

1 Laura A. Schroeder, ESQ (ISB #3799)
James Browitt (ISB #9016)
2 Schroeder Law Offices, P.C.
1915 N.E. Cesar E. Chavez Boulevard
3 Portland, Oregon 97212
PHONE – (503) 281-4100 FAX – (877) 600-4971
4 counsel@water-law.com

5 Attorneys for the Protestant

RECEIVED

SEP 18 2017

WATER RESOURCES
WESTERN REGION

6
7
8 **BEFORE THE DEPARTMENT OF WATER RESOURCES**
9 **OF THE STATE OF IDAHO**

10 IN THE MATTER OF PERMIT TO
APPROPRIATE WATER NO. 57-11879,
11 IN THE NAME OF STACEY BUDELL

MOTION TO COMPEL DISCOVERY

12
13 Protestant Owyhee County, by and through its counsel Schroeder Law Offices, P.C. and
14 its attorneys, hereby moves this court to compel discovery from Applicant Stacey Budell in the
15 above-captioned matter.

16 On July 18, 2017, the court filed a Notice of Hearing, Order Authorizing Discovery, and
17 Disclosure Order (“Order”), noting that discovery began on July 6, 2017. Pursuant to the Order,
18 general discovery ended on August 31, 2017. The Order further directs that responses to
19 discovery must be served to the requesting party within 14 days of the request. Protestant
20 submitted discovery requests to the Applicant on August 24, 2017, thus responses were due on
21 September 7, 2017. On September 12, 2017, counsel for Protestant provided email
22 communication to Applicant, requesting the status of discovery responses. On or about
23 September 13, 2017, Applicant submitted untimely and incomplete responses to discovery that
24 failed to provide adequate response to Interrogatories 3, 4 and 11 and Requests for Production 1-
25 4. Responses attached hereto as Exhibit 1.
26



1 Pursuant to Idaho Rules of Civil Procedure 37(a)(1), Protestant has in good faith
2 conferred with the Applicant in efforts to produce disclosures or discovery without court action.
3 As the deadline for submission of expert witness reports approaches on September 19, 2017,
4 Protestant respectfully moves the court to compel a discovery response pursuant to Idaho Rules
5 of Civil Procedure 37(a)(3)(A) and Idaho Administrative Code, Rules of Procedure of the Idaho
6 Department of Water Resources ("IDAPA") 37.01.01, Rule 521.

7
8
9
10 DATED this 15th day of September, 2017.

11 SCHROEDER LAW OFFICES, P.C.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



Laura A. Schroeder, ESQ (ISB #3799)
James Browitt (ISB #9016)
Schroeder Law Offices, P.C.
1915 N.E. Cesar E. Chavez Boulevard
Portland, Oregon 97212
PHONE – (503) 281-4100
FAX – (877) 600-4971
counsel@water-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of September, 2017, I caused a true and correct copy of the MOTION TO COMPEL DISCOVERY to be delivered to the following by U.S. Mail.

Stacy Budell
11719 W. Roosevelt Ave.
Nampa, ID 83686



Laura A. Schroeder, ESQ (ISB #3799)
James Browitt (ISB #9016)
Schroeder Law Offices, P.C.
1915 N.E. Cesar E. Chavez Boulevard
Portland, Oregon 97212
PHONE – (503) 281-4100
FAX – (877) 600-4971
counsel@water-law.com



Laura A. Schroeder
Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure
Oregon & Nevada

Sarah R. Liljefelt
Oregon,
California & Utah

William F. Schroeder
(1928 - 2015)



Lindsay M. Thane
Oregon

Wyatt E. Rolfe
Of Counsel
Oregon & Washington

James Browitt
Of Counsel
Idaho & Washington

RECEIVED

SEP 18 2017

September 15, 2017

WATER RESOURCES
WESTERN REGION

VIA U.S. MAIL ONLY

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

**RE: Matter of Permit to Appropriate Water No. 57-11879: Motion for
Extension of Time for Submission of Expert Reports & Motion to Compel
Discovery**

To Whom It May Concern:

Enclosed for filing in the above-referenced matter, please find a *Motion for Extension of Time for Submission of Expert Reports* and a *Motion to Compel Discovery*.

Please contact our office at (503) 281-4100 if you have any questions. Thank you for your assistance with this matter.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

Lisa M. Kane
Paralegal

LMK:lmg

Enclosures

cc: Service List
Client – *via Email*

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com