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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. 63-27475
	)	
Case No. 39576	)	NAMPA & MERIDIAN IRRIGATION
	)	DISTRICT'S FIRST SET OF DISCOVERY
	)	REQUESTS TO CLAIMANT
	)	

INTRODUCTION

This document contains the interrogatories, requests for admissions, and requests for production being submitted to the claimant for the above-referenced water right, Janicek Properties, LLC (hereinafter "Claimant"). 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. 63-27475.

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

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knowledge becomes available or known to you as provided in Rule 26(e) of the Idaho Rules of Civil 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

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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 NMID, 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 NMID 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 "NMID" refers to the Nampa & Meridian Irrigation District.
- B. The term "you" or the "claimant" refers to the claimant for water right no. 63-27475, including, but not limited to, Janicek Properties, LLC, its members, agents, representatives,

consultants, experts, attorneys or predecessors in interest.

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 land or property which is served by water right no. 63-27475 is also served by NMID.

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 which support your denial.

REQUEST FOR ADMISSION NO. 2: Please admit that the land or property which is served by water right no. 63-27475 was within the boundaries of NMID and served by NMID prior to any application for permit being filed for water right no. 63-27475.

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 which support your denial.

REQUEST FOR ADMISSION NO. 3: Please admit that water right no. 63-27475 is a supplemental water right that is supplemental to the water rights delivered by NMID.

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 which support your denial.

REQUEST FOR ADMISSION NO. 4: Please admit that the “Purdam Gulch Creek” listed in water right no. 63-27475 is operated and maintained by NMID.

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 which support your denial.

REQUEST FOR ADMISSION NO. 5: Please admit that the “Purdam Gulch Creek” listed in water right no. 63-27475 is owned by NMID.

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 which support your denial.

REQUEST FOR ADMISSION NO. 6: Please admit that the “Purdam Gulch Creek” listed in water right no. 63-27475 was owned, operated and maintained by NMID prior to, during and after your application for permit for water right no. 63-27475.

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 which support your denial.

REQUEST FOR ADMISSION NO. 7: Please admit that NMID owns and easement and/or right-of-way to operate and maintain the “Purdam Gulch Creek” listed in water right no. 63-27475.

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 which support your denial.

INTERROGATORY NO. 8: Set forth and describe the beneficial use of water right no. 63-27475, including the period of year it has been used.

REQUEST FOR PRODUCTION NO. 8: Produce all documents that evidence the beneficial use of water right no. 63-27475, including, but not limited to, the period of use for said water right and the flow records and power records for said water right.

INTERROGATORY NO. 9: Set forth and describe what you believe is the source of water right no. 63-27475, including, but not limited to, what you believe is the source of the water in the “Purdam Gulch Creek” and to what extent, if any, you believe the source is not waste, seepage and/or return flows attributable to NMID’s irrigation water.

REQUEST FOR ADMISSION NO. 8: Please admit that the source of water right no. 63-27475 is waste water, seepage and/or return flows attributable to NMID’s irrigation water.

INTERROGATORY NO. 10: If you deny, in whole or in part, Request for Admission No. 8, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 9: If you deny, in whole or in part, Request for Admission No. 8, please produce a true and correct copy of any documents which supports your denial.

REQUEST FOR ADMISSION NO. 9: Please admit that the source of water right no. 63-27475 is, at least in part, NMID's waste water, seepage and/or return flows attributable to NMID's irrigation water.

INTERROGATORY NO. 11: If you deny, in whole or in part, Request for Admission No. 9, then describe in detail the factual and legal basis for your denial.

REQUEST FOR PRODUCTION NO. 10: If you deny, in whole or in part, Request for Admission No. 9, please produce a true and correct copy of any documents which supports your denial.

INTERROGATORY NO. 12: 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. 13: Please identify each and every person whom you know has knowledge about water right no. 63-27475.

INTERROGATORY NO. 14: 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.

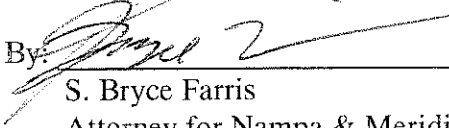
REQUEST FOR PRODUCTION NO. 11: Produce every document or tangible item that you intend to offer as an exhibit in the trial of this matter.

REQUEST FOR PRODUCTION NO. 12: For each person identified in your response to Interrogatory no. 14, 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. 14.

INTERROGATORY NO. 15: Identify all persons who assisted in the preparation of the responses to these Interrogatories, Request for Admission and Requests for Production.

DATED this 17th day of January, 2008.

RINGERT CLARK CHARTERED

By: 
S. Bryce Farris
Attorney for Nampa & Meridian
Irrigation District

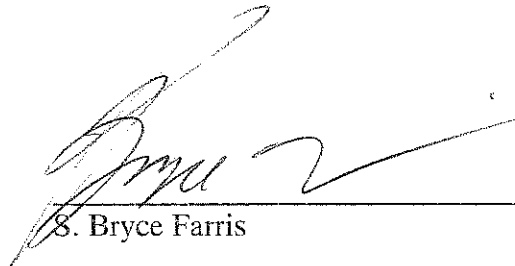
CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 2008, I served a true and correct copy of the foregoing document by U.S. mail, postage pre-paid to the following:

Michael P. Lawrence
Givens Pursley, LLP
601 W. Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720

USDI Bureau of Reclamation
Represented by:
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, Idaho 83724

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



S. Bryce Farris