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DEPARTMENT OF
WATER RESOURCES

Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

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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,
Case No. 39576

Subcase No. 63-3618
(Lucky Peak Reservoir)

**PIONEER IRRIGATION DISTRICT AND
SETTLERS IRRIGATION DISTRICT'S FIRST
SET OF DISCOVERY REQUESTS TO THE
UNITED STATES**

TO: UNITED STATES AND ITS COUNSEL OF RECORD:

YOU WILL PLEASE TAKE NOTICE that Pioneer Irrigation District and Settlers
Irrigation District, by and through undersigned attorneys of record, MOFFATT, THOMAS,
BARRETT, ROCK & FIELDS, CHARTERED, hereby require the United States to respond to their
Request for Admission as follows:

Pursuant to Rules 33(a), 34 and 36(a) of the Idaho Rules of Civil Procedure, you must admit or deny each request for admission, answer the interrogatory, and respond to the request for admission, under oath, within thirty (30) days from service hereof. Failure to deny any such request for admission, within such time, shall result in your deemed admission of the subject of such request.

DEFINITIONS

1. “United States,” “you,” “your” and “yours,” mean the United States, or any person acting or purporting to act on its behalf (including but not limited to its employees, agents, representatives, personnel, attorneys, consultants, experts, investigators or other persons).

2. “Person” means any natural person, corporation, partnership, joint venture, limited liability company, proprietorship, governmental or business entity.

3. “Identify” or “identity,” when used with respect to a natural person, requires that you provide the following information with respect to the person:

- (a) Name;
- (b) Last known business address;
- (c) Last known residence address;
- (d) Last known telephone number; and
- (e) Name of employer or business with whom the person was associated and the person’s title and position at the time relevant to the identification.

4. “Identify” or “identity,” when used with respect to a person that is not a natural person, requires that you provide the same information required as though the entity were a natural person [see Definition ¶¶ 3(a) through 3(e) above], and also provide the additional information regarding a description of the nature of the entity (*e.g.*, partnership, corporation, limited liability company, etc.).

5. “Identify” or “identity,” when used with respect to a document, item or thing, requires that you provide the following information relating to such document, item or thing:

- (a) A general description thereof;
- (b) Date it was written or created;
- (c) Name and present or last known address of the person or persons who wrote or created it;
- (d) Name and present or last known address of the person to whom it was sent;
- (e) Name and present address of the custodian thereof; and
- (f) Whether you have a copy, duplicate, reproduction, photostat, photograph, sample or exemplar thereof.

6. “Identify” or “identity,” when used with respect to a verbal communication by personal means, requires that you provide the following information relating to such verbal communication:

- (a) A general description thereof;
- (b) Date communication occurred;
- (c) The time and place of the verbal communication;
- (d) The name and address of each person present;
- (e) Whether any conversation was recorded and, if so, (1) the name and address of the person who recorded it and, (2) the name and address of the person who has custody or possession of such recording; and
- (f) Whether any notes and/or memoranda were made of any conversations and, if so, (1) the name and address of the person who made such notes and/or memoranda and, (2) the name and address of each person who has custody or possession of the original notes and/or memoranda.

7. “Identify” or “identity,” when used with respect to a telephone conversation, requires that you provide the following information relating to such verbal communication:

- (a) A general description thereof;
- (b) Date conversation took place;
- (c) The approximate time of the conversation;
- (d) The name of the person initiating the call;
- (e) The location from which the call was placed;
- (f) The words spoken or the substance of what was said by (1) the person initiating the call and, (2) by the person called;
- (g) Whether anyone else listened in on one or both sides of such telephone conversation and, if so, the name and address of such person;
- (h) Whether such conversation was recorded and, if so, (1) the name and address of the person who recorded it and, (2) the name and address of the person who has custody or possession of such recording; and
- (i) Whether any notes and/or memoranda were made of such conversation and, if so, the name and address of each person who has custody or possession of the original notes and/or memoranda.

8. “Document” or “documents” shall mean the original, all copies and drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records and data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: calculations, correspondence, notes, memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra-or inter-office/agency/entity communications, memoranda, reports, cancelled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, telegrams, instructions, work assignments, messages (including reports, notes and memoranda of telephone conversations and conferences), telephone

statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge slips, working papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other “documents” filed or prepared in connection with any court or agency or other proceeding, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, précis, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents.

9. “Know” or “Knowledge” includes within its meaning first-hand knowledge, or information derived from any other source, including, but not limited to, hearsay knowledge.

10. The words “relates to” or “relating to” shall be deemed to mean and include the following terms: regards, describes, involves, compares, correlates, mentions, connected to, refers to, pertains to, contradicts, or compromises.

