



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 26, 2006

Brett and Nancy Casperson
8893 E Maughan Road
Lava Hot Springs, ID 83246

Re: Subcase Nos. 29-13406

Dear Mr. and Mrs. Casperson:

I received your Interrogatories and Requests for Production of Documents to the Idaho Department of Water Resources ("IDWR"). However, since IDWR is not a party to the Snake River Basin Adjudication, such discovery requests are not allowed. See I.C. 42-1401B In a Pre-Trial Order on Basin-Wide Issue 5, Judge Wood noted that IDWR is not a party to the SRBA and therefore may not be served with interrogatories. *Order Setting Trial Date, Final Pre-Trial Conference etc. Subcase No. 91-00005-34 (Remaining General Provisions Unique to Basin 34) at 5 FN 1 (Issued June 13, 2000)*. In addition, I.R.C.P. 33(a), 34(a) and 36(a) authorize discovery requests to be served on parties only. Thus, I am requesting that you withdraw your discovery requests and any Notice of Service that you may have filed with the Court.

Much of the information you are seeking can be found in the Department's files. You may review the claim files, license files and other relevant documents at the Department during normal business hours. During the inspection you have the right to make a photocopy of any public record. As a matter of convenience for those who live away from the Department offices, the Department will photocopy the entire file(s) and mail a copy of the contents to you at a rate of \$.05 per page. I have asked that the entire claim file for 29-13406 and the overlapping water rights 29-10831, 29-10833 and 29-13407 be scanned and placed on the Department's website at www.idwr.idaho.gov under "On-Line Data" using the water right numbers.

In addition, many of the questions you asked will be answered in the Department's 706 Report that will be filed on or before April 26, 2006, in accordance with the Trial Scheduling Order in this matter. You will be sent a copy of the 706 Report when it is completed.

If you have any questions regarding this matter, please call me at (208) 287-4810.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General

cc: Ernest Carlsen