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Department of Water Resources

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Attorneys for Claimants Hamilton

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO AND FOR THE COUNTY OF TWIN FALLS**

In re SRBA

Case No. 39576

) Subcase Nos. 31-00053B
) 31-00054B and 31-00055B
)

) **MOTION IN LIMINE AND**
) **NOTICE OF HEARING**
)
)
)

COMES NOW, Applicants' Jack R. Hamilton and the Estate of Lela M. Hamilton ("Hamilton"), by and through their attorney of record, Jerry R. Rigby, and moves this Court for an order to quash, relieving Hamilton from the requirement to answer and respond to Objector Rocking Question, L.L.C. ("Rocking Question") "First Request for Admissions" and "Interrogatories and Request for Production of Documents" served upon Hamilton. Pursuant to this Court's Trial Scheduling Order, dated April 26, 2002, all Discovery was to be **Completed** on June 28, 2002. However, the above described discovery served upon Hamilton by Rocking Question was only **Served** on June 28, 2002, making it impossible for Hamilton to respond to comply with the Court's order. Rocking Question has had sufficient time to pose discovery upon Hamilton in a timely manner

and has failed to do so without any just cause.

Therefore, Hamilton respectfully requests this Court order that all discovery requests and interrogatories served upon Hamilton by Rocking Question be quashed, thus relieving Hamilton from any obligation to respond or answer the requests, interrogatories and/or production.

DATED this 12th day of July, 2002.



Jerry R. Rigby, Esq.
RIGBY, THATCHER, ANDRUS,
RIGBY, KAM & MOELLER, *Chartered*
Attorneys for Hamilton

NOTICE OF HEARING

HEARING has been set upon said Motion, **Friday the 16th day of August, 2002, at 1:30 o'clock p.m.** at the County Courthouse in Rexburg, Madison, Idaho, at which any interested person may contest or oppose the Motion or any part thereof.



Jerry R. Rigby, Esq.
RIGBY, THATCHER, ANDRUS,
RIGBY, KAM & MOELLER, *Chartered*
Attorneys for Hamilton

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 12th day of July 2002, a true and accurate copy of the foregoing was sent by personal service to the following:

The Rocking Question, LLC
Blair Grover
215 Farnsworth Wy.
Rigby, ID 83442

IDWR
Candice McHugh
P.O. Box 83720
Boise, ID 83720-0098

The Rocking Question, LLC
c/o 50 West 300 South, Ste. 800
Salt Lake City, UT 84101

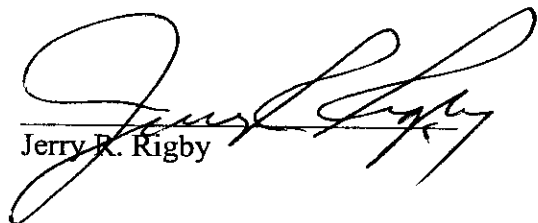
David Hirschi
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Rexburg, ID 83440

Joe Knotwell
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Max Siddoway
2568 East 100 North
Teton, ID 83451

Horace Frederiksen
Howard Frederiksen
Kilgore Route
Kilgore, ID 83423

Jack R. Hamilton
Lela M. Hamilton
4969 North 5th East
Idaho Falls, ID 83401



Jerry R. Rigby