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12 William D. Jones and Son

13
14 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
15 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
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18 In Re SRBA	)	Subcase No. 43-10356
	)	
19 Case No. 39576,	)	
	)	
	)	CLAIMANT'S FIRST SET OF
	)	INTERROGATORIES, REQUESTS
	)	FOR PRODUCTION OF DOCUMENTS
	)	<u>AND REQUESTS FOR ADMISSIONS</u>

20 YOU WILL PLEASE TAKE NOTICE that the Claimant, William D.
21 Jones and Son, hereby requires the Objectors to answer the
22 following Interrogatories, Requests for Production of Documents and
23 Requests for Admissions within fifteen (15) days from the date of
24 service, pursuant to Rule 33 of the Idaho Rules of Civil Procedure.

25 In answering these interrogatories, you are required to
26 furnish all information that is available to you or subject to your
27 reasonable inquiry, including information in the possession of your

28 CLAIMANT'S FIRST SET OF INTERROGATORIES, REQUESTS
FOR PRODUCTION AND ADMISSIONS - 1

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3 attorneys, accountants, advisors or other persons directly or
4 indirectly employed by or connected with you or your attorneys and
5 anyone else otherwise subject to your control.

6 In answering these interrogatories, you are required to
7 make a diligent search of your records and of other papers and
8 materials in your possession or available to you or your represen-
9 tatives. If an interrogatory has subparts, answer each part
10 separately and in full, and do not limit your answer to the
11 interrogatory as a whole. If these interrogatories cannot be
12 answered in full, answer to the extent possible, specify the reason
13 for your inability to answer the remainder, and state whatever
14 information and knowledge you have regarding the unanswered
15 portion. With respect to each interrogatory, in addition to
16 supplying the information asked for and identifying the specific
17 documents referred to, identify and describe all documents to which
18 you refer in preparing your answers.

19 These interrogatories are continuing and the answers
20 thereto must be supplemented to the maximum extent authorized by
21 law and the applicable rules.

22 Requests for production have also been propounded
23 pursuant to Rule 34 of the Idaho Rules of Civil Procedure. Under
24 Rule 34, you must produce for inspection and copying by the
25 undersigned which are in your possession, custody or control, or in
26 the possession, control or custody of your attorneys, consultants,

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3 accountants, auditors, or other professional persons or experts, or
4 investigators, or any other person acting on your behalf. Said
5 documents shall be produced at the offices of Jason D. Walker, Ling
6 & Robinson, P.O. Box 368, Rupert, Idaho 83350, within fifteen (15)
7 days from the date of service for the purposes of making the
8 inspection and copying of said documents.

9 DEFINITIONS

10 Unless otherwise indicated, the following definitions
11 will be applicable to these interrogatories:

12 A. "Person" shall mean and include a natural person,
13 partnership, firm or corporation or any other kind of business or
14 legal entity, its agents or employees. In each instance wherein
15 you are asked to "identify" a person or the "identity" of a person,
16 state with respect to each such person his name and last known
17 residence, residential telephone number, business address, and
18 business telephone number.

19 B. The words "Document" and "Documents" mean all
20 written, recorded, or graphic matters, however produced or
21 reproduced, pertaining in any way to the subject matter of this
22 action. This definition includes, but is not limited to, any and
23 all originals, copies or drafts of any and all of the following:
24 records, notes, summaries, schedules, contracts, agreements,
25 drawings, sketches, invoices, orders, acknowledgments, diaries,
26 reports, forecasts, appraisals, memoranda, telephone logs, letters,

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3 telegrams, telexes, cables, tapes, transcripts, recordings,
4 photographs, pictures, films, computer programs or other graphic
5 symbolic, recorded or written materials of any nature whatsoever.
6 Any document which contains any comments, notations, addition,
7 insertion or marking of any kind which is not part of another
8 document is to be considered as a separate document. In each
9 instance wherein you are asked to "identify" or describe a
10 document, your description should include but not be limited to the
11 following:

12 (1) The name, address, telephone number, occupation, job
13 title and employer of the present custodian of the document;

14 (2) The date of the making of the document and the name,
15 address, telephone number, occupation, job title and employer of
16 each person whose testimony could be used to authenticate such
17 document and lay the foundation for its introduction into evidence.

18 C. "You" and "your" shall refer to any agent, employee
19 or officer.

20 D. "Knowledge" includes a firsthand knowledge and
21 information derived from any other source, including but not
22 limited to hearsay knowledge.

23 INTERROGATORY NO. 1: Please state the names, addresses
24 and telephone numbers of each and every person known to the
25 objectors, objectors' attorney, or any agent or employee known to
26 the objectors, to have seen, heard, or known about any fact

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3 relevant to these proceedings. With regard to each and every
4 person listed, please provide the following:

5 (a) The substance of the information or knowledge held
6 by each such person; and

7 (b) Whether or not such person gave any statement or
8 account, either oral or in writing, of his or her knowledge of any
9 facts relevant to these proceedings.

