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DEPARTMENT OF
WATER RESOURCES

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Shelly Tlucek, Byron Tlucek, Rebekah Tlucek,
Kevin Tlucek and DBSI Tiegs 979, LLC

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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 Nos. 63-02529 63-03163
 63-03274 63-03323
 63-03324 63-09109
 63-10435

**CLAIMANTS' FIRST SET OF DISCOVERY
REQUESTS TO THE STATE OF IDAHO**

COME NOW Claimants Pioneer Irrigation District, Jerry L. Tlucek, Mary Lou Tlucek, Shelly Tlucek, Byron Tlucek, Rebekah Tlucek, Kevin Tlucek and DBSI Tiegs 979, LLC (collectively "Claimants"), by and through their undersigned counsel of record, pursuant to Idaho Rules of Civil Procedure 26, 33, and 34, and hereby requests that the State of Idaho respond to

the following interrogatories, and requests for production under oath and no later than thirty (30) days from the date of receipt thereof as provided in said Rules.

I. INTRODUCTION

In responding to these interrogatories and requests for production, you are requested to furnish all information available to you, or subject to your reasonable inquiry, including information in the possession of your attorneys, investigators, employees, agents, representatives, guardians, consultants, expert witnesses and/or any other person or persons acting on your behalf, and not merely such information as is known to you by your own personal knowledge.

In responding to these interrogatories and requests for production, you must make a diligent search of your records and all other papers and materials that are in your possession or available to you or your representatives. If any item has subparts, answer each part separately and in full. If you cannot answer any of the following interrogatories or requests for production in full after exercising due diligence to secure the information necessary to do so, please so state and answer or respond to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

If you object to any interrogatories or requests for production on the ground that the information sought is privileged and nondiscoverable, please state the basis for your claim of privilege and, in the case of any request for production, "identify" the "documents" and "records" which you object to producing in sufficient detail as to enable the court to rule upon a claim of privilege.

These interrogatories and requests for production are deemed to be continuing. If, after responding to these discovery requests, you acquire any further information responsive to

them, you are hereby requested, pursuant to Rule 26(e), to file and serve supplemental answers or responses containing such further information. If you fail to answer one or more of these interrogatories or if your answer to one or more of these interrogatories is evasive or incomplete, Claimants may move for an order compelling you to fully answer the interrogatories and to pay the reasonable expenses, including attorney fees, incurred by it in obtaining the order.

If you fail to produce “documents” and “records” requested herein or fail to answer any interrogatory on the ground that the necessary information, “records” or “documents” are not within your care, custody, possession, or control, please state what efforts you have made to obtain such information, “documents,” or “records.”

If you fail to answer or respond to any of these interrogatories or requests for production in full or fail to supplement your answers or responses as requested, Claimants may move the Court for an order precluding you from introducing into evidence, or otherwise using either at trial or at any hearing, any testimony, witness, exhibit, “document,” “record,” publication, or other item or information not timely disclosed in your response to these interrogatories and requests for production.

II. DEFINITIONS

When asked to “identify” a person or entity or when asked for the “identity” of a person or entity, please state:

- (a) The name of the person or entity;
- (b) The present or last known address and telephone number of the person or entity;
- (c) The present or last known occupation, business, and employer of the person or entity; and

(d) The present or last known address and telephone number of the employer of the person or entity.

When asked to “identify” a record or document or when asked for the “identity” of a “record” or “document,” please state:

(a) The nature or type of “record” or “document” (*e.g.*, letter, photograph, tape recording, radiology report, etc.);

(b) The subject matter of the “record” or “document” and/or a general description of its contents;

(c) The “identity” of the person who authored or created the “record” or “document”;

(d) The date of the document or, if it bears no date, the date on which it was prepared or created; and

(e) The physical location of the original and any copies of the “document” or “record” of which you are aware and the “identity” of the present custodian of the “record” or “document.”

In responding to these requests for admission, interrogatories, and requests for production, the following definitions shall apply:

The terms “document(s)” and/or “record(s)” mean any tangible thing upon which has been placed handwriting, e-mail transmission, typewriting, printing, photocopying, photographing, digital or computerized data, or any other form of recording, communication or representation, including but not limited to letters, words, pictures, sounds, magnetic impulses, symbols, numbers or any combination thereof, whether or not visible to the unassisted human eye. This definition shall include, but is not limited to, any and all originals, copies or drafts of

any and all of the following: records, notes, summaries, schedules, contracts, agreements, drawings, blueprints, sketches, invoices, orders, acknowledgments, diaries, reports, findings, forecasts, tests, appraisals, reports, memoranda, medical records, telephone recordings, telephone logs, telephone lists, diaries, calendars, planners, daytimers, correspondence and letters, e-mail, telegrams, telexes, facsimiles and faxes, cables, tapes, tape recordings, statements, receipts, invoices, check registers, transcripts, recordings, photographs, witness statements, pictures, films, videotapes, computer programs, computer databases, models, surveys, things and materials of any nature whatsoever. Any "document" which contains any comment, notation, addition, insertion or marking of any kind which is not part of another document is to be considered as a separate "document."

III. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit that the sole purpose of the State of Idaho's participation in these subcases is to present legal argument in support of the inclusion of annual diversion volume limitations on the above-referenced water rights by the Idaho Department of Water Resources.

IV. INTERROGATORIES

INTERROGATORY NO. 1: Please state the name, address, and telephone number of each and every individual known to you who has any knowledge of, or who claims to have knowledge of, any facts or evidence discoverable in this matter, together with a brief summary of each person's knowledge.

INTERROGATORY NO. 2: Please state the name, address, and telephone number of any and all fact witnesses you plan to call upon in this matter, together with a brief summary of each person's knowledge.

INTERROGATORY NO. 3: Please state the name, address, and telephone number of any and all experts you plan to call upon in this matter and please:

- (a) summarize each expert's background and qualifications;
- (b) state the subject matter of each expert's anticipated testimony;
- (c) state the substance of the facts and opinions to which each expert is expected to testify; and
- (d) disclose all underlying facts and data upon which each expert bases his or her expert opinion(s).

INTERROGATORY NO. 4: Please identify each and every document that you intend to offer as an exhibit in this matter.

INTERROGATORY NO. 5: If you contend that Claimants, or any individual(s) acting on behalf of Claimants, have made any admission or statement against Claimants' interests in this matter, please state the following:

- (a) the identity of the individual making the admission and/or statement;
- (b) the date, time, and location where the admission and/or statement was made;
- (c) the name and address of each individual present at the time the admission and/or statement was made;
- (d) whether the admission and/or statement was written or oral; and

(e) if the admission and/or statement, please state the complete content of the admission and/or statement to the best of your knowledge.

INTERROGATORY NO. 6: To the extent that your answer to Request for Admission No. 1 is not an unqualified admission, please explain the basis for the State of Idaho's filing of responses in the above-referenced subcases.

**V.
REQUESTS FOR PRODUCTION OF DOCUMENTS**

REQUEST FOR PRODUCTION NO. 1: Please produce any and all documents supporting, either in whole or in part, your answers to any of the Interrogatories contained herein.

REQUEST FOR PRODUCTION NO. 2: Please produce any and all documents you intend to introduce as exhibits in this matter.

REQUEST FOR PRODUCTION NO. 3: Please produce any and all documents including, without limitation, all notes, memoranda, drafts, reports, and work papers from or prepared by expert witnesses listed in your answers to the foregoing interrogatories.

REQUEST FOR PRODUCTION NO. 4: Please produce any and all written reports or documents of any kind whatsoever generated, relied upon, reviewed or possessed by expert witnesses of any type retained by you to review or analyze this matter and/or render expert testimony.

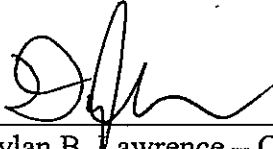
REQUEST FOR PRODUCTION NO. 5: Please produce the current resume and/or curriculum vitae of each individual whom you may call as an expert witness at the trial of this matter.

REQUEST FOR PRODUCTION NO. 6: Please produce the current resume and/or curriculum vitae of all expert witnesses or consultants with whom you have consulted, either directly or indirectly in this matter.

REQUEST FOR PRODUCTION NO. 7: Please produce any and all documents supporting, either in whole or in part, your answers to Request for Admission No. 1 and Interrogatory No. 6.

DATED this 13th day of January, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Dylan B. Lawrence – Of the Firm
Attorneys for Claimants Pioneer
Irrigation District, Jerry L. Tlucek,
MaryLou Tlucek, Shelly Tlucek, Byron
Tlucek, Rebekah Tlucek, Kevin Tlucek
and DBSI Tiegs 979, LLC

CERTIFICATE OF SERVICE

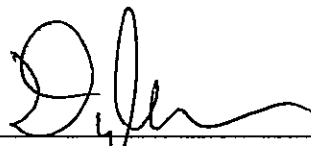
I HEREBY CERTIFY that on this 13th day of January, 2009, I caused a true and correct copy of the foregoing **CLAIMANTS' FIRST SET OF DISCOVERY REQUESTS TO THE STATE OF IDAHO** to be served by the method indicated below, and addressed to the following:

Representing: State of Idaho
David J. Barber
Office of the Attorney General
STATE OF IDAHO
700 West State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0010
Fax: (208) 854-8072

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Dylan B. Lawrence