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DEPARTMENT OF
WATER RESOURCES

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Attorneys for LU Ranching

**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 Numbers 55-02414, 55-07319, 55-07383, 55-07410, 55-07413, 55-07420, 55-11890 (USDI/BLM), and 55-13450 (LU Ranching, Jeff Anderson Estate, Inc. and Stanford)

**LU Ranching's Second Set of Requests for
Production to the United States**

L.U. Ranching Co., by and through its attorneys, submits the following Second Set of Requests for Production to the United States to be answered under oath and in compliance with Idaho Rule of Civil Procedure 33 and 34. Unless other arrangements are mutually agreed upon in advance, the requested documents and things are to be produced for inspection and copying at the offices of McQuaid Bedford & Van Zandt, LLP, 221 Main Street, 16th Floor, San Francisco, CA

INSTRUCTIONS AND DEFINITIONS

1. Restate each request for production in full preceding the answer or objection to it.
2. Furnish not only the documents and information available to the individual signing the responses, but also (a) documents and information available to the United States, and all branches, departments, divisions or parts thereof; and (b) documents and information (other than any that are subject to work-product immunity or attorney-client privilege) in the possession of your attorneys or any investigators or experts retained on your behalf.
3. These requests for production are deemed continuing until trial. If any documents or information sought by these requests is learned or obtained after these requests for production have been answered, or if the answers for any reason should later become incomplete or incorrect, there shall be a continuing duty to the time of trial on the party answering these requests to formally supplement answers previously submitted.
4. If any document or information is withheld on a claim of work-product immunity or attorney-client privilege, you must identify it and the basis for your claim in sufficient detail for LU Ranching and the Court to assess the nature of what has been withheld and the basis of the claim. With respect to each such document, please identify:
 - a. The date of the document;
 - b. The author of the document;
 - c. Each other person who prepared or in any way participated in the preparation of the document;
 - d. Each person who received the document or a copy of it;

- e. Each person from whom the document was received;
- f. The present locations of the document and all copies of it;
- g. Each person having custody or control of the document or any copy; and
- h. Sufficient further information concerning the document to explain the basis for the claim of privilege.

5. When used in these Requests for Production, "document," "documents" or "writing" should be interpreted in the broadest definition under the applicable Rules of Civil Procedure to include, without limitation, all written, printed, typed, recorded, or graphic matter of every kind and description, and any other means for retention of information, both originals and copies, and all attachments, exhibits, and appendices thereto. Without limiting the foregoing, "document," "documents" or "writing" shall include all agreements, contracts, communications, correspondence, letters, telegrams, telexes, telecopies, facsimiles, messages, memoranda, notes, records, reports, orders, rulings, decisions, books, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations, minutes or summaries or other records of meetings or conferences, diaries, diary entries, calendars, appointments books, time records, instructions, statistical data, statistical statements, work sheets, work papers, drafts, graphs, maps, charts, tables, accounts, analytical records, consultants' reports, appraisals, bulletins, brochures, pamphlets, circulars, notebooks, telephone bills or records, statements, invoices, lists, journals, advertising, recommendations, files, printouts, compilations, tabulations, purchase orders, receipts, sell orders, confirmations, checks, canceled checks, letters of credit, envelopes or folders or similar containers, vouchers, receipts and other records of payment, analyses, studies, surveys, transcripts of hearings, transcripts of testimony,

affidavits, expense reports, microfilm, microfiche, articles, speeches, tape or disc recordings, sound recordings, video recordings, film, tape, photographs, punch cards, programs, electronic mail, data compilations (including, without limitation, matter used in data processing), including those contained in individual computer hard-drives, network server hard-drives and any back-up tapes of such hard drives, and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computers-stored, or electronically-stored matter, however and by whomever produced, prepared, reproduces, disseminated or made. The terms "document," "documents" or "writing" shall also include, without limitation, all copies of documents by whatever means made, except that where a document is identified or produced, identical copies thereof which do not contain any markings, additions, or deletions different from the original need not be separately produced. "Document," "documents" or "writing" shall mean and include, without limitation, all matter within the foregoing definition that is in the active or constructive possession, control, or custody of the United States and its employees, managers, agents, consultants, advisors, experts, investigators, attorneys, accountants, or other representatives. Without limiting the term "control," a document is deemed to be within the control of the United States, if the United States or its employees, managers, agents, consultants, advisors, experts, investigators, attorneys, accountants, or other representatives, has ownership, possession, or custody of the document, or the right to secure the document or a copy thereof from any person or entity having physical possession thereof.

