

RECEIVED

JUN 01 2005

DEPARTMENT OF
WATER RESOURCES

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

KELLY A. JOHNSON
Acting Assistant Attorney General
Environment and Natural Resources Division

LARRY A. BROWN
Attorney, U.S. Dept. of Justice
Natural Resources Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (202) 305-0435 FAX: (202) 305-0274

**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	) Subcase Numbers: 55-02414, 55-07319,
	) 55-07383, 55-07410, 55-07413, 55-07420,
	) 55-11890, and 55-13450
	)
	) UNITED STATES' RESPONSE TO LU
Case No. 39576	) RANCHING'S SECOND SET OF
	) INTERROGATORIES TO THE
_____	) UNITED STATES

Pursuant to Idaho R. Civ. P. 26(f), 33(a)(2), 33(c), 34(b)(2), and 36(a), the United States of America responds to LU Ranching's Second Set of Interrogatories to the United States as follows:

GENERAL OBJECTIONS

1. The United States objects to any and all definitions, instructions and requests, or any part thereof, to the extent that they call for material subject to the attorney-client privilege, the work product doctrine, investigative privilege, or any other privilege, immunity, or statutory prohibition. This objection is intended to apply to all discovery requests that seek such information.

2. The United States objects to any and all requests, or any part thereof, to the extent that they require identification of facts or information not relevant to the above-captioned subcases and outside the scope of discovery.

3. The United States objects to any and all requests, or any part thereof, to the extent they purport to impose burdens on the United States in excess of those allowed by the Idaho Rules of Civil Procedure.

4. The United States objects to any and all requests, or any part thereof, to the extent they require identification of facts and information that are proprietary, confidential, sensitive, private, and/or that for any reason, should be subject to limitations regarding use, dissemination and publication absent an appropriate confidentiality agreement and/or protective order restricting the use, dissemination and publication of such materials and information.

5. The United States' answers to any discovery requests herein do not constitute a waiver of the United States' right to object to any future additional or supplemental discovery requests regarding the same or similar matters.

INTERROGATORIES

INTERROGATORY NO. 1: For all Claims filed by the United States, state all facts on which the United States bases its claimed water rights.

RESPONSE: See Response to Interrogatory No. 1, United States' Response to L.U. Ranching Company's Requests for Admission, Interrogatories, and Requests for Production, In Re SRBA, Case No. 39576, Subcase No. 55-13450 dated July 18, 2001.

INTERROGATORY NO. 2: Identify all individuals with knowledge of the facts stated in Interrogatory Number One (1) including each individual's name, job title, address, phone number, and scope of his or her knowledge.

RESPONSE: See Response to Interrogatory No. 2, United States' First Supplemental Response to L.U. Ranching Company's Interrogatories, In Re SRBA, Case No. 39576, Subcase No. 55-13450 dated April 20, 2005. The United States adds to that response as follows:

1. Dr. Gary A. Madenford
Natural Resource Specialist /Water Rights Team Leader
U.S.D.I., Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657
(208) 373-3828
2. Mr. Ron Kay
Field Office Manager
U.S.D.I., Bureau of Land Management
Boise District
Owyhee Field Office
20 First Avenue West
Marsing, Idaho 83639
(208) 896-5913

3. Mr. Tom Miles
Rangeland Management Specialist
U.S.D.I., Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657
(208) 373-3804

INTERROGATORY NO. 3: Identify all documents which the United States believes support the Claims filed by the United States.

OBJECTION: Overly burdensome.

RESPONSE: Without waiving the objection, see documents mailed to LU Ranching Co.'s counsel of record in response to Requests for Production 1 through 12, United States' Response to L.U. Ranching Company's Requests for Admission, Interrogatories, and Requests for Production, In Re SRBA, Case No. 39576, Subcase No. 55-13450 dated July 18, 2001, and all supplements thereto that are Bates Stamp Numbered 000001 through 010535.

INTERROGATORY NO. 4: Identify all individuals the United States intends to call as witnesses at the trial of the Subcases, including each individual's name, job title, address, phone number, and scope of his or her expected testimony.

RESPONSE: See Response to Interrogatory Number 1. The United States adds to that response as follows:

1. Mr. Pat Kane may authenticate and explain trial exhibits, authenticate boundaries of grazing allotments, and testify to facts of management of the grazing allotment that contains the water sources at issue in the above-captioned subcases.

2. Mr. Robert R. Mallis may testify to facts discovered during field investigation of sources, places of use, and points of diversion at issue in the above-captioned subcases.

3. Mr. S. Scott Beazer may authenticate and explain trial exhibits and testify to facts discovered during field investigation of sources, places of use, and points of diversion at issue in the above-captioned subcases.

4. Mr. Fredric W. Price may authenticate and explain trial exhibits and testify to facts regarding the technical elements of the water claims at issue in the above-captioned subcases, and the technical elements of BLM partial decrees that overlap with sources, places of use, and points of diversion claimed by LU Ranching Co. in 55-13450.

5. Dr. Gary A. Madenford may authenticate and explain trial exhibits, testify to facts regarding the technical elements of the water claims at issue, and may testify to facts regarding the effect of water rights upon BLM management of grazing allotments.

6. Mr. Ron Kay may testify to facts regarding the regulatory activities of the BLM and the management of its grazing program.

7. Mr. Tom Miles may testify to facts regarding the regulatory activities of the BLM and the management of its grazing program.

