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OCT 28 2014
DEPT OF WATER RESOURCES
SOUTHERN REGION

**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 & Dorothy Leno),
79466 (in the name of Four Sisters Dairy
LLC)

**APPLICANTS' MOTION TO APPOINT
HEARING OFFICER AND AUTHORIZE
DISCOVERY**

COME NOW, the Applicants in the above-referenced matter, THOMAS LENO & FOUR SISTERS DAIRY LLC, (hereinafter collectively referred to as "Applicants"), by and through counsel of record, and pursuant to the Department's Rules of Procedure, and hereby move the Department for an order: (1) appointing a hearing officer; and 2) authorizing discovery. The bases for this motion are as follows.

MOTION

The Applicants filed the applications for transfer on May 20, 2014 and July 7, 2014. The Department published notice of the applications and various protests were filed. Recently, the Applicants sponsored two informational meetings (Oct. 9, 22) that were open to all protestants to attend. Several protestants attended the meetings and counsel and an engineer for the Applicant

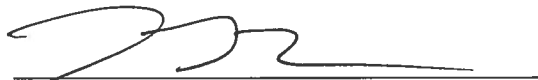
were able to describe and explain the applications. The protests have not been resolved and it is likely a formal hearing will be necessary.

In order to ensure the contested cases are processed in an efficient and timely manner, the Department should formally appoint a hearing officer to preside over the case and authorize discovery. *See* IDAPA 37.01.01.410 (Appointment of Hearing Officer); 521 (When Discovery Authorized). At the informational meeting on October 22nd, certain protestants requested information from the Applicants. Authorizing discovery will ensure that information can be formally requested and exchanged between the parties pursuant to the Department's rules of procedure in a timely manner. Authorizing discovery will further assist in focusing the issues to be discussed at the pre-hearing conference on November 19, 2014.

The Applicants respectfully request the Department to grant this motion. No oral argument is requested.

DATED this 24th day of October, 2014.

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson

*Attorneys for Thomas Leno, Blue Sage Properties,
LLC and Cedar Ridge Dairy, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2014, I served a true and correct copy of the foregoing *Applicants' Motion to Appoint Hearing Officer and Authorize Discovery*, by depositing same in the United States mail, postage prepaid, addressed to the following:

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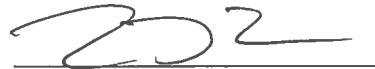
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