



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 18, 2003

William R. Hollifield
Hollifield Law Office
249 Third Avenue East
P.O. Box 66
Twin Falls, ID 83303-0066

RE: Subcase No. 34-13626 – Ned & Reva Walker Trust

Dear Mr. Hollifield:

IDWR recently received your *Notice of Service of Discovery*, specifically the request for production pursuant to Idaho Rules of Civil Procedure 33 and 34. IRCP 33 and 34 authorize discovery requests to be served on parties only. Since IDWR is not a party to the Snake River Basin Adjudication, such a discovery request is not proper. In prior proceedings in the SRBA, the court has noted that IDWR may not be served with formal discovery requests since the agency was removed as a party (note - also see Basinwide Issue #2 proceedings). Thus, I respectfully request that you withdraw your discovery request, which was served upon IDWR on December 11, 2003.

As a matter of convenience, I have included a copy of the claim file for water right 34-13626 for you. If there are other public records that you need, you are welcome to inspect and copy them at any time during normal business hours. Please make arrangements with IDWR legal staff as to when you may inspect the additional files.

Please call me and let me know how you would like to proceed.

Sincerely,

A handwritten signature in cursive script, reading "Susan Hamlin Nygard".

SUSAN HAMLIN NYGARD
Deputy Attorney General

SHN/bh
Enclosures