

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

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Department of Water Resources
Eastern Region

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 71551 (WATER)
RIGHT NOS. 29-10121, 29-10125, AND)
13483) IN THE NAME OF KING)
CREEK GRAZING)**

**ORDER AUTHORIZING
DISCOVERY**

On October 20, 2005, King Creek Grazing (hereafter referred to as "King Creek"), filed a Motion to Compel Discovery with the Idaho Department of Water Resources ("IDWR"). Because IDWR has not previously authorized discovery, the motion will be interpreted to be a motion for an order authorizing discovery pursuant to Rule 521 of IDWR's Rules of Procedure. King Creek Grazing also submitted a copy of proposed Interrogatories and Requests for Production of Documents. All of these documents were served on the parties.

Only limited discovery should be allowed because of the short time period for discovery prior to the hearing. King Creek's discovery is reasonable, except Request for Production of Documents no. 4, which requires that the protestants create a map that depicts the information requested by King Creek. If the protestants have in their possession maps depicting information requested by King Creek, the protestants must produce the documents. The request for documents should only be directed at production of existing documents in the possession of the protestants.

Discovery by all parties should be allowed.

ORDER

IT IS HEREBY ORDERED that discovery by all parties to the above contested case is authorized.

IT IS FURTHER ORDERED that discovery is limited to interrogatories, requests for production of documents, and depositions. No more than ten interrogatories, including subparts, may be served upon a party, unless the hearing officer finds the subparts are reasonable questions related directly to the larger interrogatory. The discovery proposed by King Creek is reasonable except as set forth below.

IT IS FURTHER ORDERED that all interrogatories and requests for production of documents must be served on the parties on or before November 18, 2005. The previous mailing of discovery documents to the protestants by King Creek was sufficient service.

IT IS FURTHER ORDERED that all answers to interrogatories and requests for production of documents must be served on or before December 2, 2005. The hearing officer will entertain a motion for sanctions if answers to discovery are not served on or before December 2, 2005.

IT IS FURTHER ORDERED that all depositions must be completed on or before December 12, 2005.

IT IS FURTHER ORDERED that the protestants are not required to answer King Creek's Request for Production of Documents no. 4. Protestants are required to produce maps in their possession depicting the requested information, however.

Dated this 9th day of November, 2005.



Gary Spackman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of November, 2005, a true and correct copy of the above and foregoing documents described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Authorizing Discovery

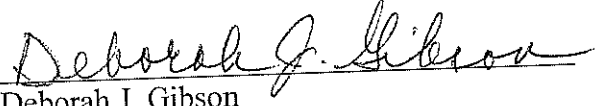
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