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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Objector,
 William A. Poulton

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 No. 45-00167A
	)	
Case No. 39576	)	OBJECTOR'S FIRST SET OF
	)	INTERROGATORIES, REQUESTS
	)	FOR ADMISSIONS, AND REQUESTS
	)	FOR PRODUCTION OF DOCUMENTS
	)	<u>TO CLAIMANT LEAH ROSE</u>

TO: Claimant, Leah Rose, *pro se*

COMES NOW the Objector, William A. Poulton, by and through his attorney of record, Michael P. Tribe of the firm Ling, Robinson & Walker, and pursuant to Rule 33 of the Idaho Rules of Civil Procedure, propounds the following interrogatories to the claimant, Leah Rose, to be answered separately and fully in writing, under oath, unless objected to, within thirty (30) days from the date of receipt hereof.

In answering these interrogatories, you are required to furnish all information that is available to you or subject to your reasonable inquiry, including information in the possession of your members that you claim to be representing, attorneys, accountants, advisors or other persons directly or indirectly employed by or connected with you or your attorneys and anyone else otherwise subject to your control.

OBJECTOR'S FIRST SET OF INTERROGATORIES, REQUESTS
 FOR ADMISSIONS, AND REQUESTS FOR PRODUCTION TO CLAIMANT - 1

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3 In answering these interrogatories, you are required to make a diligent search of
4 your records and of other papers and materials in your possession or available to you or your
5 members or representatives. If an interrogatory has subparts, answer each part separately and in
6 full, and do not limit your answer to the interrogatory as a whole. If these interrogatories cannot
7 be answered in full, answer to the extent possible, specify the reason for your inability to answer
8 the remainder, and state whatever information and knowledge you have regarding the
9 unanswered portion. With respect to each interrogatory, in addition to supplying the information
10 asked for and identifying the specific documents referred to, identify and describe all documents
11 to which you refer in preparing your answers.

12 These interrogatories are continuing and the answers thereto must be
13 supplemented to the maximum extent authorized by law and the applicable rules.

14 Requests for admissions are also being propounded pursuant to Rule 36(a) of the
15 Idaho Rules of Civil Procedure. Please note that each matter of which an admission is requested
16 is admitted unless, within fifteen days after service of the requests, or within such shorter or
17 longer time as the court may allow, the party to whom the request is directed serves upon the
18 party requesting the admission a written answer or objection addressed to the matter, signed
19 under oath by the party or by the party's attorney. If objection is made, the reasons therefor shall
20 be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the
21 answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the
22 substance of the requested admission, and when good faith requires that a party qualify the
23 answer or deny only a part of the matter of which an admission is requested, the party shall
24 specify so much of it as is true and qualify or deny the remainder. You may not give lack of
25 information or knowledge as a reason for failure to admit or deny unless the party states that the
26 party has made reasonable inquiry and that the information known or readily obtainable by the
27 party is insufficient to enable the party to admit or deny.

28 Requests for production have also been propounded pursuant to Rule 34 of the
Idaho Rules of Civil Procedure. Under Rule 34, you must produce for inspection and copying by
the undersigned which are in your possession, custody or control, or in the possession, control or
custody of your members, attorneys, consultants, accountants, auditors, or other professional
persons or experts, or investigators, or any other person acting on your behalf. Said documents
shall be produced at the offices of Michael P. Tribe, of Ling, Robinson & Walker, 615 H Street,
Rupert, Idaho on or before November 30, 2006 for the purposes of making the inspection and
copying said documents.

29 DEFINITIONS

30 Unless otherwise indicated, the following definitions will be applicable to these
31 interrogatories:

32 OBJECTOR'S FIRST SET OF INTERROGATORIES, REQUESTS
33 FOR ADMISSIONS, AND REQUESTS FOR PRODUCTION TO CLAIMANT - 2

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3 A. "Person" shall mean and include a natural person, partnership, firm or
4 corporation or any other kind of business or legal entity, its agents or employees. In each
5 instance wherein you are asked to "identify" a person or the "identity" of a person, state with
6 respect to each such person his name and last known residence, residential telephone number,
7 business address, and business telephone number.

