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Department of Water Resources

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Attorneys for Objector Mud Lake Water Users, Inc.

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 39576

) Subcase Nos.: 31-66A, 31-66B,
) 31-67A, 31-67B, and 31-324
)
) **OBJECTOR'S FIRST SET OF**
) **INTERROGATORIES TO**
) **CLAIMANTS AND REQUEST FOR**
) **PRODUCTION OF DOCUMENTS**
)

TO: James Hagenbarth
David Hagenbarth
Margaret Hagenbarth
c/o Michael C. Creamer
P.O. Box 2720
Boise, ID 83701-2720

INSTRUCTIONS AND DEFINITIONS

A. When answering these interrogatories and request for production you are requested to furnish all information available to you, including information in the possession of your attorneys, investigators, employees, agents, representatives, guardians or any other person or persons acting on your behalf, and not merely such information as is known by you on personal knowledge.

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B. If you cannot answer any of the following requests and interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portions.

C. Each interrogatory is intended to and does request that each and every, all and singular, the particulars and parts thereof, be answered with the same force and effect as if each part and particular were the subject of and were asked by a separate interrogatory.

D. The term document means and includes any kind of written, typewritten or printed material, whatsoever (or material stored magnetically or otherwise on computer or word processor) including, but without limitation, papers, agreements, contracts, notes, memoranda, correspondence, letters, telegrams, statements, books, reports, studies, minutes, records, accounting books, maps, plans, drawings, diagrams, photographs (moving or still), videotapes, analyses, surveys, studies, transcriptions and recordings of which you have any knowledge or information, whether in your possession or under your control or not, relating or pertaining in any way to the subject matters in connection with which it is used, and includes, but without limitation, originals, all file copies, and all other copies, no matter how or by whom prepared, and all drafts prepared in connection with such writings, whether used or not.

E. Identify or specify the identity, when referring to a person or entity, means to set forth:

1. the name;
2. the present or last known address;
3. if a corporation, the principal place of business;
4. the telephone number; and

5. if an individual, his or her present employer, and his or her job title.

F. Describe, identify or specify the identity, when used with respect to a document, means to produce the document according to the accompanying request for production, or to set forth the following information with respect to any document not produced:

1. the nature and substance of the document with sufficient particularity to enable it to be precisely identified;
2. the date which the document bears, or if none, the date upon which it was prepared;
3. the persons executing the document and the identity of all persons participating in the preparation thereof;
4. the person to whom the document is addressed;
5. the present location of the original or a legible copy of the document;
6. the full name, present address, and telephone number of the persons having custody or possession of each original or copy; and
7. if the document is claimed to be subject to a privilege, state the nature of the privilege claimed, and the basis upon which the claim is made.

G. Person, individual, or entity means every natural person or legal entity, notwithstanding its legal status.

These interrogatories are deemed continuing. If, after responding to these interrogatories, you acquire any information responsive thereto, file and serve supplemental responses containing such information, as required by the governing rules of civil procedure.

INTERROGATORIES

INTERROGATORY NO. 1: With respect to all witnesses which you intend or expect to call at the trial of this action, please provide the following information:

- (a) The name of the witness;
- (b) The address and telephone number of the witness;
- (c) The current occupation of the witness; and
- (d) A summary of the substance of the respective expected testimony of each witness.

INTERROGATORY NO. 2: You are hereby requested to provide a list of all documents and things which serve as a basis for your claim to water rights numbers: 31-66A, 31-66B, 31-67A, 31-67B, and 31-324.

INTERROGATORY NO. 3: With respect to any and all individuals not intended or expected to be witnesses at the trial of this action, and known to you or your attorneys who have any knowledge regarding the particular facts and matters in dispute in this action, please provide the following information:

- (a) The name of the individual;
- (b) The address and telephone number of the individual;
- (c) The current occupation of the individual;
- (d) A summary of the particular knowledge which each individual has pertaining to the facts and issues involved in this case.

