

Cefalo, James

From: Cefalo, James
Sent: Thursday, August 25, 2016 10:49 AM
To: William Parsons; 'cjking@safelink.net'; 'warthen@atcnet.net'; honsingerlaw@gmail.com; 'kasmyer@atcnet.net'
Subject: Resolution of King/Albion12 Discovery Dispute
Attachments: Montgomery Well WMIS Summary.pdf

Dear Parties:

We met this morning to address a discovery dispute between Protestant Christopher King and the Applicant, Albion 12 Investments. The following individuals participated in the conference: Bill Parsons, Charlie Honsinger, Earl Warthen, Kevin Smyer, and Christopher King. This email is intended to summarize how the discovery dispute was resolved.

On August 4, 2016, Mr. King sent a Request for Production of Documents to the Applicant, seeking power records for the Montgomery Well from 1978 to 2016. On August 9, 2016, the applicant filed an Objection to the Request and asked for a hearing to address the discovery dispute. The applicant cited a number of reasons why they believed the power records could not be produced.

On August 25, 2016, we held a conference to resolve the discovery dispute. During the conference, I noted that the Department already had in its possession power records for the Montgomery Well (provided by Raft River Electric to Water District 140) for the period from 1997 to 2015. I plan on taking official notice of those power records during the hearing and they will become part of the administrative record for this contested case. Mr. King was satisfied with that proposal and withdrew his request for any additional records from the applicant. Because Mr. King's Request for Production of Documents has been withdrawn, there is no longer a need to address the Objection filed by the Applicant.

Attached are the power records from the Department's measurement records for the Montgomery Well. The other well associated with water right 45-14284 (WMIS #1000407) was drilled in 2009 and, according to Department records, has never produced enough water to be used for irrigation.

During our discussion, Mr. Parsons noted that the protestants have not responded to discovery requests sent by the applicant. The July 14th Order Authorizing Discovery set a 30-day deadline for responding to discovery requests. It appears that more than 30 days have passed since the applicant served its discovery requests on the protestants. Therefore, I encourage the protestants to respond as soon as possible to those requests, but definitely not later than August 31, 2016.

Thank you for your good faith efforts to engage in discovery and prepare for the hearing.

James Cefalo
Water Resources Program Manager
IDWR Eastern Region
(208) 525-7161

*Copy of this email was mailed to Norman Smyer and H. Lee Jolley.

WMIS # 1000166

Owners: George & Gwen Montgomery

Water Right: 45-14284

Utility: Raft River Electric

Customer No.: 017420

Service No.: 001205

1997 kwh = 0

1998 No Data

1999 No Data

2000 kwh = 0

2001 kwh = 0

2002 kwh = 0

2003 kwh = 0

2004 kwh = 0

2005 kwh = 0

2006 kwh = 0

2007 No Data

2008 kwh = 0

2009 kwh = 0

2010 No Data

2011 No Data

2012 No Data

2013 No Data

2014 No Data

2015 No Data

“No Data” means the Montgomery Well was not included on the power usage report provided by Raft River Electric.