8 B. The words "Document" and "Documents" mean all written, recorded, or
9 graphic matters, however produced or reproduced, pertaining in any way to the subject matter of
10 this action. This definition includes, but is not limited to, any and all originals, copies or drafts
11 of any and all of the following: records, notes, summaries, schedules, contracts, agreements,
12 drawings, sketches, invoices, orders, acknowledgments, diaries, reports, forecasts, appraisals,
13 memoranda, telephone logs, letters, telegrams, telexes, cables, tapes, transcripts, recordings,
14 photographs, pictures, films, computer programs or other graphic symbolic, recorded or written
15 materials of any nature whatsoever. Any document which contains any comments, notations,
16 addition, insertion or marking of any kind which is not part of another document is to be
17 considered as a separate document. In each instance wherein you are asked to "identify" or de-
18 scribe a document, your description should include but not be limited to the following:

19 (1) The name, address, telephone number, occupation, job title and employer of
20 the present custodian of the document;

21 (2) The date of the making of the document and the name, address, telephone
22 number, occupation, job title and employer of each person whose testimony could be used to
23 authenticate such document and lay the foundation for its introduction into evidence.

24 C. "You" and "your" shall refer to any agent, employee or officer of respondents
25 or any member of any of the respondents that you claim to represent in this proceeding.

26 D. "Knowledge" includes a firsthand knowledge and information derived from
27 any other source, including but not limited to hearsay knowledge.

28 **INTERROGATORY NO. 1:** Please state whether you have ever personally
irrigated the proposed place of use with water from Willow Creek.

INTERROGATORY NO. 2: If your answer to Interrogatory No. 1 is
affirmative, please state through what diversion works you have diverted the water.

INTERROGATORY NO. 3: Please identify each and every person that you have

personal knowledge that has diverted the waters of Willow Creek onto the proposed place of use.

Please list dates when such claimed diversions took place.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents upon which claimant relies in support of the use of water claim under Water Right No. 45-167A.

INTERROGATORY NO. 4: Please identify each and every person whom you expect to call as a fact witness in this matter and state the substance of the facts upon which each person is expected to testify.

INTERROGATORY NO. 5: Please identify each and every person whom you expect to call as an expert witness in this matter and state the subject matter upon which each such expert witness is expected to testify, the substance of the opinions to which the expert is expected to testify, and the underlying facts and data upon which each such expert's opinions are based.

INTERROGATORY NO. 6: Please identify on a map of suitable scale the claimed point of diversion and the claimed delivery system to the proposed place of use.

INTERROGATORY NO. 7: Please describe in detail the claimed diversion works and delivery system for your claimed place of use.

INTERROGATORY NO. 8: Please state any and all evidence you intend to offer of historical beneficial use of the proposed place of use.

INTERROGATORY NO. 9: Please state any and all evidence that you intend to offer at trial under a resumption of use defense.

REQUEST FOR ADMISSION NO. 1: Admit that the claimant has never

1 irrigated the proposed place of use.

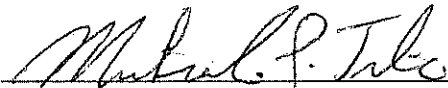
2
3 **REQUEST FOR ADMISSION NO. 2:** Admit that Clark and Tina Harman have
4 never irrigated the proposed place of use.
5

6 **REQUEST FOR ADMISSION NO. 3:** Admit that John and Margaret Koyle
7 have never irrigated the proposed place of use.
8

9 **INTERROGATORY NO. 10:** Please state each and every one who participated
10 in answering *Objector's First Set of Interrogatories, Requests for Admissions, and Requests for*
11 *Production of Documents to Claimant Leah Rose.*
12

13 DATED this 31st day of November, 2006.

14 LING, ROBINSON & WALKER

15 By: 
16 Michael P. Tribe
17 Attorneys for Objector, William A. Poulton

18 **CERTIFICATE OF MAILING**

19 I hereby certify that on the 31st day of October, 2006, I served a copy of the
20 foregoing *OBJECTOR'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS*
21 *AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO LEAH ROSE* upon:

22 Leah Rose
23 994 South, 150 East
24 Burley, Idaho 83318

25 by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed
26 to said person at the foregoing address.

27 
28 Michael P. Tribe

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