

DEPARTMENT OF  
WATER RESOURCES

AMERICAN FALLS RESERVOIR DISTRICT NO. 2'S ANSWERS TO FIRST SET  
OF INTERROGATORIES, REQUESTS FOR PRODUCTION AND REQUEST FOR  
ADMISSION-PG. 1

following Interrogatories and Requests for Production, identifying for each person the Interrogatory and Request for Production by number for which such person provides information.

**ANSWER TO INTERROGATORY NO. 1:** C. Tom Arkoosh, attorney, located at 1010 Jefferson St., P.O. Box 2598, Boise, ID 83701, telephone number 208-424-8872, and Lynn Harmon, manager of the American Falls Reservoir District No. 2, assisted, located at 112 S. Apple, P.O. Box C, Shoshone, ID 83352, telephone number 208-886-2331.

**INTERROGATORY NO. 2:** Please identify the names and addresses of persons with knowledge or information regarding the preparation and filing of American Falls Reservoir District No. 2's claims in the SRBA and the historic and present diversion and use of water under these water rights that are the subject of this action.

**ANSWER TO INTERROGATORY NO. 2:** Preparation of claims: Lynn Harmon and employees of American Falls Reservoir District No. 2.

Historic and present diversion and use of water: Lynn Harmon and employees of American Falls Reservoir District No. 2. Employees of Idaho Department of Water Resources. Employees of Bureau of Reclamation.

In addition to the foregoing, all employees of American Falls Reservoir District No. 2 may have some "knowledge of information" concerning the "historic and present diversion and use of water" under AFRD No. 2's water rights.

**INTERROGATORY NO. 3:** Please provide the name, business address and phone number for each expert which you, your agents or attorneys have retain or consulted with in this case, and for each expert set forth:

- a. A complete statement of all opinions to be expressed and the basis and reasons therefore;
- b. A complete description of the data or other information considered by the person in forming the opinions;
- c. Any exhibits to be used as a summary of or support for the opinions;
- d. Any qualifications of the person, including a list of all publications authored by the person within the preceding ten years;

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- e. The compensation to be paid for the expert's work and testimony and who is responsible for paying such compensation.
- f. Listing of the case name and number of any case in which the witness has testified as an expert at trial or by deposition within the preceding four years.

**ANSWER TO INTERROGATORY NO. 3:** To date, no experts have been specifically retained or consulted concerning AFRD No. 2's claims. However, the following firms have worked for American Falls Reservoir District No. 2 as experts and may be used in this litigation:

Brockway Engineering, PLLC  
2016 N. Washington #4  
Twin Falls, Idaho 83301

HDR Engineering, Inc.  
412 E. Parkcenter Blvd., Suite 100  
Boise, Idaho 83706-6659

ERO Resources Corp.  
1842 Clarkson Street  
Denver, Colorado 80218

**INTERROGATORY NO. 4:** Provide the name, address and phone number of all other persons who you will call or may call as a fact witness at the hearing in this action and state the fact to which you expect each such witness to testify.

**ANSWER TO INTERROGATORY NO. 4:** Witnesses have not yet been determined, but AFRD No. 2 may call as witnesses any of the persons named in the Answers to these Interrogatories, representatives of the Bureau of Reclamation and representatives of the Idaho Department of Water Resources.

**INTERROGATORY NO. 5:** Please identify and describe each item which you will or may attempt to introduce into evidence at the hearing in this action. Also, please provide a copy of each item and indicate the location and who has control of the original.

**ANSWER TO INTERROGATORY NO. 5:** Exhibits have not been determined. AFRD No. 2 may offer into evidence records of the Idaho Department of Water Resources, Bureau of Reclamation and internal records of American Falls Reservoir District No. 2. The records of American Falls Reservoir District No. 2 are available for inspection at the office of American Falls

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Reservoir District No. 2.

**INTERROGATORY NO. 6:** For each of the referenced water rights please describe precisely and in detail:

- a. All records that exist that evidence the diversion and beneficial use of water, including the periods and quantities of use;
- b. When such records were prepared, who prepared the records, the source of information and where the originals of the records and underlying data are located;
- c. If you dispute any of the records of diversion and use as reflected by the watermaster's reports or records maintained by the Idaho Department of Water Resources, please identify each record you disagree with and describe the reason for the disagreement;
- d. The history, the development, and use of the water rights that are the subject of this action.

**ANSWER TO INTERROGATORY NO. 6:** Objection – overly broad and does not properly identify the requested records. Without waiving the objection, AFRD No. 2 asserts that the written records speak for themselves and are available for inspection at the Idaho Department of Water Resources, Bureau of Reclamation and the offices of American Falls Reservoir District No. 2. Further, attention is drawn to applicable Decrees, including, but not limited to, the Foster Decree.

## **II. REQUESTS FOR PRODUCTION.**

**REQUEST FOR PRODUCTION NO. 1:** Please produce copies of all exhibits you intend to introduce in evidence at any hearing in this case.

**ANSWER TO REQUEST FOR PRODUCTION NO. 1:** Exhibits have not yet been determined. All records pertaining to diversion in the possession of Bureau of Reclamation or Idaho Department of Water Resources may be offered as Exhibits and are public records. The records of American Falls Reservoir District No. 2 are available for inspection and copying.

**REQUEST FOR PRODUCTION NO. 2:** Please provide all documents that support your

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claim to priority date, diversion, and use of water since the date of priority for the water rights subject to this proceeding, including but not limited to delivery records from Water District 01, in your possession, internal delivery records and diversion information, operating or use policies, and any historical documents whether or not they were originally created by American Falls Reservoir District No. 2.

**ANSWER TO REQUEST FOR PRODUCTION NO. 2:** Objection – the request is overly broad. Without waiving the objection attention is drawn to the public records and decrees described above and the records of American Falls Reservoir District No. 2 are available for inspection and copying.

**REQUEST FOR PRODUCTION NO. 3:** All documents and data referred to or relied upon in filing your claims to the water rights in SRBA that are the subject of this action.

**ANSWER TO REQUEST FOR PRODUCTION NO. 3:** Objection – overly broad and beyond the scope of the objection raised. Without waiving the objection, attention is drawn to the public records and decrees cited above and the records of American Falls Reservoir District No. 2 which are available for inspection and copying.

**REQUEST FOR PRODUCTION NO. 4:** Produce all documents and data referred to or relied upon in your answers to the foregoing Interrogatories or the following Request for Admission.

**ANSWER TO REQUEST FOR PRODUCTION NO. 4:** Please see public records and decrees described above. Records of American Falls Reservoir District No. 2 are available for inspection and copying.

DATED: June 25 2008

CAPITOL LAW GROUP, PLLC

By: 

C. Tom Arkoosh  
Attorney for American Falls Reservoir District  
No. 2

CERTIFICATE OF SERVICE

I hereby certify that on the 25 day of July, 2008, I served a copy of the foregoing document upon the following:

Robert L. Harris  
Holden, Kidwell, Hahn & Crapo, PLLC  
P.O. Box 50130  
Idaho Falls, Idaho 83405

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to the above named persons at the above address, their last known address.

CAPITOL LAW GROUP, PLLC

By: 

C. Tom Arkoosh  
Attorney for American Falls Reservoir District  
No. 2