

Party's Name: Faulkner Land & Livestock

C. A. DAW
JOSEPHINE P. BEEMAN
DILLION, BOSCH, DAW & BOCK
CHARTERED
242 N. 8th St., Suite 200
Boise, ID 83702
(208) 344-8990

RECEIVED

NOV 15 1995

OFFICE OF THE
ATTORNEY GENERAL

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NOV 16 1995

Department of Water Resources
Adjudication Bureau

Attorneys for Respondent Faulkner Land & Livestock

**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	)	Subcase No. 36-00048A
	)	(McFaddan)
Case No. 39576	)	AMENDED
	)	MOTION FOR PROTECTIVE ORDER
	)	MOTION TO SHORTEN TIME
	)	REQUEST FOR EXPEDITED HEARING

Faulkner Land & Livestock ("Faulkner") moves this court pursuant to Rule 26(c) of the Idaho Rules of Civil Procedure for protective order preventing Objector, Dan H. & Irma R. McFaddan ("McFaddan") from proceeding with the following discovery: (i) a deposition of Sand Springs Ranch Partnership scheduled for 11:00 o'clock a.m., November 14th, 1995, pursuant to Notice filed 4:10 p.m., November 10th, 1995; amended to 10:15 a.m., November 16th, 1995, pursuant to Notice filed 10:20 a.m., November 13th, 1995; and (ii) obtaining those documents identified in the duces tecum portion of the notice of taking deposition.

Faulkner specifically requests that discovery not be had.

Faulkner further requests an expedited hearing on this matter and an order from the court shortening the time of notice to McFaddan. This motion is necessary, since McFaddan's original notice to Faulkner was one day and the amended notice was less than

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I will be unavailable to defend the depositions scheduled on Thursday, November 16th, 1996. I will be working throughout that day with ground water users from the Wendell and Jerome areas to complete the filing of a petition to form a ground water district in portions of Gooding, Jerome, and Lincoln counties. A copy of the petition and the calendar of events beginning November 16th, 1995 is attached. The petition must be filed on November 16 with the Gooding county clerk in order to meet the statutory

publication and hearing requirements to hold an election on February 6, 1996. Idaho Code Section 42-5200, et seq., governs the filing, publication and election requirements. A duplicate petition must be filed simultaneously with the Idaho Department of Water Resources. If the November 16 date is missed, the next election may not be held until May 1996.

Tom Ambrose, Mike Faulkner, and Ralph May, the proposed deponents, are organizers of the proposed ground water district and are also unavailable on November 16 because of their efforts to complete and verify the signatures for the petition and nominations for seven division directors.

In addition, on Thursday, November 16, I have a morning telephone conference scheduled since November 9 with water users who are opposing federal instream flow claims on the Salmon River drainage.

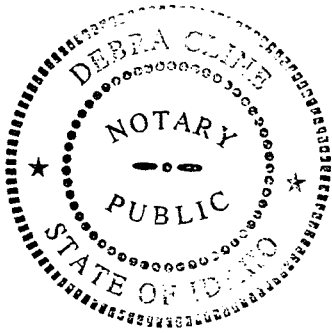
C. A. Daw of our office would normally be available as co-counsel during the depositions as trial advisor. Mr. Daw is also unavailable on the 16th, having prior commitments to be in Des Moines, Iowa.

Further your affiant sayeth not.

Dated: November 14, 1995 By: Josephine P. Beeman
JOSEPHINE P. BEEMAN

County of Ada)
) ss.
State of Idaho)

Subscribed and sworn before me this 14th day of November, 1995.



Debra L. Cline

Notary Public for Idaho

Residing at Boise, Idaho

Commission Expires: 7/21/01

BEFORE THE BOARD OF COUNTY COMMISSIONERS
GOODING COUNTY

In the Matter of the Petition to form the) North Snake Ground Water District))	PETITION TO FORM NORTH SNAKE GROUND WATER DISTRICT
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The undersigned ground water users respectfully submit this Petition to the Board of County Commissioners for Gooding County to request the organization of a ground water district to be called the North Snake Ground Water District (the "District"). The undersigned petitioners are ground water users and holders of ground water rights within the boundaries, described below, of the proposed District. The petitioners request that their lands, and the lands of all other ground water users within the proposed District boundaries who are subject to inclusion under the ground district laws, be included within and subject to the assessments of the District for the purposes consistent with Chapter 52, Title 42, Idaho Code. The District is proposed to have seven divisions of approximately equal size, on the basis of the total amount of ground water diversion rights in each division.

