailment of ground water rights during the 2021 irrigation season would result in increased surface water flows for certain holders of senior surface water rights. *Notice* at 1. The purpose of the hearing was for the Director to decide whether “the withdrawal of water from ground water wells in the Wood River Valley south of Bellevue (commonly referred to as the Bellevue Triangle) would affect the use of senior surface water rights on Silver Creek and its tributaries during the 2021 irrigation season.” *Id.* at 1. The Director set a pre-hearing conference for May 24, 2021, and set the hearing for June 7-11, 2021. *Id.* at 1-2.

On May 13, 2021, South Valley Ground Water District (“South Valley”) filed *South Valley Ground Water District’s Motion for Order Authorizing Discovery* (“Motion”) asking the Director to authorize discovery in this matter pursuant to IDAPA 37.01.01.260, IDAPA 37.01.01.520, and IDAPA 37.01.01.521. South Valley requests authorization to “conduct discovery in all forms listed in rule 520.01a-d and seeks leave to conduct discovery against all parties or other knowledgeable persons or entities.” *Motion* at 1. South Valley states “[e]valuation of the factual issues that the Director has addressed in his *Notice* will be complex and extensive,” therefore discovery is essential. *Id.* at 2.

Rule 521 of the Department’s Rules of Procedure require an order authorizing discovery prior to any party conducting discovery. IDAPA 37.01.01.521. Rule 520.02 specifies the scope of discovery is governed by the Idaho Rules of Civil Procedure, unless otherwise provided by an order. The Director agrees that discovery is appropriate in this matter. Discovery is only authorized for depositions, production requests (not interrogatories), and subpoenas, as discussed in Rule 520.01a, 520.01b and 520.01d. Deadlines will be discussed at the pre-hearing conference.

**ORDER**

Based upon the foregoing, IT IS HEREBY ORDERED South Valley’s *Motion* is GRANTED.

IT IS FURTHER ORDERED that discovery is limited to depositions, production requests, and subpoenas.

DATED this 21<sup>st</sup> day of May, 2021.



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GARY SPACKMAN  
Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this \_\_\_\_\_ day of May, 2021, I served a true and correct copy of the foregoing document on the person(s) whose names and addresses appear below by the method indicated:

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