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Attorneys for Eagle Springs Ranch LLC

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS
FOR PERMIT NOS. 65-23239 AND
65-23105 AND APPLICATION FOR
TRANSFER NO. 73787 IN THE
NAME OF EAGLE SPRINGS RANCH LLC
AND BARNES VENTURES INC

**EAGLE SPRINGS RANCH LLC'S
MOTION AND STATEMENT OF
REASONS FOR ORDER
AUTHORIZING DISCOVERY**

Pursuant to Idaho Department of Water Resources Rules 520 and 521, IDAPA 37.01.01.520 and 521, Applicant Eagle Springs Ranch LLC ("Eagle Springs Ranch"), through Jeffrey C. Fereday and Michael P. Lawrence of the firm Givens Pursley LLP, submits this Motion for an order authorizing the parties to begin immediately to conduct discovery in this matter through depositions and written requests and interrogatories (Rules 520 and 521).

Discovery is appropriate in this matter to determine the bases for the protest, the interests or injury alleged by the Protestant, and the facts that support both sides' positions. Discovery is the most efficient way for the parties to determine the substance of the other's positions, and it should begin without delay. In the interests of moving this case forward as efficiently as possible, Eagle Springs Ranch respectfully requests that the Hearing Officer authorize discovery to begin immediately and continue for sixty days, subject to extension for good cause.

The parties have discussed potential settlement. However, to date those discussions have not been successful. Discovery will not foreclose the possibility of settlement; if anything, it should enhance its likelihood.

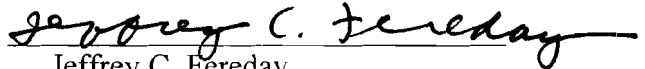
Eagle Springs Ranch further requests that the Hearing Officer elicit available dates for a one-day hearing to take place a reasonable time after discovery is completed.

A proposed order is attached, and also has been forwarded via email to the Hearing Officer in Word format.

DATED this 3rd day of September, 2008.

Respectfully submitted,

GIVENS PURSLEY LLP

By 
Jeffrey C. Fereday
Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 3, 2008, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

John Westra	_____	U. S. Mail
Western Regional Office	X	Hand Delivered
Idaho Department of Water Resources	_____	Overnight Mail
2735 Airport Way	_____	Facsimile
Boise, ID 83705-5082	X	E-mail

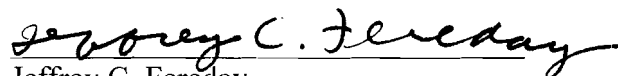
SERVICE

Director	X	U. S. Mail
Idaho Department of Water Resources	_____	Hand Delivered
322 East Front Street	_____	Overnight Mail
P.O. Box 83720	_____	Facsimile
Boise, ID 83720-0098	_____	E-mail

Barnes Ventures Inc.	X	U. S. Mail
Represented by:	_____	Hand Delivered
Scott L. Campbell	_____	Overnight Mail
Andrew J. Waldera	_____	Facsimile
Moffatt Thomas Barrett Rock and Fields, Chtd.	_____	E-mail
101 S. Capitol Blvd., 10th Floor		
P.O. Box 829		
Boise, ID 83701		

Jayne Reed	X	U. S. Mail
450 South Fork Rd	_____	Hand Delivered
Garden Valley, ID 83622	_____	Overnight Mail
	X	Facsimile
	_____	E-mail

SPF Water Engineering, LLC	X	U. S. Mail
Attn: Scott King	_____	Hand Delivered
600 E. River Park Lane, Ste. 105	_____	Overnight Mail
Boise, ID 83706	_____	Facsimile
	_____	E-mail


Jeffrey C. Fereday

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**ORDER AUTHORIZING
DISCOVERY**

This matter has come before the Idaho Department of Water Resources upon Applicant Eagle Springs Ranch LLC's September 3, 2008 *Motion and Statement of Reasons for Order Authorizing Discovery*. The Hearing Officer, having reviewed the pleadings and arguments of the parties, hereby Orders as follows:

Discovery shall be completed on or before November 7, 2008, subject to extension upon motion.

DATED this ____ day of September, 2008.

John Westra, Hearing Officer