The proposed District includes land in Jerome, Gooding and Lincoln Counties bounded on the North by the Malad and Little Wood Rivers, on the West and South by the Snake River canyon rim and generally on the East by a line running north from the Snake River which includes all of Township 10 South, Range 21 East, except for Sections 1, 2, 3, 4, 5 and 6 and proceeds north from the Southeast corner of Section 1, Township 9 South, Range 20 East, to the Northeast corner of Section 15, Township 5 South, Range 20 East, Boise Meridian. The proposed District is more particularly described in Exhibit A hereto which is incorporated herein.

Attached hereto and made a part hereof are the following documents:

1. Exhibit B: A list, certified by the Director of the Idaho Department of Water Resources as accurately reflecting the records of the Department, of the ground water users within the proposed District. The list includes the names of the ground water users, their addresses, their

ground water right numbers and, for each ground water right number, the points of diversion and cubic feet per second.

2. Exhibit C: A map indicating the proposed boundaries of the District and the boundaries of the seven divisions into which the District is proposed to be divided.

3. Exhibit D: Nominations for director for each division, each signed by not less than six ground water users in the proposed District.

4. Exhibit E: A check in the amount of \$ _____ for twice the amount estimated to be the cost to the County and to the Idaho Department of Water Resources in organizing the proposed District.

Dated this ____ day of November, 1995.

SIGNATURES BEGIN ON NEXT PAGE

[illegible][illegible][illegible]

PETITION TO FORM NORTH SNAKE GROUND WATER DISTRICT - SIGNATURES

The proposed lands of the North Snake Ground Water District are as follows (all of which relate to the Boise Meridian):

Township 5 South, Range 14 East: the portions of sections 26, 27, 34, 35 and 36 South of the Little Wood River, and the portion of section 33 East of the Malad River and South of the Little Wood River;

Township 5 South, Range 15 East: the portions of sections 25, 32, 33, 35 and 36 South of the Little Wood River;

Township 5 South, Range 16 East: the portions of sections 25 through 32 inclusive South of the Little Wood River, and all of sections 33, 34, 35 and 36;

Township 5 South, Range 17 East: the portions of sections 28 through 30 and 32 through 36 inclusive South of Little Wood River, and all of section 31;

Township 5 South, Range 18 East: the portions of sections 13, 14, 22, 23, 24, 27, 31 and 32 South of the Little Wood River, and all of sections 25, 26 and 34 through 36 inclusive;

Township 5 South, Range 19 East: all of sections 13 through 17 and 19 through 36 inclusive, and the portion of section 18 South of the Little Wood River;

Township 5 South, Range 20 East: all of sections 15 through 22, and 27 through 34 inclusive;

* * * * *

Township 6 South, Range 13 East: the portions of sections 25, 26 and 36 South of the Malad River, and the portion of section 35 East of the canyon rim;

Township 6 South, Range 14 East: the portion of section 1 South of the Little Wood River, all of sections 2, 3, 10 through 15, 22 through 27, 31 and 33 through 36 inclusive, the portions of sections 4, 9, 16, 21, 28 and 29 East of the Malad River and the portion of section 32 South of the Malad River;

Township 6 South, Range 15 East: all of sections 1 and 7 through 36 inclusive, and the portions of sections 2, 3, 4, 5 and 6 South of the Little Wood River;

Township 6 South, Range 16 East: all of sections 1 through 36 inclusive;

Township 6 South, Range 17 East: all of sections 1 and 3 through 36 inclusive, and the portion of section 2 South of the Little Wood River;

Township 6 South, Range 18 East: all of sections 1 through 36 inclusive;

