

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Phone: 208-232-6101

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

In Re SRBA	)	Subcase No. 29-13406
	)	
Case No. 39576	)	RESPONDENTS' FIRST
	)	INTERROGATORIES AND
	)	REQUESTS FOR PRODUCTION OF
	)	DOCUMENTS TO CLAIMANTS
	)	

COME NOW Portneuf Marsh Valley Canal Company and Marsh Valley Development Company (collectively "Respondents"), by and through counsel, and pursuant to I.R.C.P. Rules 33 and 34, submit the following Interrogatories and Requests for Production of Documents to Claimants, Brett Casperson and Nancy Casperson. You are directed to Answer and Respond to the following Interrogatories and Request for Production of Documents within fifteen (15) days of service upon you. Further, these Interrogatories are deemed to be continuing and should you at any time acquire additional information you are to supplement these Interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1: Please set forth the name, address and phone number of each person who is providing the information to answer each respective interrogatory.

INTERROGATORY NO. 2: Please provide the following personal information for each claimant and/or owner of Water Right No. 29-13406:

- a. full name;
- b. current address and addresses for the preceding five years;
- c. phone number;
- d. social security number;
- e. name, address, dates of attendance, nature of study or training and degree,

diploma or certificate earned for each educational or training institution attended.

INTERROGATORY NO. 3: State the name, address and telephone number of each and every person who has any knowledge of facts relating to the priority date, point of diversion, place of use and nature of use of Water Right No. 29-13406 from 1932 to date.

INTERROGATORY NO. 4: Please state the name and address of each person you intend to call as a witness at the trial of this matter and the substance of each person's expected testimony.

INTERROGATORY NO. 5: Identify by name and address each and every person you intend to call as an expert at the trial of this matter and for each such person the following:

- a. The scientific, technical or other specialized knowledge possessed by such person.
- b. The knowledge, skill, experience, training and education which qualifies such person as an expert.
- c. All facts and data upon which the expert bases his opinion.
- d. All opinions and inferences to which the expert may testify and the reasons therefor.

INTERROGATORY NO. 6: Please describe in full and complete detail and provide a copy of any and all photographs, drawings, illustrations, memorandum, letters, contracts,

warranty deeds, title reports, abstracts or other documents which you or your attorneys or witnesses are aware of which pertain to the priority date claimed and the historic diversion and use of water under Water Right No. 29-13406. In answering this interrogatory, describe the nature and subject matter of the item, its date, if applicable, the name, address, job title and capacity of the person preparing it, or with knowledge of it, and for each such item, whether or not you intend to utilize it at trial as an exhibit.

INTERROGATORY NO. 7: With respect to your claim of a 1932 priority date under Water Right No. 29-13406, please explain precisely and in detail:

- (a) why the initial claim you filed with IDWR asserted a priority date of April 1, 1962;
- (b) why your Amended Claim asserted a claim of August 7, 1932;
- (c) what evidence you have to support the claimed 1932 priority date;
- (d) for the year 1932 and each year thereafter, what evidence you have concerning the types of crops raised and the number of acres irrigated;
- (e) the method of irrigation and quantity of water used.

INTERROGATORY NO. 8: Separately identify each field which you claim has been watered under Water Right No. 29-13406, stating each field's name, its acreage and its location.

INTERROGATORY NO. 9: Describe how each of the fields identified in your previous answer were prepared for planting for each of the year 1932 through 1942, including but not limited to:

- (a) a description of the plowing, cultivation or the agricultural practice or process;
- (b) a description of the equipment used to perform any agricultural practice or

process;

- (c) the name, amount used and rate of application of any fertilizer, herbicide, pesticide or other chemical applied;
- (d) the quantity of water used for irrigation;
- (e) the name and address of each person or entity performing each agricultural practice or process or applying any water.

INTERROGATORY NO. 10: Please describe when you acquired the real property which is the place of use under Water Right No. 29-13406 and the name and address and phone number of all previous owners from 1932 to date.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which pertain to and/or which you base your answer to the above interrogatories.

REQUEST FOR PRODUCTION NO. 2: Please produce an ASCS map or other maps or diagrams of each field identified in your Answer to Interrogatory No. 8.

REQUEST FOR PRODUCTION NO. 3: Produce all contracts and warranty deeds which evidence your purchase and ownership of the real property which is the place of use under Water Right No. 29-13406.

REQUEST FOR PRODUCTION NO. 4: Produce all Title Reports and Abstracts pertaining to the real property which is the place of use under Water Right No. 29-13406.

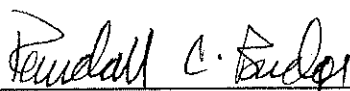
REQUEST FOR PRODUCTION NO. 5: Produce a copy of all documents which you intend to present as exhibits at the time of trial.

REQUEST FOR PRODUCTION NO. 6: Produce copies of all documents which

evidence your claimed priority date of 1932 and the diversion and application to beneficial use for irrigation purposes of water under Water Right No. 29-13406 for each year from 1932 to date.

DATED this 14th day of September, 2005.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By 
RANDALL C. BUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of September, 2005, I mailed a true and complete copy of the foregoing document, postage prepaid, to each of the following:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

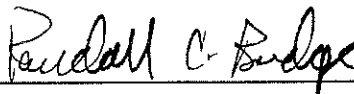
McCammon Ditch Company
James A. Spinner
P.O. Box 6009
Pocatello, Idaho 83205

Lava Irrigation Company
Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83440-0250

Portneuf Irrigating Company
Randolph C. Stone
P.O. Box 910
Burley, Idaho 83318

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

Brett Casperson
Nancy Casperson
8893 E. Maughan Road
Lava Hot Springs, Idaho 83246



RANDALL C. BUDGE