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Attorney for King Creek Grazing Association, Inc.

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

**IN THE MATTER OF NOTICE OF)
PROPOSED CHANGE OF WATER)
RIGHT TRANSFER NO. 71551)
_____)** **MOTION TO COMPEL DISCOVERY**

COMES NOW Applicant, King Creek Grazing Association ("Applicant"), through counsel, and moves the presiding Hearing Officer pursuant to Rules 521 and 522 of the Rules of Practice and Procedure of IDWR, IDAPA 37.01.01 for the entry of an Order authorizing and compelling discovery in accordance with the procedure and time tables of the Idaho Rules of Civil Procedure. Specifically, Applicant requests authorization to file and compel Protestants herein to answer the attached First Interrogatories and Requests for Production of Documents. This Motion is made upon the grounds and for the reasons as follows:

1. Applicant has a pending Application for Transfer No. 71551 which has been protested by Todd Hatch, Lynn Hatch, Mike Chambers and Darwin Caldwell, and also by the Bannock-Shoshone Tribe, each being represented by counsel of record.
2. The matter is scheduled for hearing on December 15, 2005, before Presiding Hearing Officer Gary Spackman.

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3. Protestants have made general allegations of injury, the exact nature and extent of which are unknown.

4. The requested discovery is reasonable and necessary to determine and evaluate the basis upon which Protestants object to this transfer and to enable Applicant to adequately prepare for hearing.

WHEREFORE, Applicant respectfully requests that the Presiding Officer enter an Order authorizing the attached discovery and compelling the Protestants timely respond to the same in compliance with the Idaho Rules of Civil Procedure.

DATED this 18th day of October, 2005.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By _____
RANDALL C. BUDGE
Attorney for Applicant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of October, 2005, I mailed a true and complete copy of the foregoing document, postage prepaid, to each of the following:

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

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

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