

3-27

FILED
MAR 27 1996
TWIN FALLS, IDAHO
CLERK OF DISTRICT COURT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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.: 36-10033
	)	
	)	MOTION FOR I.R.E. 706 REPORT
Case No. 39576	)	
	)	
	)	
	)	

* * * * *

COMES NOW the claimant in the above subcase and under I.R.C.P. 16 and
I.R.E. 706 moves the Court to enter an order which provides for the following:

1. The identification and appointment of any and all expert witnesses the Court may utilize in this subcase, including, but not limited to, any person employed by or associated with the Idaho Department of Water Resources;
2. The specification in writing of what the witnesses' duties shall be; and
3. Consistent with I.R.E. 701 through I.R.E. 705, the entry of an order requiring any expert witnesses so appointed to file and serve on the claimant by **5:00 p.m. on May 15, 1996**, a written report which states all opinions, conclusions, and findings of the expert in regard to his or her duties in this subcase and the legal, factual, technical, or other bases therefore. Expert testimony of the Court's expert shall be limited to the findings, opinions, conclusions and bases therefore, as disclosed in the report.

The grounds for this motion are as follows:

1 The Idaho Department of Water Resources filed a Director's Report
2 recommending what it deemed to be the nature and extent of the water right claimed in this
3 subcase. The claimant objected to the Director's recommendations and is the only party
4 to this subcase. As a party to this subcase, the claimant is entitled to know and prepare to
5 meet whatever evidence or testimony may be solicited or offered in this subcase.

6 Because there are no parties other than claimant, no hearing on this motion
7 is requested. Claimant simply requests that the Court enter the proposed order being
8 submitted in conjunction with this motion.

9 Dated this 26th day of March, 1996.

10 HEPWORTH, LEZAMIZ & HOHNHORST,
11 CHARTERED

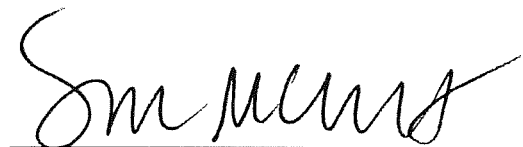
12 By: Suzanne E. McIntosh
13 Suzanne E. McIntosh
14 Attorneys for Claimant
15
16
17
18
19
20
21
22
23

CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that she caused to be mailed a copy of the above and foregoing MOTION FOR I.R.E. 706 REPORT on the 26th day of March, 1996, to:

Chief, Natural Resources
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Director of IDWR
P.O. Box 83720
Boise, ID 83720



Suzanne E. McIntosh

(Water\21530MTN.321)llm