EXHIBIT

A

Township 6 South, Range 19 East: all of sections 1 and 36 inclusive;

Township 6 South, Range 20 East: all of sections 3 through 10, 15 through 22, and 27 through 34 inclusive;

* * * * *

Township 7 South, Range 13 East: the portions of sections 1, 2, 12 and 13 East of the canyon rim;

Township 7 South, Range 14 East: all of sections 1 through 17, 20 through 29, and 33 through 36 inclusive, and portions of sections 18, 19, 30, 31 and 32 East of the canyon rim;

Township 7 South, Range 15 East: all of sections 1 through 36 inclusive;

Township 7 South, Range 16 East: all of sections 1 through 36 inclusive;

Township 7 South, Range 17 East: all of sections 1 through 36 inclusive;

Township 7 South, Range 18 East: all of sections 1 through 36 inclusive;

Township 7 South, Range 19 East: all of sections 1 through 36 inclusive;

Township 7 South, Range 20 East: all of sections 2 through 11, 14 through 23, and 26 through 35 inclusive;

* * * * *

Township 8 South, Range 14 East: all of sections 1 through 4, 9 through 16, 22 through 27 and 34 through 36 inclusive, the portions of sections 5, 8, 17, 20 and 33 East of the canyon rim, the portions of sections 21 and 29 North of the canyon rim, and the portions of sections 27 and 28 above the canyon rim;

Township 8 South, Range 15 East: all of sections 1 through 36 inclusive;

Township 8 South, Range 16 East: all of sections 1 through 36 inclusive;

Township 8 South, Range 17 East: all of sections 1 through 36 inclusive;

Township 8 South, Range 18 East: all of sections 1 through 36 inclusive;

Township 8 South, Range 19 East: all of sections 1 through 36 inclusive;

Township 8 South, Range 20 East: all of sections 2 through 11, 14 through 23, and 26 through 35 inclusive;

* * * * *

Township 9 South, Range 14 East: the portions of sections 1 through 4 inclusive North of the canyon rim;

Township 9 South, Range 15 East: all of sections 1 and 2, and the portions of sections 3 through 6, and 10 through 12 inclusive North of the canyon rim;

Township 9 South, Range 16 East: all of sections 1 through 6, and 8 through 13 inclusive, and the portions of sections 7, 14, 15, 16, 17, 23 and 24 North of the canyon rim;

Township 9 South, Range 17 East: all of sections 1 through 18, and 21 through 27 inclusive, and the portions of sections 19, 20, 28, 29, 34, 35 and 36 North of the canyon rim;

Township 9 South, Range 18 East: all of sections 1 through 30, and 34 through 36 inclusive, and the portions of sections 31, 32 and 33 North of the canyon rim;

Township 9 South, Range 19 East: all of sections 1 through 36 inclusive;

Township 9 South, Range 20 East: all of sections 2 through 11, 14 through 23, and 25 through 36 inclusive;

* * * * *

Township 10 South, Range 18 East: all of sections 1 and 2, and the portions of sections 3, 4, 10, 11 and 12 North of the canyon rim;

Township 10 South, Range 19 East: all of sections 1 through 6 and 8 through 14 inclusive, and the portions of sections 7, 15, 16, 17, 23 and 24 North of the canyon rim, and the portion of section 25 East of the canyon rim;

Township 10 South, Range 20 East: all of sections 1 through 24, 27, 28, 29, 30 and 32 inclusive, the portions of sections 25, 26, 33, 34 and 35 North of the canyon rim, and the portion of section 31 East of the canyon rim; and

* * * * *

Township 10 South, Range 21 East: all of sections 7 through 20 exclusive, and the portions of sections 21 through 30 North of the canyon rim.

