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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 WATER RIGHTS HELD BY )  
MEMBERS OF THE BIG WOOD & LITTLE )  
WOOD WATER USERS ASSOCIATION )  
DIVERTING FROM THE BIG WOOD )  
RIVER )  
)  
)  
)

Docket No. CM-DC-2015-001

IN THE MATTER OF DISTRIBUTION OF )  
WATER TO WATER RIGHTS HELD BY )  
MEMBERS OF THE BIG WOOD & LITTLE )  
WOOD WATER USERS ASSOCIATION )  
DIVERTING FROM THE LITTLE WOOD )  
RIVER )  
)  
)  
)

Docket No. CM-DC-2015-002

**RESPONSE TO MOTION TO  
MODIFY/WITHDRAW  
"REQUEST FOR STAFF  
MEMORANDA"**

Pursuant to Rule of Procedure 270.02, the members of the Water District 37-B  
Groundwater Group, through undersigned counsel of record, hereby file this response to  
the Sun Valley Company's Motion to Modify/Withdraw "Request for Staff Memoranda"

**RESPONSE TO MOTION TO MODIFY/WITHDRAW "REQUEST FOR STAFF  
MEMORANDA" – 1 –**

**ORIGINAL**

and May 20, 2015 “Request for Additional Information,” filed July 1, 2015 (the “Motion”). To be clear, the Group does not oppose that Motion. To the contrary, the Group agrees with the general thrust of that Motion, which is that in a contested case such as this one, it is not the Department’s role to develop evidence. Instead, that is the role of the parties.

The Group files this Response simply for the purpose of clarifying that it believes that a narrow portion of the Director’s June 12, 2015 Request for Staff Memoranda (the “Request”) is acceptable. In particular, the Group believes it is beneficial to all of the parties in this proceeding for Department staff to produce any *existing* “hydrologic or hydrogeologic data or publications” that may be relevant to this proceeding and, therefore, that the Department may use in its “evaluation of evidence.” (See Request, p. 3; Rule of Procedure 600.) This is entirely consistent with the arguments advanced in the Motion. (See Motion, p. 14 (“the language contemplates that the ‘generally recognized technical or scientific facts’ already exist”).

In terms of timing, it would be beneficial for the Department to produce any such documents well before any expert report disclosure deadlines, so that such documents can be considered by the parties’ experts prior to the production of their reports. At this point in the proceedings, there is no scheduling order establishing such deadlines. (Order Denying Motion for Protective Order; Scheduling Order of 7/2/15, pp. 2-3.)

In summary, the Group supports and agrees with the Motion. The Group simply files this Response for the narrow purpose of clarifying that the Department should produce copies of any *existing* “hydrologic or hydrogeologic data or publications” that may be relevant to this proceeding and that, therefore, may be relied upon by the Department in its “evaluation of evidence” at hearing. See Rule of Procedure 600.

DATED THIS 15<sup>th</sup> day of July, 2015.

Varin Wardwell LLC

By: 

Dylan B. Lawrence  
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Groundwater Group

## CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July, 2015, I caused to be served a true and correct copy of the foregoing by placing a copy of the same in the United States mail, postage prepaid and properly addressed and by e-mail to participants who have provided e-mail addressed to the Department for service to the following:

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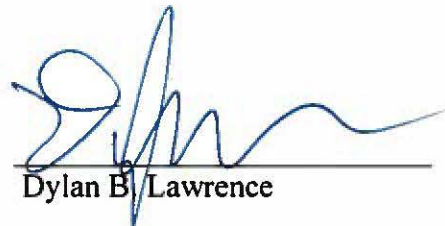
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