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Department of Water Resources
Adjudication BureauParty's Name: William TaylorAttorneys' Names and Address

Jeffrey C. Fereday
Michael C. Creamer
GIVENS PURSLEY & HUNTLEY
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
(208) 342-6571
(208) 343-8920 (facsimile)

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 Nos. 36-00134A
36-00135B

**OBJECTION TO NOTICE OF
INTENT TO CROSS-EXAMINE
AND MOTION FOR
PROTECTIVE ORDER**

Movant, William Taylor, by and through his counsel, Givens Pursley & Huntley, hereby objects to the Notice of Intent to Cross-Examine served upon Movant by Claimants Walter and Margaret Candy, on June 1, 1995, and moves for a Protective Order from such notice. As grounds for such Objection and Motion, Movant states that neither the Idaho Rules of Civil Procedure nor the SRBA Court's Amended Administrative Order No. 1 provide for cross-examination of affiants in the context of motions to intervene, or other pre-trial motions.

The Idaho Rules of Civil Procedure do not provide for cross examination of affiants on their affidavits filed in support of motions, including petitions to intervene. Only IRCP 6, which applies to Child Support Guidelines and show cause hearings in divorce and custody proceedings specifically, and to show cause hearings generally, gives a party the right to cross-examine affiants upon 24 hours notice to the court and opposing counsel. See I.R.C.P. 6(c)(2)-(4). This is the exclusive instance in which cross-examination upon affidavits is permitted. The hearing scheduled for June 5, 1995 on the pending Motion to Participate is not a "show cause hearing" within the meaning of the IRCP.

The Court is entitled to rule, and capable of ruling, on the Motion to Intervene based upon the pleadings and arguments of counsel. Cross-examination being unnecessary for purposes of the the Court's Motion to Participate, it must be assumed that cross-examination is being sought for purposes of annoyance, embarrassment and oppression. Cross-examination will consume the valuable time of the court and the parties, which is counterproductive in these sub-cases that the Claimants have themselves represented must be expedited in the interest of saving their clients' time and money. Further, allowing cross-examination in the context of affidavits filed in support of such motions will set an unfortunate precedent for other motion practice in the SRBA which could ultimately delay final resolution of subcases and the SRBA itself.

For the above reasons, Movant William Taylor respectfully objects to the Claimants' Notice of Intent to Cross-Examine and requests an order from the

court that the cross-examination of William Taylor on his affidavit in support of his Motion to Participate not be had.

DATED this 2nd day of June, 1995.

GIVENS PURSLEY & HUNTLEY


by: Michael C. Creamer
Attorneys for William Taylor

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of June, 1995, a true and correct copy of the within and foregoing instrument was served via the method noted below:

R. Lee Leininger
The United States Department of Justice
550 West Fort Street, Box 33
Boise, ID 83734

☐ U.S. Mail ☒ Fax ☐ Hand Delivery ☐ Federal Express

Alan G. Lance
Clive J. Strong
A. Lynne Krogh
Nicholas B. Spencer
Office of the Attorney General
Statehouse
Boise, ID 83720

☐ U.S. Mail ☒ Fax ☐ Hand Delivery ☐ Federal Express

Patrick D. Brown
Hepworth Lezamiz & Hohnhorst
P.O. Box 389
Twin Falls, ID 83303-0389

☐ U.S. Mail ☒ Fax ☐ Hand Delivery ☐ Federal Express



Law Office
GIVENS PURSLEY & HUNTLEY
Suite 200, Park Place
277 N. 6th Street
P.O. Box 2720
Boise, Idaho 83701

Telephone (208) 342-6571
Fax (208) 343-9492

COVER SHEET

DATE: June 2, 1995
TIME: 4:44pm
TO: Clerk of Court
FIRM: SRBA Court
RE: SRBA Subcase Nos. 36-00134A, 36-00135B
FAX NUMBER: 1-208-736-2121

FROM: Michael C. Creamer

CLIENT NO: 3915-13

MESSAGE: Please see attached for filing:

*Objection to Notice of Intent to Cross-Examine and Motion for
Protective Order*

cc: Patrick D. Brown, 208-734-4115
R. Lee Leininger, 387-0842
Attorney General's Office, 334-2690

HARD COPY WILL____ WILL NOT_X_ FOLLOW

TOTAL PAGES (INCLUDING COVER SHEET): 5

* * * * * IMPORTANT MESSAGE * * * * *

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