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April 17, 2006

Gary Spackman, Hearing Office
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: *M.J. Davis Memorial Limited Partnership*
Application for Permit Nos. 15-7273, 15-7274 and 15-7275

Dear Mr. Spackman:

The above-referenced matter is scheduled for hearing before you on May 24 at the Pocatello Airport commencing at 9:00 a.m. I represent the applicant, Kent Foster represents protestant Samaria Irrigation Company and the other protestants are pro se.

Attached please find the Applicant's Motion to Compel Discovery and attached Discovery Requests consisting of ten interrogatories, three requests for production and a notice of taking deposition.

The interrogatories and requests for production of documents have been modified from prior discovery requests you've seen from me in other cases to comply with your Order Authorizing Discovery and Prehearing Order entered February 16, 2006, in the matter of the Application of Johnson Ranch Resort, L.L.C.

The proposed deposition of John Roderick has been to accommodate the schedule of Kent Foster, the only other attorney involved, with all other protestants residing in or around Samaria where the deposition will be taken. Mr. Roderick is 98 years of age and unable to attend the hearing because of his advanced age and deteriorated health. He is believed to have important facts relevant

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Department of Water Resources
Eastern Region

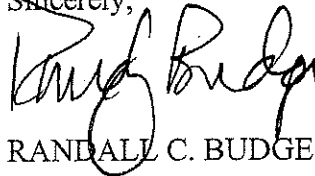
Gary Spackman
April 17, 2006
Page 2

to the issues as a former president of Samaria Water and Irrigation Company for some 29 years.

Under the circumstances, I respectfully request that you promptly act upon the Order Authorizing Discovery without delay so that the deposition can proceed as scheduled and protestants will have an opportunity to respond to these discovery requests to permit the applicant with a full and fair opportunity to prepare for the hearing. If you have any questions or concerns, please contact me. The foregoing has been discussed with Mr. Foster who expresses no objection. This letter, the Motion and the proposed Discovery is being simultaneously served upon all protestants per the certificate of mailing.

Thank you for your consideration.

Sincerely,



RANDALL C. BUDGE

RCB:rr

cc: Jeff Davis/M.J. Davis Memorial Limited Partnership
All Parties per Certificate of Mailing
Roger Warner, Eastern Region/IDWR

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