

Mr James Cefalo
Hearing Officer
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

25 February 2015

Edward S. Smith,
P.O. Box 6015
Twin Falls, Idaho 83303

RECEIVED
FEB 25 2015
Department of Water Resources
Eastern Region

Reference: Water Transfers: #79357, #79380, #79384, #79466

Dear Mr. James Cefalo, Hearing Officer,

Sir, the Applicants for the transfers referenced above are directing two of our protestant group members and our three Expert Witnesses to stand for Depositions.

As a group, our funds are limited and can only provide the barest of support and presence at the Hearing on 18 and 19 March 2015. Tight control of our expenses must be maintained.

According to Idaho Rules of Civil Procedures, 26 (b)(4)(c), "Fees of Expert-Apportionment", states in part:

"Unless manifest injustice would result, (i) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under subdivisions"

The cited Rule goes on to delineate the subdivisions as to whether the Expert Witness was: retained, not retained, or was not going to attend the hearing. In all cases, the Applicants are to compensate the Expert Witness for his/her time, as I read the Rule.

On behalf of the group of protestors, I ask you to agree with the intent of the Idaho Rule in the cited paragraph, and determine in the group's favor to have the Applicants pay for the time our Expert Witnesses have to testify at the Deposition. The Expert Witness' normal fee would apply for each separate Deposition.

In full disclosure, the Applicants have agreed to pay for all costs associated with the Court Reporter for taking the Depositions, which our group appreciates.

Respectfully,

Edward S. Smith
Protestant

List of Protestants attached.

Copy delivered to Applicant's Attorney on : _____

Cefalo, James

From: Ed and Phuong [edphuong@filertel.com]
Sent: Wednesday, February 25, 2015 8:50 PM
To: Cefalo, James
Subject: Expert Witness Fees
Attachments: IDWR Deposition Fees, paid by Applicants, Ltr to Cefalo.odt

RECEIVED

FEB 25 2015

Department of Water Resources
Eastern Region

Reference: Water Transfers #79357, #79380, #79384, #79466

Dear Mr. James Cefalo, Hearing Officer,

Sir,

This morning I visited with Mr. Travis Thompson (Applicant's Attorney) and presented him with the letter I have attached to this e-mail. During our discussion he declined to accept that his clients should pay for the time our Expert Witnesses are in Depositions. We have three Expert Witnesses. I left him a copy of the letter and said I would send it to you.

The salient point of the letter is asking the Applicants to pay for the time our Expert Witnesses are testifying during their Depositions. Our Expert Witnesses would charge their normal fee rate.

As I read the: "Idaho Rules of Civil Procedure" I believe that Paragraph 26 (b) (4) (C) clearly states that the Applicants shall pay for our Expert Witnesses' time during Depositions.

This is only fair and just since:

The Applicants are initiating the Deposition process.

The protest group has no control over the expenditures that may be incurred during the Depositions, and our limited budget could be easily overwhelmed.

It would be manifestly unjust for the citizen protest group to pay for the Applicant's initiatives since the protest group is composed of ordinary citizens (several are retired) who do not have the financial resources to match the Applicants financial capabilities.

A signed copy of the letter was placed in the mail today to both you and the Applicant.

The group would like you to make a just and fair decision.

In full disclosure; the Applicants have previously agreed to pay for the Court Reporter during the Depositions.

Respectfully,

Ed Smith, Protestant

25 Feb 2015

Edward S. Smith
PO Box 6015
Twin Falls, Idaho 83303
(208) 326-3270

PRO SE

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NOS. 79357, 79380, 79384
(in the name of Thomas and Dorothy Leno)
AND 79466 (in the name of Four Sisters Dairy
LLC)

NOTICE OF SERVICE OF
PROTESTANT'S ASKING FOR
APPLICANTS TO PAY FOR EXPERT
WITNESS FEES DURING DEPOSITION.

TO THE HEARING OFFICER, ATTORNEY FOR APPLICANTS,

PLEASE TAKE NOTICE that Edward S. Smith, Protestant, has served the letter dated 25 February 2015 and addressed to James Cefalo, Hearing Officer, for a ruling that affirms that the Applicants must pay for the normal fees of Protestant's Expert Witnesses for the time the Expert Witness is testifying during Deposition.

CERTIFICATE OF SERVICE

The Office of Travis L. Thompson
Barker Rosholt and Simpson LLP
195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029

By US Postal Service 25 February 2015

Idaho Department of Water Resources
Hearing Officer, James Cefalo
900 N. Skyline Dr. Suite A
Idaho Falls, Idaho 83402-1718

By US Postal Service 25 February 2015



Edward S. Smith,
Protestant

Mr James Cefalo
Hearing Officer
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

25 February 2015

Edward S. Smith,
P.O. Box 6015
Twin Falls, Idaho 83303

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Respectfully,


Edward S. Smith
Protestant

List of Protestants attached.

Copy delivered to Applicant's Attorney on : 25 Feb 2015 - via U S MAIL

LIST OF PROTESTANTS

Jimmie L. Conder
3623 N. 2000E.
Filer, ID 83328

Michael and Jana Humphries
2382 E. 3300 N
Twin Falls, ID 83301

William D. Hamby
2399 E 3300 N
Twin Falls, ID 83301

Eric Parrott
2152 E 3300 N
Twin Falls, ID 83301

Lois M. Rice
PO Box 200
Filer, ID 83328-0200

Leslie Ellsworth
PO Box 5023
Twin Falls, ID 83303-5023

Pam Ritter
3283 N 2300 E
Twin Falls, ID 83301

Ed Smith
PO Box 6015
Twin Falls, ID 83303

Shadow & Bonnie Seaman
1940 E 3700 N
Filer, ID 83328

Jeanie McCreary
2217 E 3300 N
Twin Falls, ID 83301

Barbara & Lynn Stephens
PO Box 2118
Twin Falls, ID 83303-2118

Margaret Winsryg & Leroy Elliott
3290 N 2200 E
Twin Falls, ID 83301

Elizabeth Slifer
3779 N 2250 E
Filer, ID 83328

Martin Hackard
3289 N 2300 E
Twin Falls, ID 83301

Richard Parrott
1389 E 4400 N
Buhl, ID 83316

Delea C. Miller
2239 E 3300 N
Twin Falls, ID 83301

Victoria B. Henson
3295 N 2300 E
Twin Falls, ID 83301

Scott Houtz
2231 E 3300 N
Twin Falls, ID 83301