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DEPARTMENT OF  
WATER RESOURCES

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

IN RE: Snake River Basin Adjudication  
 Case No. 39576

**Subcase No: 65-23481**

**ALLEN RANCH LLP'S  
 OBJECTION TO MOTION FOR  
 ORDER AUTHORIZING  
 DISCOVERY**

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COMES NOW, Allen Ranch LLP ("Allen") by its attorney of record, Moore Smith Buxton & Turcke, Chtd., and objects to the motion filed by Sandra Chess requesting the January 8, 2013 hearing be vacated and discovery authorized. The motion is not well taken and serves only to delay this proceeding. Further, Chess has provided no explanation of what interviews, affidavits, and additional evidence she would attempt to gather. Chess apparently intends to litigate the nature and elements of the water right claimed as part of Allen's Motion for Leave to File a Late Claim. Chess will have every opportunity to object to the late claim and to contest the elements. However, this is not the proceeding in which the elements should be subject to challenge. Chess' motion is simply a delaying tactic evidencing a continuing abuse of process by Chess. The motion should be denied.

Respectfully submitted this 21<sup>st</sup> day of December, 2012.

MOORE SMITH BUXTON & TURCKE, CHTD.

By: 

Bruce M. Smith

Attorney for Claimant Allen Ranch LLP

**CERTIFICATE OF SERVICE**

I hereby certify I served the original and true and correct copies of the foregoing **ALLEN RANCH LLP'S OBJECTION TO MOTION FOR ORDER AUTHORIZING DISCOVERY** was this 21<sup>st</sup> day of December, 2012 served upon the following individuals and in the corresponding manner:

1. Original to: (Via Facsimile)

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-27007

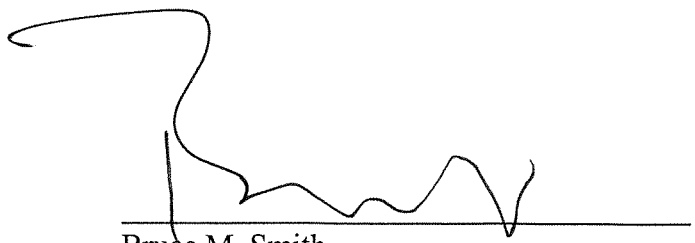
2. Copies to: (Via First Class U.S. Mail)

IDWR Document Repository  
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Boise, ID 8720-2707

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P.O. Box 83720  
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