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DEPARTMENT OF
WATER RESOURCES

2006 OCT -4 AM 10:48

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) Subcases 63-00012, 63-00013, 63-00015, 63-
) 03603, 63-07595, 63-27649, 63-27671, 63-
) 30006, 63-31050, 63-31051, 63-31052, 63-
) 31053, 63-31054, 63-31056, 63-31057, 63-
) 31059, 63-31060, 63-31062
)
) ORDER ON MOTION TO COMPEL
) DISCOVERY; I.R.C.P. 37(a)

On August 31, 2006, The Terteling Company, Inc. and T-7, LLC, claimants of the above-captioned water rights, by and through their attorney of record Charles L. Honsinger, filed a *Motion to Compel (Motion)* discovery, seeking an order compelling objector Edwards Family, LLC, "to respond in a meaningful manner" to the Interrogatories and Requests for Production propounded by claimants. The *Affidavit of Charles L. Honsinger in Support of Motion to Compel* was filed contemporaneously therewith.¹ On September 26, 2006, attorneys for the Edwards Family, LLC, Dana L. Hofstetter and Debra K. Ellers, filed the *Edwards Family LLC's Response to the Terteling Company, Inc. and T-7, LLC's Motion to Compel*, together with the *Affidavit of Dana L. Hofstetter in Support of Response to Motion to Compel*. On September 29, 2006, Mr. Honsinger filed a *Reply to Edwards Family LLC's Response to the Terteling Company, Inc.'s and T-7, LLC's Motion to Compel*.

The *Motion* was heard on October 3, 2006. Participating by telephone were Charles Honsinger, Debra Ellers, Dana Hofstetter, and Nick Spencer, Deputy Attorney General for the Idaho Department of Water Resources. Pursuant to the comments and

¹ A *Corrected Affidavit* was filed by Mr. Honsinger on September 29, 2006, to correct the oversight of not having the first Affidavit notarized.

reasoning set forth on the record by this Special Master, the following are hereby ordered:

1. The Edwards Family, LLC is ordered to again respond to the discovery heretofore propounded by claimants to the extent required under I.R.C.P. 26(b)(1), and consistent with the comments made by this Special Master on the record at hearing, excepting discovery regarding experts not yet determined by objectors to be a witness at trial. I.R.C.P. 26(b)(4)(B). **The deadline for objector to respond is 5:00 p.m.**

Mountain Time, October 26, 2006.

2. Each party shall bear their own costs and fees incurred in connection herewith.

Dated October 4, 2006.

A handwritten signature in black ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

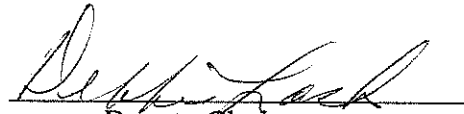
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON MOTION TO COMPEL DISCOVERY; I.R.C.P. 37(a) was mailed on October 4, 2006, with sufficient first-class postage to the following:

Director of IDWR
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Boise, ID 83720-0098

Dana L Hofstetter
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Charles L Honsinger
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Deputy Clerk