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Department of Water Resources

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Attorneys for Emmett Irrigation District

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Case No. 39576

Subcase Nos. 65-11412 and 65-11412A

**EMMETT IRRIGATION DISTRICT'S SECOND
SET OF INTERROGATORIES, REQUESTS FOR
ADMISSION, AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO UNITED
STATES BUREAU OF RECLAMATION**

YOU WILL PLEASE TAKE NOTICE that Emmett Irrigation District hereby requires United States Bureau of Reclamation to answer Protestant's Second Set of Interrogatories, Requests for Admission, and Requests for Production within fifteen days from the date of service herein, pursuant to the Idaho Rules of Civil Procedure 26(a), 26(b), 33(a), 34(a), and 36(a), and Administrative Order 1.

**EMMETT IRRIGATION DISTRICT'S SECOND SET OF INTERROGATORIES,
REQUESTS FOR ADMISSION, AND REQUESTS FOR PRODUCTION OF
DOCUMENTS TO UNITED STATES BUREAU OF RECLAMATION - 1**

GENERAL INSTRUCTIONS

A. Definitions and General Instructions

1. The term “United States” refers to the United States Government, its agencies, agents, employees, representatives, investigators, consultants, and attorneys.
2. The term “Emmett Irrigation District” refers to the Emmet Irrigation District, its agents, employees, representatives, investigators, consultants, and attorneys.
3. The term “1921 contract” refers to the November 18, 1921 contract between the United States of America, acting through the Secretary of the Interior, and pursuant to the Federal Reclamation Laws, and the Emmett Irrigation District.
4. The term “document” shall mean any kind of written, printed, typed, graphic, electronic, computerized, or photographic matter of any kind or nature including, but not limited to, statements however produced or reproduced, and all mechanical and electronic sound recordings and written transcripts thereof, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not.
5. The term “identify” when used with respect to a document or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; the name, address, and job title or job capacity of the recipient thereof; and the Bates number or other identifier as applicable.

6. The term "identify" when used with respect to a person shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

7. The term "identify" when used with respect to oral communications shall be deemed to request whether said communication was in person or by telephone, an identification of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

8. In answering these interrogatories and requests for production, please furnish all information which is known or available to you including, but not limited to, information known of your personal knowledge, information obtainable by the diligent search of sources of information available to you, and all information in the possession of, or available to, any person or persons acting on your behalf or under your control or under the control of any of your attorneys, agents, employees, experts, independent contractors, investigators, representatives, or others with whom you have a relationship and from whom you are capable of deriving information, documents, or material.

9. Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents.

10. If any documents requested by a Request for Production or which should be produced in response to an interrogatory cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portions.

11. If any of the documents requested herein were at one time in existence but are no longer in existence, please so state, specifying for each document:

- (a) The type of document;
- (b) The types of information contained therein;
- (c) The date upon which it ceased to exist;
- (d) The circumstances under which it ceased to exist;
- (e) The identity of all persons having knowledge of the circumstances under which it ceased to exist; and
- (f) The identity of each person having knowledge of the contents thereof.

12. With respect to any documents called for by this request but withheld due to any claim or privilege, list for each such document:

- (a) The paragraph to which the document is otherwise responsive;
- (b) Its title and general subject matter;
- (c) Its date;
- (d) The name(s) and title(s) of its author or preparer;
- (e) The name(s) and title(s) of the person(s) for whom it was prepared and all persons to whom it was sent or shown; and
- (f) The nature of the privilege claimed.

13. If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

14. Please produce the documents and things for inspection and copying on the 31st day of January 2003, at 9:00 a.m. at the law offices of Moffatt, Thomas, Barrett, Rock & Fields,

Chartered, 101 S. Capitol Blvd., 10th Floor, Boise, Idaho, 83702, or at such other time and place as may be mutually agreed by the parties. Inspection and copying will be conducted by the undersigned attorneys or their agents and will continue from time to time and from day to day until completed.

15. Each document requested to be produced shall be provided in a manner which preserves its sequential relationship with other documents being produced and shall include the file folder and folder tabs associated with its file location. If the file location is not apparent on the folder and tabs, the document shall be accompanied by information indicating from where the file was taken and such additional information as is necessary to enable the Applicants to determine the document's original pre-production location.

B. Instructions Regarding Supplementation

1. These interrogatories, requests for admission, and requests for production are deemed continuing in nature, and your responses are to be supplemented as additional information and knowledge becomes available or known to you as provided in Rule 26(e) of the Idaho Rules of Civil Procedure.

2. Where knowledge or information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insureds, or others with whom you have a relationship and from whom you are capable of deriving information, documents, or materials.

REQUEST FOR PRODUCTION NO. 16: Please produce each and every contract between the United States Department of the Interior (Bureau of Reclamation) and the Helena Valley Irrigation District.

REQUEST FOR PRODUCTION NO. 17: Please produce each and every document which pertains, in whole or in part, to operation of the hydraulic-driven turbines at the Helena Valley Pumping Plant.

REQUEST FOR PRODUCTION NO. 18: Please produce each and every contract between the United States Department of the Interior (Bureau of Reclamation) and the Kennewick Irrigation District.

REQUEST FOR PRODUCTION NO. 19: Please produce each and every document which pertains, in whole or in part, to the hydraulic-drive pumps at the Chandler Powerplant.

REQUEST FOR PRODUCTION NO. 20: Please produce each and every document which you intend to use in support of your position in the summary judgment proceedings in the above-captioned matter.

DATED this 16th day of January 2003.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Angela Schaefer Kaufmann
Angela Schaefer Kaufmann - Of the Firm

By Andrew J. Waldera
Andrew J. Waldera - Of The Firm
Attorneys for Emmett Irrigation District

CERTIFICATE OF SERVICE

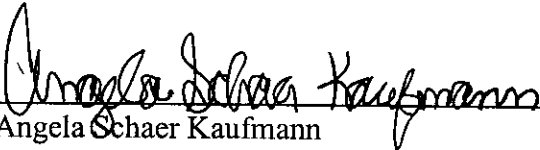
I HEREBY CERTIFY that on the 11th day of January 2003, I caused a true and correct copy of the foregoing EMMETT IRRIGATION DISTRICT'S SECOND SET OF INTERROGATORIES, REQUESTS FOR ADMISSION, AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO UNITED STATES BUREAU OF RECLAMATION to be served by the method indicated below, and addressed to the following:

Director, IDWR
PO Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

David W. Gehlert
Department of Justice
General Litigation Section
999 18th Street, Suite 945
Denver, CO 80202

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile


Angela Schaer Kaufmann