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RECEIVED
OCT 10 2007
DEPARTMENT OF
WATER RESOURCES

Attorneys for Nampa & Meridian Irrigation District

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. 63-134
	)	
Case No. 39576	)	HART DAVIS DITCH COMPANY'S
	)	FIRST SET OF DISCOVERY
	)	REQUESTS TO THE STATE OF IDAHO

INTRODUCTION

This document contains the interrogatories, requests for admissions, and requests for production being submitted to the State of Idaho for the above-referenced water right. These interrogatories, requests for admissions, and requests for production are made pursuant to and are governed by Rules 26, 33, 34 and 36 of the Idaho Rules of Civil Procedure.

GENERAL INSTRUCTIONS

1. Unless otherwise indicated, these interrogatories, requests for admissions, and requests for production refer to water right no. 63-134.
2. These interrogatories, requests for admission, and requests for production are deemed continuing in nature, and your responses are to be supplemented as additional information and knowledge becomes available or known to you as provided in Rule 26(e) of the Idaho Rules of Civil

HART DAVIS DITCH COMPANY'S FIRST SET OF DISCOVERY REQUESTS TO THE STATE OF
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Procedure.

3. Any reference herein to an individual, partnership, corporation, or other entity, shall include the present and past agents, employees, representatives, and assigns of that individual or entity.

4. If you withhold any information, in whole or in part, which is called for in and interrogatory or request for production on the ground that it is subject to attorney-client privilege or other privilege, identify each person or entity having knowledge of the bases for each claim of privilege or other objection.

5. If, for reasons other than alleged privilege, you do not provide a complete response to any interrogatory or request for production, state with respect to such interrogatory or request for production that a complete response is not provided and state the reason for the incomplete response.

6. Serve the original written answers to these interrogatories, request for admission, and responses to request with a copy of the notice of service on S. Bryce Farris, Ringert Clark Chartered, P.O. Box 2773, Boise, Idaho 83701.

INSTRUCTIONS FOR INTERROGATORIES

1. Provide answers to these interrogatories within thirty (30) days of service by fully setting forth each interrogatory followed by an answer or objection to each interrogatory under oath in accordance with I.R.C.P. 33.

INSTRUCTIONS FOR ADMISSIONS

1. Provide answers to these request for admission within thirty (30) days of service by fully setting orth each request for admission followed by an answer or objection to each request for admission under oath in accordance with I.R.C.P. 36.

INSTRUCTIONS FOR REQUEST FOR PRODUCTION

1. If you will make the original copies of the requested documents available at a subsequent time requested by Hart Davis Ditch Company, upon reasonable notice, then the requests for production of documents may be satisfied by mailing a true, correct, and legible copy of each and every requested document to S. Bryce Farris, Ringert Clark Chartered, P.O. Box 2773, Boise, ID 83701 within the prescribed time.

2. Each document requested to be produced shall be provided in a manner which preserves its sequential relationship with other documents being produced and shall include the file folder and folder tabs associated with its file location. If the file location is not apparent on the folder and tabs, the document shall be accompanied by information indicating from where the file was taken and such additional information as is necessary to enable Hart Davis Ditch Company to determine the document's original pre-production location.

3. You are requested to provide a response within thirty (30) days of service in accordance with I.R.C.P. 34.

Definitions:

In answering these interrogatories and requests for production, all terms used retain their normal meaning. The following terms, in addition to their commonly understood definitions, shall have the following meanings:

- A. The term "Hart Davis" refers to the Hart Davis Ditch Company.
- B. The term "you" or the "State of Idaho" refers to the Idaho Department of Parks and Recreation, including, but not limited to, Eagle Island Park, or its employees and/or agents.
- C. The term "document" shall be defined in the broadest possible manner and shall, at a

minimum, mean any original or copy of words or information, whether produced in original or copying form by printing, typing, recording, retrieval from electronic storage, manual reproduction, or other process regardless of the form. The term “document” includes, but is not limited to, writings, agreements, communication, correspondence, electronic mail messages, reports, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, records, maps, charts, plans, drawings, sketches, photographs, graphs, notes, summaries or records of meetings,, conferences or congressional hearings, summaries or reports of investigations or negotiations, opinions or reports of consultants, drafts of any document, phono-records, printouts from electronic storage or other data compilations from which information can be obtained or translated, if necessary, by the respondent through detection devices into reasonably usable form, marginal comments appearing on any document and all other writing.

