

COPY

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Attorney for Robert E. Fuchs (Deceased) and Donna T. Fuchs

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	)	SUBCASES: 21-13013
	)	
Case No. 39576	)	FIRST SET OF DISCOVERY TO
_____	)	RLF I, LLC, ET AL

TO: CLAIMANT RLF I, LLC, RLF II, LLC, RLF III, LLC, RLF IV, LLC AND THEIR ATTORNEYS OF RECORD

Robert E. Fuchs (Deceased) and Donna T. Fuchs, who have filed objections in the above captioned subcase, by and through counsel, and pursuant to the Idaho Rules of Civil Procedure 33 and 34 and the Idaho Department of Water Resources Rules 520 and 524 and the Idaho Administrative Procedure Act Rule 37.01.01, hereby submit the following Interrogatories and Requests for Production of Documents to the above-named Claimant. You are directed to Answer and Respond to the following Interrogatories and Request for Production of Documents within thirty (30) days of service upon you. Further, these Interrogatories and Requests 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 state the name and address of each person you intend to call as a witness at the hearing of this matter currently scheduled to begin March 12, 2008. Please also provide the substance of each person's expected testimony.

INTERROGATORY NO. 3: Please list and describe with particularity all documents, maps, photos, or tangible things which you intended to utilize at the hearing of this matter currently scheduled to begin March 12, 2008. Please also state the significance and relevance of each said document, map, photo, or tangible thing.

INTERROGATORY NO. 4: Please state whether you intend to call any expert witnesses at the hearing of this matter currently scheduled to begin March 12, 2008. If your answer is "Yes", please 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. A brief statement summarizing the facts and data upon which the expert bases his opinion.
- d. A brief statement summarizing the opinions and inferences to which the expert may testify and the reasons therefore.

INTERROGATORY NO. 4: Please state with particularity the factual basis for your water claim as set forth in your "Notice of Claim to Water Right Acquired Under State Law"

dated November 21, 2005, seeking 0.4 cfs of water for irrigation purposes as Water Right 21-10557.

INTERROGATORY NO. 8: Is it your contention that the water claimed by you under Water Right 21-13013 is a part or portion of the water right decreed to Z. Sunberg in the Rexburg Decree in the amount of 5.5 cfs. If your answer is "yes," please describe with particularity the factual basis for this contention. If your answer is "no," please describe with particularity the factual basis for your water right claim.

REQUESTS FOR PRODUCTION OF DOCUMENTS

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

REQUEST FOR PRODUCTION NO. 2: Produce a copy of all documents, maps, photos, or tangible things which you intend to utilize or present as exhibits at the time of hearing.

REQUEST FOR PRODUCTION NO. 3: Please produce any and all photos and videos in your possession that show the real property owned by Claimant.

DATED this 3 day of December, 2007.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By 
SCOTT J. SMITH

CERTIFICATE OF SERVICE

I hereby certify that on the 3 day of December, 2007, I caused a true, correct and complete copy of the foregoing document to be served by U.S. first-class mail, postage prepaid, upon the following unless a different method of service is indicated:

1. Original to:

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

2. Copies to:

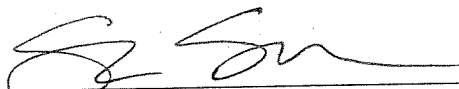
Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

US Department of Justice
Environment & Natl' Resources
550 West Fort Street, MSC 033
Boise, Idaho 83724

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