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APR 21 2011

Department of Water Resources
Eastern Region

John Schwarz, sui juris
c/o Box 240
McCammon, Idaho 83250
Telephone (208) 254-3634

IDWR
James Cefalo, Hearing Officer
900 N Skyline Dr., Ste. A
Idaho Falls, ID 83402

April 19, 2011

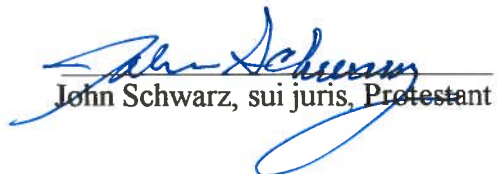
Dear James,

Enclosed please find a copy of the letter from MICHEL C. CREAMER dated April 13, 2011. I object to the intimidation, they should treat me with respect. They should not advise, demand and threaten. It seems to me that they are broadening the scope of discovery under IRCP. Take note of the comment made by the City's Attorneys: *"APPLICANT'S REPLY TO PORTNEUF WATERSHED USERS ASSOCIATION'S RESPONSE TO APPLICANT'S MOTION TO COMPEL DISCOVERY RESPONSE"* dated April 12th, 2011. *ARGUMENT A.* footnote 1., should show cause the City is trying to abrogate the Rules set by the Department in this matter.

I was told that this venue is a common law hearing, not a full-blown trial at LAW. Therefore would you please control the parties, set an opinion, using common sense, as to procedure. Can we not Cease and Desist with all the difference of opinion at LAW, that the Attorneys are so good at arguing about? All this is causing undue hardship on the parties with limited assets, which may I remind you, that you are sworn to protect.

Truly Yours,

Enclosures: (2pages)


John Schwarz, sui juris, Protestant

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April 13, 2011

John Schwarz
Box 240
McCammon, ID 83250

Re: *City of Pocatello Transfer No. 76779*

Dear Mr. Schwarz:

On April 8th, the Hearing Officer issued an Order in response to the City of Pocatello's Motion to Compel Discovery with respect to the Portneuf Watershed Users Association's ("PWUA") responses to the City's interrogatories and production requests. The Department's certificate of service indicates that you were served with a copy of this Order.

The Order concluded that the City's interrogatories were in proper form and did not consist of impermissible "subparts" as had been alleged by the PWUA. PWUA was ordered to respond fully to the City's interrogatories. The Order also provides that any evidence that falls within the scope of the City's discovery requests that is not provided in PWUA's responses will be barred from being offered as evidence by PWUA at the hearing. The Order provided PWUA until April 25th to supplement its discovery responses to the City.

The City's interrogatories to you were substantially the same as those directed to PWUA, and your responses mimicked PWUA's "subpart" objection. Therefore, I am taking this opportunity to advise you that the City expects that you will also comply with the Order and fully respond to the City's discovery requests to you. I would ask that you provide complete responses to the City by the same April 25th date set for PWUA in the Department's Order. If you do not respond completely by that date I will seek appropriate sanctions from the Department.

John Schwarz
April 13, 2011
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If you have any questions concerning this matter, I would be happy to speak with you. If you do not intend to comply with the Order, I would appreciate your notifying me immediately so that we can get the issue in front of the Hearing Officer for resolution as quickly as possible.

Sincerely,



Michael C. Creamer

MCC:ch
cc: Dean Tranmer
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