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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Sun Valley Company

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE PETITION FOR
ADMINISTRATION BY BIG WOOD &
LITTLE WOOD WATER USERS
ASSOCIATION

Docket No. CM-DC-2017-001

**MOTION FOR LEAVE TO CONDUCT
DISCOVERY**

COMES NOW Sun Valley Company, by and through undersigned counsel of record, and pursuant to Idaho Department of Water Resources Administrative Rules of Procedure 260, 520 and 521 (IDAPA 37.01.01.260, 37.01.01.520 and 37.01.01.521), and hereby moves for an order authorizing discovery by Sun Valley Company in the above-captioned matter. Sun Valley Company seeks authority to conduct all forms of discovery listed in Rule 520.01.a-d, and seeks leave to conduct discovery against all parties or other knowledgeable persons or entities.

The grounds for this motion are as follows:

1. This is a contested case and Sun Valley Company is a party to this proceeding.
2. The Idaho Department of Water Resources Administrative Rules of Procedure allow discovery by a party in a contested case, but only pursuant to an order from the Director of the Idaho Department of Water Resources authorizing discovery.
3. The factual issues that the Director must address in this case, including issues regarding conjunctive management of the surface and ground water rights in issue and the alleged material injury to and use of the water rights owned by the members of Petitioner, are complex, extensive and in controversy. Discovery will permit the parties to develop a more adequate record and thus will facilitate the task of the hearing officer.
4. Discovery will also serve to narrow the issues and allow parties to focus on the important facts and issues to be resolved during the proceedings. Absent discovery, extensive examination and cross-examination at hearing will be required to develop even basic evidence and information, and evidence and information that could prove crucial to the Director's evaluation of the issues are more likely to be missed or overlooked. Authorizing discovery before any hearing addressing the substantive merits of these proceedings will allow for a more productive and efficient administration thereof.


CONCLUSION

Sun Valley Company requests that this motion be granted to allow discovery for a minimum time period of nine (9) months from the date of an order authorizing discovery. This time period is the minimum amount likely to be required in view of the large number of individual water users involved on both sides of this matter. The Petitioner has approximately 60

members with many owning multiple water rights. There are hundreds of respondents. The time required to discover, organize, and analyze the vast amount of information relevant to this proceeding will be substantial. Moreover, since the Association has failed to provide any information from its members regarding water use, material injury, or irrigation efficiencies in support of its Petition, the significant time needed to properly conduct discovery is prompted by the Petitioners' lack of diligence in preparing its Petition prior to filing with the Department.

DATED this 24th day of March, 2017.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Matthew J. McGee – Of the Firm
Attorneys for Sun Valley Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 2017, I caused a true and correct copy of the foregoing **MOTION FOR LEAVE TO CONDUCT DISCOVERY** to be served by the method indicated below, and addressed to the following:

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☐ Overnight Mail
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