10 INTERROGATORY NO. 2: Please state the names, addresses
11 and telephone numbers of all witnesses you intend to call at trial
12 of this cause. With respect to each of the witnesses you intend to
13 call at trial of this cause, please state the general nature of the
14 facts to which each will testify.

15 INTERROGATORY NO. 3: Please list each and every exhibit
16 you intend or expect to utilize at trial of this cause, giving a
17 description of each exhibit and a summary of the exhibit's
18 relevance to this matter.

19 INTERROGATORY NO. 4: Describe each and every document or
20 other writing in your possession or the possession of your attorney
21 and/or agents, including any written notes, memoranda, diary or
22 written statements of any kind including photographs and video
23 tapes, which in any way pertain to the facts and circumstances at
24 issue in this particular action.

25 INTERROGATORY NO. 5: Have you consulted with any expert
26 witnesses concerning the events referred to in this litigation? If

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3 your answer is yes, please identify:

4 (a) Each and every person you expect to call as an
5 expert witness;

6 (b) The subject matter in which the expert will testify;

7 (c) The opinions to which the expert will testify;

8 (d) A summary of the grounds for each opinion the expert
9 will give; and

10 (e) The identity of each person whom you have consulted
11 with as an expert, but will not call as a witness.

12 INTERROGATORY NO. 6: Please state with specificity the
13 facts upon which you base your allegation that the water right 43-
14 10356 should not exist as set forth in your objection to the claim
15 for water right.

16 REQUEST FOR ADMISSION NO. 1: Please admit that Almo
17 Creek was decreed as a separate and distinct water course and is to
18 be administered separately even though technically a tributary to
19 Raft River.

20 INTERROGATORY NO. 7: Please identify the water rights
21 you claim are injured by the Jones' appropriation of Almo Creek
22 water. With respect to each said water right, please list:

23 (a) the factual basis upon which you rely showing
24 injury; and

25 (b) quantify the injury.
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3 INTERROGATORY NO. 8: Please set forth the distance from
4 the mouth of Almo Creek to your point of diversion from Raft River.

5 INTERROGATORY NO. 9: Please state when David Sundberg
6 became Water Master on Raft River and identify each proceeding
7 Water Master for Raft River along with their dates of service.

8 REQUEST FOR ADMISSION NO. 2: Please admit that the
9 channel of Raft River was moved, separating or dividing the lands
10 previously irrigated by Jones with water from Almo Creek.

11 INTERROGATORY NO. 10: Please set forth the date at which
12 you had knowledge that the Jones were using Almo Creek water.

13 REQUEST FOR ADMISSION NO. 3: Please admit that prior to
14 the commencement of this action, that no requests had ever been
15 that Almo Creek water be delivered to Raft River.

16 INTERROGATORY NO. 11: If the answer to Request for
17 Admission No. 3 is negative, please state the dates, times and the
18 individual making the request of such water, to whom to the request
19 was made, and whether or not such water was delivered.

20 INTERROGATORY NO. 12: Please state the last date of use
21 of Raft River water from your diversion in 2001 and 2002.

22 REQUEST FOR ADMISSION NO. 4: Please admit that Jones has
23 diverted Almo Creek water since April 1, 1935.

24 INTERROGATORY NO. 13: If you deny Request for Admission
25 No. 4, please state when you first observed Jones diverting water
26 from Almo Creek.

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3 REQUESTS FOR PRODUCTION

4 REQUEST FOR PRODUCTION NO. 1: Please produce copies of
5 each and every exhibit referred to in your answer to Interrogatory
6 No. 3.

7 REQUEST FOR PRODUCTION NO. 2: Please produce copies of
8 each and every statement, document or other writing referred to or
9 relied upon in providing your answers to the above interrogatories
10 and requests for admissions.

11 REQUEST FOR PRODUCTION NO. 3: Please produce copies of
12 the curriculum vitae of each and every individual referred to in
13 your answer to Interrogatory No. 5.

14 DATED this 9th day of January, 2003.

15 LING & ROBINSON

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17 By: Jason D. Walker
18 Jason D. Walker
19 Attorneys for Claimant
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CERTIFICATE OF MAILING

I hereby certify that on the 9th day of January, 2003, I served a copy of the foregoing *Claimant's First Set of Interrogatories, Requests for Production of Documents and Requests for Admissions* upon:

Roscoe Ward
P.O. Box 108
Almo, Idaho 83312

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Nolan K. Branch
1823 South 2330 East
Malta, Idaho 83342

Rodney Hall
P.O. Box 631
Malta, Idaho 83342

Warr Brothers
c/o Olene Warr
2231 South 2350 East
Malta, Idaho 83342

Clark W. Ward
HC 61 Box 1560
Malta, Idaho 83342

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said parties/entities at the foregoing addresses.


Jason D. Walker