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TIMOTHY J. STOVER
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October 4, 2005

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83706

RE: **Millenkamp**
Transfer No. 71604

RECEIVED

OCT 05 2005

Department of Water Resources
Southern Region

Dear Mr. Spackman:

As I explained to Deborah Gibson, Pat Brown and I have been working closely in an attempt to keep this matter moving along. From my conversation with Debbie, I understand that the hearing in this matter has been set for November 15 and 16. However, in light of your scheduling order dated August 23, 2005, I wanted to update you on the progress of discovery at this point.

Although I have provided Pat with a portion of the information he has requested, some of the information has been difficult to locate as it necessitates receiving authorization from previous owners of the property now owned by Millenkamp Cattle. Therefore, in light of the hearing date, we have agreed to revise the discovery schedule as follows:

- I have agreed to provide Pat with all of the information he has requested, as well as Dr. Brockway's expert report, on or before October 11.
- On or before October 25, Pat has agreed to provide me with all of the information I have requested as well as Ron Schowengerdt's report.
- Dr. Brockway will have until November 1 to prepare a rebuttal, if any, to Mr. Schowengerdt's report. If that rebuttal includes any new or additional information not already provided to the Protestants, then the Protestants will be allowed to respond to that new or additional evidence, which must take place on or before November 8, 2005. If no new information is provided pursuant to the rebuttal, then all discovery will be deemed completed as of November 1.

I have also had discussions with Mr. Halper regarding the required information exchange. Mr. Halper has indicated to me that he has provided everything he intends to introduce as an exhibit or use at the hearing in this matter in his previous discovery responses. He has also indicated that in the event he comes across any additional information, he will provide it to me at his earliest convenience. Therefore, in light of the November 1 cutoff agreed to with Pat Brown, I believe it

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would be appropriate for Mr. Halper to provide me and me to provide Mr. Halper with any new or additional information responsive to our respective discovery requests on or before the November 1 date.

Thank you for your attention to this matter. If you have any questions or comments, please feel free to give me a call. Additionally, if you think a telephone status conference is necessary, I will be more than happy to set up the same.

Yours truly,

A handwritten signature in black ink, appearing to read 'TJ Stover', with a stylized flourish at the end.

TIMOTHY J. STOVER

TJS:jl

cc: ✓ IDWR (Twin Falls Office)
Patrick D. Brown
Lee Halper
Bill Millenkamp

9/29/05 JLN



Unchanged
shape
per Broekmans