D. The term “identify” means:

- (1) as to documents, give the date of each such document, the addresser’s name, position, and address, the addressee’s name, position and address, any file, index or other identification number, title and general character of the document, and specify the name, address and position of the person or persons having custody and control thereof. Alternatively, the document may be appended to your answer.
- (2) as to a person, or entity, give the full name, business address and telephone number, home address and telephone number, the person’s current employment, position and duties, and the person’s educational background.

- (3) as to conversations, including telephone communications, or meetings give:
 - a. the date, place and time such communication occurred;
 - b. the identify of each and every person between whom the communication was transmitted, who was present or who participated in the conversation, and any other person(s) who have knowledge of such communication;
 - c. the place at which such communication occurred, or in the case of telephone conversations, the location of each party; and
 - d. a detailed statement of the substance of what was discussed or what actions were taken.
- (4) as to administrative, judicial, or congressional proceedings, give:
 - a. the caption of the proceeding;
 - b. the administrative or judicial tribunal or the name of the congressional committee or subcommittee, including the business address and phone number; and
 - c. the date(s) a witness provided testimony.

E. The term “relied,” when used in a request for all documents relied upon in the preparation of an answer or response, refers not only to documents containing information supporting the answer or response, but also documents reviewed, obtained, or prepared by the Claimant or its employees, agents or contractors in the course of preparing its answer or response.

**INTERROGATORIES, REQUESTS FOR ADMISSION, AND
REQUESTS FOR PRODUCTION**

REQUEST FOR ADMISSION NO. 1: Please admit that you are a shareholder of Hart

Davis Ditch Company.

INTERROGATORY NO. 1: If you deny, in whole or in part, Request for Admission No. 1, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 1: If you deny, in whole or in part, Request for Admission No. 1, please produce a true and correct copy of any documents and/or deeds which supports your denial.

REQUEST FOR ADMISSION NO. 2: Please admit that since the date you have owned the real property to which water right no. 63-134 is appurtenant, you have paid assessments to Hart Davis Ditch Company for the delivery of said water.

INTERROGATORY NO. 2: If you deny, in whole or in part, Request for Admission No. 2, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 2: If you deny, in whole or in part, Request for Admission No. 2, please produce a true and correct copy of any documents and/or deeds which supports your denial.

REQUEST FOR ADMISSION NO. 3: Please admit that since the date you have owned the real property to which water right no. 63-134 is appurtenant, you have paid assessments to Hart Davis Ditch Company for the operation and maintenance of the ditch which delivers said water.

INTERROGATORY NO. 3: If you deny, in whole or in part, Request for Admission No. 3, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 3: If you deny, in whole or in part, Request for Admission No. 3, please produce a true and correct copy of any documents and/or deeds which

supports your denial.

REQUEST FOR ADMISSION NO. 4: Please admit that since the date you have owned the real property to which water right no. 63-134 is appurtenant, you have paid assessments to Hart Davis Ditch Company for the operation and maintenance of the diversion structure for water right no. 63-134.

INTERROGATORY NO. 4: If you deny, in whole or in part, Request for Admission No. 4, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 4: If you deny, in whole or in part, Request for Admission No. 4, please produce a true and correct copy of any documents and/or deeds which supports your denial.

REQUEST FOR ADMISSION NO. 5: Please admit that prior to 2005 you did not assert ownership of water right no. 63-134.

