

COPY

Randall C. Budge, ISB No. 1949
Scott J. Smith, ISB No. 6014
Candice M. McHugh, ISB No. 5908
Thomas J. Budge, ISB No. 7465
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
101 South Capitol Boulevard, Suite 208
Boise, ID 83702
Telephone: 208-395-0011
Fax: 208-433-0167
rcb@racinelaw.net
sjs@racinelaw.net
cmm@racinelaw.net
tjb@racinelaw.net

Attorneys for Ground Water Districts

RECEIVED

AUG 22 2008

DEPARTMENT OF
WATER RESOURCES

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

Subcase Numbers: See Attachment
A

**AFFIDAVIT OF CANDICE M.
MCHUGH IN SUPPORT OF
MOTION TO COMPEL
DISCOVERY RESPONSES AND
MOTION TO EXTEND
DEADLINES**

STATE OF IDAHO)
)
COUNTY OF ADA)

ss.

Candice M. McHugh, being fully sworn upon oath, deposes and states as follows:

1. I am one of the attorneys representing ABERDEEN AMERICAN FALLS
GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, BONNEVILLE-

JEFFERSON GROUND WATER DISTRICT, CAREY VALLEY GROUND WATER DISTRICT, JEFFERSON-CLARK GROUND WATER DISTRICT, MADISON GROUND WATER DISTRICT, MAGIC VALLEY GROUND WATER DISTRICT, and NORTH SNAKE GROUND WATER DISTRICT¹ ("Ground Water Districts") in the above-referenced subcases and make the following Affidavit upon my personal knowledge of the facts and circumstances set forth herein.

2. Attached hereto as Exhibit A is a true and correct copy of the First Set of Interrogatories and Request for Production to claimant Twin Falls Canal Company ("TFCC"). All of the discovery requests were identical with the only difference being the name of the claimant (entity) for each set of subcases. For ease of reference and judicial economy, only one example is attached hereto for the court's reference.

3. Attached hereto as Exhibit B is a true and correct copy of the Responses I received to the Ground Water Districts' Discovery Requests.

4. On Tuesday, August 12, 2008, I sent an email to opposing counsel requesting that they supplement their discovery responses and that I thought the responses were deficient. Opposing counsel, in various and separate emails responded that they believed their responses were adequate. On Friday, August 15, 2008, I followed up with a more specific request regarding the documents the Ground Water Districts were seeking and opposing counsel again responded that they believe they have complied and were not intending to provide the documents or answers that I requested, or did not provide any response. We have not been able to resolve the discovery dispute. Attached hereto as Exhibit C are the communications between counsel

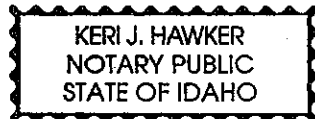
¹ It is noted that Magic Valley Ground Water District and North Snake Ground Water District are not parties to the subcases involving North Side Canal Company.

documenting the efforts to resolve the discovery dispute.

DATED this 20th day of Aug, 2008.

By: Candice M. McHugh
CANDICE M. McHUGH

SUBSCRIBED AND SWORN to before me by Candice M. McHugh this 20th day of August, 2008.



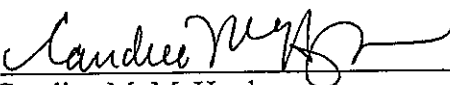
Keri J. Hawker
Notary Public

Commission Expires: Dec. 21, 2012

7

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of Aug, 2008, the above and foregoing document(s), was served by email to those with email addresses and by placing a copy in the U.S. Mail, postage prepaid and addressed to the following:


Candice M. McHugh

Clerk of the SRBA Court 253 Third Avenue North PO Box 2707 Twin Falls, ID 83302-2707	Original	IDWR Repository PO Box 83720 Boise, ID 83720-0098
Natural Resources Division Chief State of Idaho Attorney General's Office PO Box 44449 Boise, ID 83711-4449		John K. Simpson, Esq. Travis L. Thompson, Esq. Barker, Rosholt & Simpson 113 Main Avenue West, Suite 303 Twin Falls, ID 83301-6167 Fax: (208) 735-2444 jar@idahowaters.com tlr@idahowaters.com
United States Department of Justice Environment & Natural Resources Div 550 West Fort Street MSC 033 Boise, ID 83724 david.gehlert@usdoj.gov		W. Kent Fletcher, Esq. Fletcher Law Office P.O. Box 248 Burley, ID 83318-0248 Fax: (208) 878-2548 wkf@pmt.org
Josephine P. Beeman, Esq. Beeman & Associates PC 409 W. Jefferson Boise, ID 83702-6049 Fax: (208) 331-0954 Jo.beeman@beemanlaw.com		Sarah A. Klahn, Esq. White & Jankowski, LLP 511 16 th Street, Suite 500 Denver, CO 80202 Fax: sarahk@white-jankowski.com
Roger D. Ling, Esq. Ling, Robinson & Walker 615 H Street P.O. Box 396 Rupert, ID 83350-0396 Fax: (208) 436-6804 rdl@idlfirm.com		A. Dean Tranmer City of Pocatello PO Box 4169 Pocatello, ID 83201

Jerry R. Rigby 25 N 2nd E PO Box 250 Rexburg, ID 83440-0250 jrigby@rex-law.com	Robert L. Harris 1000 Riverwalk Dr, Ste 200 PO Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com
C. Tom Arkoosh, Esq. Arkoosh Law Offices, Chtd. 301 Main Street P.O. Box 32 Gooding, ID 83330 Fax: (208) 934-8873 alo@cableone.net	Craig D. Hobdey 125 5th Ave Po Box 176 Gooding, ID 83330
Robert A. Maynard Perkins Coie LLP 251 E Front St, Ste 400 Boise, ID 83702-7310	Tim Eilers 1109 W 300 S Heyburn, ID 83336
Martin & Lorraine Muecke 1250 W 300 S Heyburn, ID 83336	Steve Muecke 925 W Wanda Ln Heyburn, ID 83336

EXHIBIT A
SUBCASE LIST

1-4
1-5
1-6
1-7
1-8
1-9
1-10
1-13
1-14
1-16
1-17
1-209
1-210
1-211A
1-211B
1-212
1-213
1-214A
1-214B
1-219
1-2050
1-2061
1-10034
1-10225
1-10237
1-10238
1-10239
1-10240
1-10241
1-10482
1-10526