INTERROGATORY NO. 4: Describe each and every document or other writing in your possession, including any written notes, memoranda or written statements of any kind, whether in your possession, or your attorney's, which in any way pertain to the facts and circumstances at issue

in this particular case.

INTERROGATORY NO. 5: Have you engaged any expert witnesses to testify at the trial of this cause? If so, please state the expert's:

- (a) Name;
- (b) Address and telephone number;
- (c) Educational background;
- (d) Any field of specialization, special training or special skills possessed by the expert;
- (e) The subject matter upon which such witnesses are expected to testify.
- (f) The substance of any opinion testimony that the expert is expected to give at the trial of this cause; and
- (g) The specific facts on which such opinions are based.

INTERROGATORY NO. 6: Have you engaged any experts for consultation or assistance who are not expected to testify at the trial of this cause? If so, please state the expert's:

- (a) Name;
- (b) Address and telephone number;
- (c) Educational background;
- (d) Any field of specialization, special training or skills possessed by the expert;
- (e) The specific nature of the expert's consultation or assistance to you.

INTERROGATORY NO. 7: Please identify any and all pictures, slides, photographic negatives or photographs of any item or thing pertaining to the above entitled case.

INTERROGATORY NO. 8: Please identify any statement, document or writing made by any party, person or entity, purporting to state facts concerning any aspect of your claims to water

rights numbers: 31-66A, 31-66B, 31-67A, 31-67B, and 31-324, within your possession or under your control.

INTERROGATORY NO. 9: Please identify any and all tape recordings or other types of recordings containing statements, descriptions or depictions regarding the subject matter of the within action.

INTERROGATORY NO. 10: Identify all contracts, agreements, or any other documentation which supports your claims to water rights numbers 31-66A, 31-66B, 31-67A, 31-67B, and 31-324.

INTERROGATORY NO. 11: Please set forth in detail each and every fact or legal theory which you intend to introduce at trial which would support your claims to water rights numbers 31-66A, 31-66B, 31-67A, 31-67B, and 31-324.

REQUEST FOR PRODUCTION

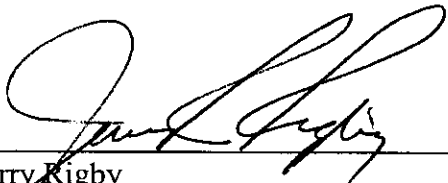
Objector hereby request that Claimants produce and allow copying at the law offices of Rigby, Thatcher, Andrus, Rigby, Kam & Moeller, Chartered, at 25 North Second East, P.O. Box 250, Rexburg, Idaho, within fifteen (15) days hereof, the following:

REQUEST NO. 1: All exhibits which you intend to use at trial.

REQUEST NO. 2: All documents and things which serve as a basis for your claim to water rights numbers 31-66A, 31-66B, 31-67A, 31-67B, and 31-324.

REQUEST NO. 3: All documents which you rely upon in answering the above interrogatories.

DATED this 11th day of October, 2002.



Jerry Rigby
of RIGBY, THATCHER, ANDRUS,
RIGBY, KAM & MOELLER, Chartered

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 11th day of October, 2002, a true and accurate copy of the foregoing was sent by facsimile transmission and/or U.S. Mail, postage prepaid to the following:

James Hagenbarth
David Hagenbarth
Margaret Hagenbarth
c/o Michael C. Creamer
& John Marshall
P.O. Box 2720
Boise, ID 83701-2720
Fax: 208-388-1300

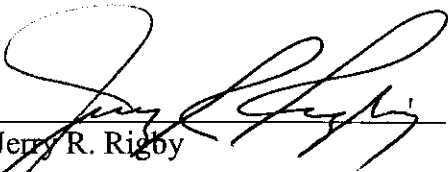
Mud Lake Water Users, Inc.
c/o Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83440

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

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