INTERROGATORY NO. 5: If you deny, in whole or in part, Request for Admission No. 5, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 5: If you deny, in whole or in part, Request for Admission No. 5, please produce a true and correct copy of any documents and/or deeds which supports your denial.

REQUEST FOR ADMISSION NO. 6: Please admit that you did not assert ownership, or file a claim to ownership, of water right no. 63-134 in the Snake River Basin Adjudication.

INTERROGATORY NO. 6: If you deny, in whole or in part, Request for Admission No. 6, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 6: If you deny, in whole or in part, Request for Admission No. 6, please produce a true and correct copy of any documents and/or deeds which supports your denial.

REQUEST FOR ADMISSION NO. 7: Please admit that you are precluded from claiming ownership of water right no. 63-134 under the doctrines of waiver, estoppel and laches.

INTERROGATORY NO. 7: If you deny, in whole or in part, Request for Admission No. 7, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 7: If you deny, in whole or in part, Request for Admission No. 7, please produce a true and correct copy of any documents and/or deeds which supports your denial.

INTERROGATORY NO. 8: Set forth and describe the last time water right no. 63-134 was beneficially used, how it was used and who owned the property at that time.

INTERROGATORY NO. 9: Set forth and describe when you intend to beneficially use water right no. 63-134 next and what lands you intend to irrigate.

REQUEST FOR PRODUCTION NO. 6: Produce all documents that evidence your claim to ownership of water right no. 63-134.

INTERROGATORY NO. 10: Water right no. 63-134 was recommended by the Idaho Department of Water Resources in the name of Hart Davis Ditch Company, please set forth and describe each and every fact, document or legal basis which you believe supports your contention that you own water right no. 63-134.

INTERROGATORY NO. 11: Please identify each and every person whom you expect to

call as a fact witness in the trial of this matter and state the substance of the facts upon which the person is expected to testify.

INTERROGATORY NO. 12: Please identify each and every person whom you know has knowledge about water right no. 63-134.

INTERROGATORY NO. 13: Please identify each and every person whom you expect to call as an expert witness in this matter. For each such person identify, please state the subject matter on which the expert 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 the expert opinions are based.

REQUEST FOR PRODUCTION NO. 7: Produce every document or tangible item that you intend to offer as an exhibit in the trial of this matter.

REQUEST FOR PRODUCTION NO. 8: For each person identified in your response to Interrogatory no. 13, please produce: (1) a curriculum vitae or resume, including a list of publications authored by that person, if any, as well as any other information which would demonstrate the person's knowledge or qualifications to state the facts or express the opinions to which the person is expected to testify; and (2) all documents containing or evidencing the underlying facts or data described in your response to Interrogatory No. 13.

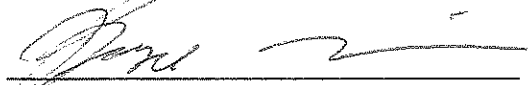
REQUEST FOR PRODUCTION NO. 9: In your Objection to water right no. 63-134, you referenced a Statement of Water Rights for Eagle Island Penitentiary Farm on Boise River. Please produce all documents which may support the Statement of Water Rights for Eagle Island Penitentiary Farm on Boise River, or which are referenced in the Statement of Water Rights for Eagle Island Penitentiary Farm on Boise River, including, but not limited to, "an agreement now on

file", "a stock certificate" for 165 shares and "the abstract" on file in the office of the Secretary of State.

INTERROGATORY NO. 14: Identify all persons who assisted in the preparation of the responses to these Interrogatories, Request for Admission and Requests for Production.

DATED this 9th day of October, 2007.

RINGERT CLARK CHARTERED

By: 

S. Bryce Farris

Attorney for Hart Davis Ditch Company

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of October, 2007, I served a true and correct copy of the foregoing document by U.S. mail, postage pre-paid to the following:

United States Department of Justice
Environment and Natural Resource Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

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State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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

Idaho Department of Parks
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Boise, Idaho 83716

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