11. The words “and” and “and/or” and “or” shall each be deemed to refer to both their conjunctive and disjunctive meanings, being construed as necessary to bring within the scope of the discovery request all information and documents which would otherwise be construed as being outside the request.

12. The word “any” shall mean “each and every” and “all” as well as “any one,” and “all” shall mean “any and all.”

13. “Lucky Peak Project” refers to the Lucky Peak Dam and Reservoir project, and transactions/relationships related thereto.

INSTRUCTIONS

1. If any document identified in an answer to an interrogatory or document request was, but is no longer in your possession, custody or control, or was known to you but is no longer in existence, state what disposition was made of it or what became of it. Your response must be based not only on documents in your personal possession, but also on any documents available to you, including documents in the possession of your agents, attorneys, accountants or employees. No document requested to be produced herein can be destroyed or disposed of by virtue of a record retention program or for any other reason.

2. If any document is withheld from production hereunder on the basis or claim of privilege or otherwise, identify each such document and describe with particularity the privilege or grounds (fact and law) upon which its production is being withheld.

3. These requests shall be deemed to call for nonidentical copies of documents. A document with handwritten notes, editing marks, etc., shall not be deemed identical to one without such modifications, additions or deletions.

4. Documents shall be produced in their original file folders; or, in lieu thereof, any writing on the file folder from which a document is taken shall be copied and appended to such documents, and the person from whom or department or business for which such file is maintained shall be identified.

5. The masculine gender shall be deemed to include the feminine and the neuter where appropriate, and the singular shall be deemed to include the plural, and vice versa, being construed as necessary to bring within the scope of the request all information and documents which would otherwise be construed as being outside the request.

6. If any of the following discovery requests should require additional documents in order to be made comprehensible or non-misleading, you are instructed to include such additional documents as are necessary.

7. These discovery requests shall be deemed continuing, and any information, documents or things requested which are acquired, obtained or later discovered to be in your possession or within the knowledge of Defendant, up to or including at the time of trial, shall be furnished to Plaintiff or be made available for Plaintiff to copy and/or inspect immediately upon such acquisition or discovery of said information, documents or things.

8. In your written responses to these requests for production, please restate the text of each request preceding your response thereto.

9. The documents responsive to this request must be produced within thirty (30) days at the offices of Moffatt, Thomas, Barrett, Rock & Fields Chartered.

REQUEST FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that in “every year since coordinated operations for flood control began in 1955,” the United States complied, in all respects, with its contractual obligations and the terms of its contracts with Pioneer Irrigation District and Settlers Irrigation District related to the Lucky Peak Project, specifically including, but not limited to, those contracts set forth in the Affidavit of Jennifer Stevens at Exhibits B, C, D, and E, and as incorporating the Memorandum of Agreement Between the Department of the

Army and the Department of the Interior for Flood Control Operation of Boise River Reservoirs, Idaho, dated November 20, 1953. This Request for Admission, is specifically addressed to, but not specifically limited to, Section/Article 7 of the contracts with the Districts entitled Guarantee.

INTERROGATORY

INTERROGATORY NO. 1: If the above Requests for Admission is denied, either in whole or in part, provide a complete description of all facts relied upon in making the denial, along with the identity of all persons having sufficient knowledge of each fact to be able to testify as a witness. Also, give a detailed description of the substance and content of all expert opinions relied upon in making the denial, along with the identity and professional qualifications of the person rendering each opinion. Identify and produce all documents and tangible items relied upon in making the denial. (If any part of this interrogatory is answered on information and belief, set forth the specific information believed, the source of the information, when and in what manner the information was obtained, and why it is reasonable to believe the information is true.)

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any and all item(s), document(s) and/or record(s) referenced by or related to your response to Request for Admission No. 1 or answer to Interrogatory No. 1, above, specifically including, but not limited to all document(s) and/or record(s) demonstrating compliance with Section/Article 7 of the contracts with the Districts entitled Guarantee.

DATED this 19th day of December, 2007.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Tara Martens FOR
Scott L. Campbell – Of the Firm

By Tara Martens
Tara Martens – Of the Firm
Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December, 2007, I caused a true and correct copy of the foregoing **PIONEER IRRIGATION DISTRICT'S AND SETTLERS IRRIGATION DISTRICT'S FIRST SET OF DISCOVERY REQUESTS TO THE UNITED STATES** to be served by the method indicated below, and addressed to the following:

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Environment and Natural Resources Division
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Director
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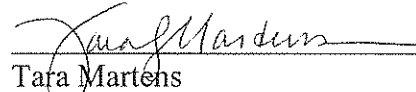
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