8. Ms. Roxanne Brown may testify to facts regarding the Idaho Department of Water Resources investigation and recommendation of the elements of the water claims at issue in the above-captioned subcases.

INTERROGATORY NO. 5: Identify all documents the United States intends to introduce at the trial of the Subcases.

OBJECTION: Overly burdensome.

RESPONSE: Without waiving the objection, see documents mailed to LU Ranching Co.'s counsel of record in response to Requests for Production 1 through 12, United States' Response to L.U. Ranching Company's Requests for Admission, Interrogatories, and Requests for Production, In Re SRBA, Case No. 39576, Subcase No. 55-13450 dated July 18, 2001, and all supplements thereto that are Bates Stamp Numbered 000001 through 010535.

INTERROGATORY NO. 6: Pursuant to I.R.C.P. 26(b)(4)(A)(I), for each person the United States expects to call as an expert witness at the trial of the Subcases, identify the expert by name and business address, state the subject matter on which the expert is expected to testify, state the substance of the opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert's opinions are based.

RESPONSE: The United States does not intend to call expert witnesses at this time, but reserves the right to supplement this response in accordance with Idaho R. Civ. P. 26(e).

INTERROGATORY NO. 7: To the extent that any of the United States' responses to LU Ranching's prior Interrogatories, Requests for Admission, or Requests for Production of Documents have changed, supplement each and every such response.

RESPONSE: See documents mailed to LU Ranching Co.'s counsel of record in response to Requests for Production 1 through 12, United States' Response to L.U. Ranching Company's Requests for Admission, Interrogatories, and Requests for Production, In Re SRBA, Case No. 39576, Subcase No. 55-13450 dated July 18, 2001, and all supplements thereto that are Bates Stamp Numbered 000001 through 010535. See Response to Interrogatory No. 2, United States' First Supplemental Response to L.U. Ranching Company's Interrogatories, In Re SRBA, Case No. 39576, Subcase No. 55-13450 dated April 20, 2005. The United States has no further supplements at this time.

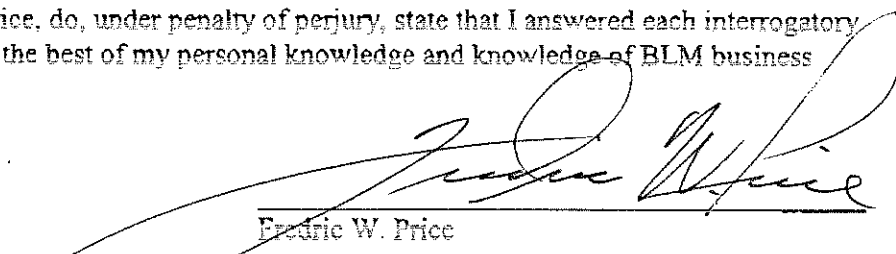
DATED this ^{27th} ~~X~~ day of May 2005.



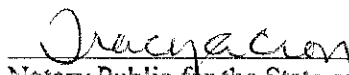
Larry A. Brown
Of Attorneys for the United States

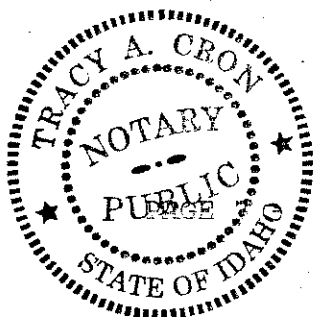
State of Idaho)
)
County of Ada) ss.

I, Fredric W. Price, do, under penalty of perjury, state that I answered each interrogatory separately and fully, to the best of my personal knowledge and knowledge of BLM business records.


Fredric W. Price

Subscribed and sworn to this ^{27th} day of May, 2005.


Notary Public for the State of Idaho
Residing at Meridian, Idaho.
My commission expires: 8/22/09



UNITED STATES' RESPONSE TO LU RANCHING'S SECOND SET OF INTERROGATORIES TO THE UNITED STATES; SUBCASE NUMBERS: 55-02414 ET AL.

CERTIFICATE OF SERVICE

I certify that on May 27, 2005, I served a true and correct copy of foregoing **UNITED STATES' RESPONSE TO LU RANCHING'S SECOND SET OF INTERROGATORIES TO THE UNITED STATES** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, 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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

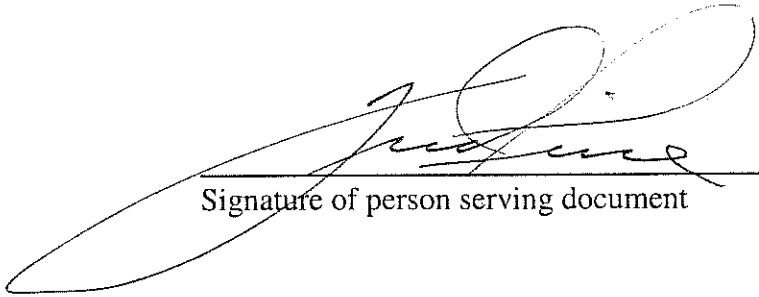
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Michael E. Stanford
Cliffs Stage
Jordan Valley, OR 97910

Michael J. VanZandt
Elizabeth P. Ewens
McQuaid, Bedford & VanZandt
221 Main Street, 16th Floor
San Francisco, CA 94105

Roger D. Ling
Ling, Robinson & Walker
P.O. Box 396
Rupert, ID 83350

Jeff Anderson Estate, Inc.
c/o Jim Anderson
Cliffs Stage
Jordan Valley, OR 97910



Signature of person serving document