6. When used in these requests for production, the term "United States" is intended to and shall embrace and include the United States, and all department, agencies, representatives, employees, officials, agents and attorneys of the United States, including but not limited to the

Department of the Interior, the Secretary of the Interior, and the Bureau of Land Management.

7. When used in these requests for production, "Claims" refer to all claims at issue in the within litigation and all claims, including amended claims, filed in relation to SRBA subcase numbers 55-02414, 55-07319, 55-07383, 55-07410, 55-07413, 55-07420, 55-11890 and 55-13450.

8. When used in these requests for production, "Places of Use" refer to all legal descriptions or places of use identified in all claims, including amended claims, filed in relation to SRBA subcase numbers 55-02414, 55-07319, 55-07383, 55-07410, 55-07413, 55-07420, 55-11890 and 55-13450.

9. When used in these requests for production, "Subcases" refers to SRBA subcase numbers 55-02414, 55-07319, 55-07383, 55-07410, 55-07413, 55-07420, 55-11890 and 55-13450 at issue herein.

REQUESTS FOR PRODUCTION

1. Produce all survey and master title plat maps, with associated general index, index of miscellaneous records, and any modifications to same, for the geographic areas covering all Places of Use at issue in the Claims, for a time period covering 1860 through the present.

2. Produce all homestead entry files for:

- (a) Township 9 South, Range 4 West, Boise Meridian
- (b) Township 9 South, Range 5 West, Boise Meridian
- (c) Township 9 South, Range 6 West, Boise Meridian
- (d) Township 10 South, Range 6 West, Boise Meridian

3. Produce all document relating to the adjudication of grazing preferences and

transfer or grazing preferences for the Cliffs Allotment in the Boise Grazing District.

4. Produce all documents identified in the United States' answers Second Set of Interrogatories to the United States.

5. Produce all documents and things referenced or referred to by the individual(s) preparing the United States' answers to Interrogatories.

6. Produce all documents relating to licenses obtained from the IDWR by the United States for water sources in the Cliffs Allotment associated with the Places of Use at issue in these Subcases. This request includes but is not limited to all documents filed in support of any license application, all license applications, licenses, or files prepared or maintained by the United States relating to the licenses and license application process.

7. Produce all documents relating to the construction and funding of, or improvements or repairs to, the reservoirs or water developments in the Cliffs Allotment associated with all Places of Use identified in the Claims, including but not limited to surveys, maps, plans, schematics, drawings, construction drawings, memoranda, and agreements relating range improvements.

8. To the extent that any of the United States' responses to LU Ranching's prior Requests for Production of Documents have changed or are incomplete, supplement each and every such response.

9. Produce all documents which the United States believes support the Claims filed by the United States.

10. Produce all documents which the United States believes support its objection to LU Ranching's Claim.

11. Produce all documents the United States intends to introduce at the trial of the Subcases.

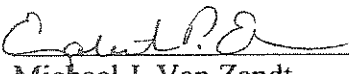
12. Produce all documents and data relied upon by the United States' expert(s) upon which each expert's opinions are based.

13. Produce all aerial photographs of the Cliffs Allotment predating the date of the construction of the reservoirs or water developments at issue in the Subcases that include any or all of the Places of Use at issue in the Subcases.

14. Produce a USGS topographic map, of the smallest scale available, containing all Places of Use identified in the Claims.

Dated this 29 day of April, 2005.

Respectfully submitted,
McQuaid, Bedford & Van Zandt LLP

By: 
Michael J. Van Zandt
Elizabeth P. Ewens

CERTIFICATE OF SERVICE

I certify that on April 29, 2005, I served a true and correct copy of foregoing **LU Ranching's Second Set of Requests for Production to the United States** upon the following individuals by placing the document in the United States Mail, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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