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Attorney for Respondent

**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 47-4462**

Case No. 39576) **FIRST SET OF DISCOVERY**
) **REQUESTS**

COPY

The Claimants, William S. Root and Circle S West Ranch, (hereinafter Claimants), hereby propound the following discovery to the Twin Falls Canal Company to be answered under oath and within thirty (30) days from the date of service, in accordance with Rules 33, 34 and 36 of the Idaho Rules of Civil Procedure.

PRELIMINARY STATEMENT

A. These Interrogatories do not merely seek such information within your personal knowledge. 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 attorneys, investigators, accountants, advisors, representatives, or other persons directly or indirectly employed by or connected with you or your attorneys and anyone else otherwise subject to your control.

B. In answering these Interrogatories, you must make a diligent search of your records and of other papers and materials in your possession or available to you or your representatives. If an Interrogatory has subparts, answer each part separately and in full, and do not limit your answer to the Interrogatory as a whole. If these Interrogatories cannot be answered in full, answer to the extent possible, specify the reason for your inability to answer the remainder, and state whatever information and knowledge you have regarding the unanswered portion.

C. With respect to each Interrogatory, in addition to supplying the information asked for and identifying the specific documents referred to, identify and describe all documents to which you refer in preparing your answers.

D. These Interrogatories are continuing and the answers thereto must be supplemented to the maximum extent authorized by law and the applicable rules. If, after responding to these Interrogatories, you acquire any information responsible thereto, you are requested to file and serve supplemental responses containing such information.

DEFINITIONS

Unless otherwise indicated, the following definitions will be applicable to these Interrogatories:

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

B. The words "Document" and "Documents" includes written, printed, recorded, photocopied or graphic matters, pertaining in any way to the subject matter of this action. Any Document which contains any comments, notations, additions, insertions or markings of any kind which are not part of another Document is to be considered as a separate Document.

C. "Property" means property of every kind and description, every interest in any claim to property.

D. "Identification" means in each instance wherein you are asked to "identify" or describe physical evidence or a document, your description should include, but not be limited to, the following:

1. The name, address, telephone number, occupation, job title and employer of the present custodian of the physical evidence or document;
 2. The date of the making of the document and the name, address, telephone number, occupation, job title and employer of each person whose testimony could be used to authenticate such document and lay the foundation for its introduction into evidence.
- E. "Knowledge" includes first-hand knowledge and information derived from any other source, including, but not limited to, hearsay knowledge.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Admit that the source of the Claimants' water right claim is inflow not waste water.

INTERROGATORIES

INTERROGATORY NO 1: If you deny all or part of Request for Admission No. 1, please set forth each and every fact upon which you base your denial.

INTERROGATORY NO 2: If you contend that all or a portion of the water which is the subject of the Claimants' water right claim is waste water, please set forth what percentage of the water you claim is waste water. Please set forth each and every fact upon which you base your contention.

INTERROGATORY NO. 3: Please provide the name, address, and current telephone number of every person known to you or your attorney who purports to have any knowledge of any of the facts related to this case and the subject matter of that knowledge.

INTERROGATORY NO. 4: Please identify by name, address, and current telephone number all witnesses you intend to call at the trial of this cause and the subject matter and general nature of the facts as to which they will testify.

INTERROGATORY NO. 5: If you, your attorney, or any other person, firm, or corporation acting on your behalf consulted with or engaged any experts in connection with this case, please state the expert's name, address, and set forth a complete resume or,

in the alternative, attach a copy of the expert's resume hereto; state the substance of the expert's conclusions and opinions, and the report prepared by said expert.

INTERROGATORY NO. 6: Please fully identify each document, object, or thing intended to be introduced or utilized as an exhibit at the time of trial or which relates in any way to any of the facts or claims in this case.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please state when the Bureau of Reclamation has released water to your control over the past 25 years. Please provide the precise dates the water has been provided to you by the Bureau of Reclamation and the precise dates the Bureau of Reclamation terminated the release of water to you each irrigation season.

REQUEST FOR PRODUCTION NO. 2: Please provide all irrigation schedules for the claimants' real property for the last 15 years.

REQUEST FOR PRODUCTION NO. 3: Please produce copies of any maps, water studies or Basin or project analyses, pictures or photographs of the Claimants' property or water claims.

REQUEST FOR PRODUCTION NO. 4: DOCUMENTARY EVIDENCE. If you intend to introduce any documentary evidence at any trial or hearing in this matter, please produce a true and accurate copy of each document or exhibit you intend to introduce.

DATED this 31 day of March, 2008.

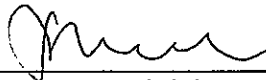


THOMAS B. DOMINICK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of March, 2008, I served the foregoing document by having a true and complete copy personally delivered or by facsimile and/or by depositing the same in the United States Mail, postage prepaid thereon, and addressed to:

IDWR Document Depository P. O. Box 83720 Boise, ID 83720-0098 United States Dept. of Justice Environment & Natural Resource Division 550 West Fort Street, MSC 033 Boise, ID 83724 Mr. John K. Simpson Barker Rosholt 113 Main Avenue W, Suite 303 P.O. Box 485 Twin Falls, ID 83303-0485	Hand Deliver _____ U.S. Mail <u> X </u> Facsimile _____ Overnight Mail _____



Thomas B. Dominick