October 1995						
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November 1995

December 1995						
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Sun	Mon	Tue	Wed	Thu	Fri	Sat
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5	6	7	8	9	10	11
12	13	14	15	16 File Petition with Gooding County Clerk and IDWR. Idaho Code § 42-5203 and 42-5204.	17 Noon deadline to file publishing notice that Petition has been filed.	18
19	20	21	22 County clerk publishes Notice of Petition for two weeks in Lincoln, Gooding and Jerome Counties. Idaho Code § 42-5204.	23	24	25
26	27	28	29 County clerk publishes Notice of Petition for two weeks in Lincoln, Gooding and Jerome Counties. Idaho Code § 42-5204.	30 Petition presented to Gooding County Commission. Commission sets time for hearing on the Petition. Idaho Code § 42-5205.		

4:39PM Tuesday, November 14, 1995

November 1995						
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December 1995

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Sun	Mon	Tue	Wed	Thu	Fri	Sat
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3	4	5	6	7	8 Noon deadline to file publishing notice of hearing date before the County Commission.	9
10	11	12	13 County clerk publishes Notice of Hearing on the Petition for three weeks in Lincoln, Gooding and Jerome Counties. Idaho Code § 42-5205.	14 Deadline for IDWR to submit report on District boundaries to County Commission. (if hearing starts Dec. 28) Idaho Code § 42-5206.	15	16
17	18	19	20 County clerk publishes Notice of Hearing on the Petition for three weeks in Lincoln, Gooding and Jerome Counties. Idaho Code § 42-5205.	21	22	23
24	25	26	27 County clerk publishes Notice of Hearing on the Petition for three weeks in Lincoln, Gooding and Jerome Counties. Idaho Code § 42-5205.	28 County Commission hears Petition. Idaho Code § 42-5207.	29 County Commission hears Petition. Idaho Code § 42-5207.	30
31						

4:39PM Tuesday, November 14, 1995

December 1995						
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January 1996

February 1996						
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Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 County Commission hears Petition. Idaho Code § 42-5207.	2 County Commission hears Petition. Idaho Code § 42-5207.	3 County Commission hears Petition. Idaho Code § 42-5207.	4 County Commission hears Petition. Idaho Code § 42-5207. Deadline for County Commission to notify IDWR of Dec. 28 order.	5 Noon deadline to file publishing notice of election to be held. Deadline for County Commission to notify IDWR of Dec. 29 order.	6
7	8	9 Deadline for County Commission to notify IDWR of Jan. 2 order.	10 County Commission publishes Notice of Election for four weeks in all three counties. Idaho Code § 42-5209. Deadline to notify IDWR of Jan. 3 order.	11 Deadline for County Commission to notify IDWR of Jan. 4 order.	12	13
14	15	16	17 County Commission publishes Notice of Election for four weeks in all three counties. Idaho Code § 42-5209.	18	19	20
21	22	23	24 County Commission publishes Notice of Election for four weeks in all three counties. Idaho Code § 42-5209.	25	26	27
28	29	30	31 County Commission publishes Notice of Election for four weeks in all three counties. Idaho Code § 42-5209.			

January 1996						
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February 1996

March 1996						
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Sun	Mon	Tue	Wed	Thu	Fri	Sat
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4	5	6 Election on formation of Ground Water District. Idaho Code § 42-5211.	7	8	9	10
11	12 County Commission canvases the votes cast. If 2/3 of the votes favor District formation, the Commission enters an order establishing the District.	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

CERTIFICATE OF SERVICE

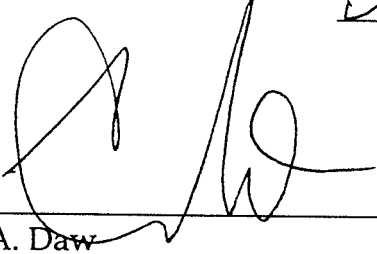
I certify that on the 14th day of November, 1995, I caused a true and correct copy of the foregoing document to be served on the following person(s) in the manner designated:

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
Chartered
133 Shoshone St. N.
Twin Falls, Idaho 83301

☐ U.S. Mail
☐ Fed-Ex
☐ Hand Delivery
☒ Facsimile

Chief, Natural Resources Div.
Office of Attorney General
P. O. Box 44449
Boise, Idaho 83711

☐ U.S. Mail
☐ Fed-Ex
☐ Hand Delivery
☒ Facsimile



C. A. Daw