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DEPARTMENT OF
WATER RESOURCES

Attorneys for Claimant Little Mac Power Company, Inc.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase Nos. 47-07830 & 47-07960

**LITTLE MAC POWER
COMPANY'S FIRST SET OF
INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
TWIN FALLS CANAL COMPANY**

TO: TWIN FALLS CANAL COMPANY AND ITS ATTORNEYS OF RECORD:

YOU WILL PLEASE TAKE NOTICE THAT CLAIMANT LITTLE MAC POWER COMPANY ("Little Mac"), by and through its attorneys of record, Givens Pursley LLP, require you as Objector Twin Falls Canal Company to answer under oath the following Interrogatories and Requests for Production within thirty (30) days from the date of service hereof, pursuant to and in conformance with all provisions of Rules 33 and 34 of the Idaho Rules of Civil Procedure.

In answering these Interrogatories and Requests for Production, furnish all information available to you, including information in the possession of your attorneys (and investigators, experts, etc., retained by you and your attorneys) not merely information known of your own personal knowledge.

If you cannot answer the following Interrogatories and Requests for Production in full after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information and knowledge you have concerning the unanswered portion.

Pursuant to Rule 34 of the Idaho Rules of Civil Procedure, it is requested that you produce the documents herein requested for inspection and copying within thirty (30) days after receipt of this request. You may produce said documents at the Office of GIVENS PURSLEY LLP, 601 West Bannock Street, P.O. Box 2720, Boise, Idaho 83701, or by copying or mailing said documents to the attorney for Claimant via U.S. Mail, on or before said date.

Unless you furnish copies of all of the following requested documents by delivering or mailing them to counsel, upon production you will be required to keep such documents available for a reasonable time thereafter to enable counsel to inspect and to photocopy said documents.

DEFINITIONS AND PRELIMINARY STATEMENT

1. "Document" or "Documentary" means and includes any and all tangible things and papers, whether written, recorded, graphic, typewritten, printed, photographed or otherwise produced or reproduced, and whether produced manually or by mechanical, electrical, electronic, or other artificial process or a combination of these methods, including but not limited to papers, computer records and/or files, agreements, contracts, letters, cables, wires, notes, memoranda, correspondence, telegrams, patents, books, reports, studies, minutes, records, accounting books, maps, plans, blue prints, sketches, charts, drawings, diagrams, photographs, movies, films, computer printouts, tape recordings, information stored on computers, assignments, notebooks, ledgers, billings, statements, invoices, checks, receipts, analyses, surveys, transcriptions, recordings, analyses, studies, of which you have any knowledge or information, referring,

relating or pertaining in any way to the subject matters in connection with which the word is used. The term "Document" or "Documentary" includes, without limitation, originals, all file copies, and all the copies no matter how or by whom prepared and all drafts prepared in connection with such writings, whether used or not. The term "Document" also includes, without limitation, any kind of written, graphic, or electronically recorded material, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies, drafts and both sides thereof, and including but not limited to the following: papers; books; accounts; letters; photographs; drawings; plans; blueprints; objects; tangible things; correspondence; telegrams; cables; telex messages; memoranda; notes; notations; work papers; intra and inter office communications; communications to, from, between or among directors, officers, agents, consultants or employees; transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of committee or board meetings or of other meetings; affidavits; statements; summaries; opinions; court pleadings; reports; indexes; studies; analyses; evaluations; contracts; licenses; agreements; ledgers; journals; books or records of accounts; summaries of accounts; balance sheets; income statements; questionnaires; answers to questionnaires; statistical records; desk calendars; appointment books; diaries; telephone logs; lists; tabulations; charts; graphs; maps; surveys; video or sound recordings, whether preserved on tape or otherwise; data sheets; computer tapes and disks; magnetic tapes; punch cards; computer printouts; data processing input and output; computer programs; computer program coding sheets; microfilms; microfiche; and all other records kept by electronic, photographic, or mechanical means, and things similar to any of the foregoing, regardless of their authority or origin, and however denominated by you.

2. "Person" shall mean and include a natural person, partnership, corporation or other legal entity together with its principals, agents, employees, representatives and assigns or any organization, including divisions, departments, and other units, and shall include, but not be limited to, any public or private corporation, limited liability company, joint venture, voluntary or unincorporated association, proprietorship, trust, or estate, and any governmental agency, commission, bureau, or department.

3. "Claimant" or "Little Mac" means Little Map Power Company, its representatives, or anyone acting on its behalf.

4. "You," or "Your" means Objector Twin Falls Canal Company in the above-entitled action ("TFCC") together with its members and managers, counsel, consultants, experts, investigators, principals, agents, employees, representatives, predecessors in interest and any other Person acting on its behalf, including without limitations, including any accountants, bookkeepers, and attorneys. If your answer applies to only one of your predecessors in interest, identify to which of the predecessors in interest it applies.

5. "Patrons" shall mean and include the Persons and properties to which You deliver water, whether members, shareholders, or other designation of recipients.

6. This request includes all Documents in your possession or under your control, including Documents in the possession of your attorneys, accountants, expert witnesses or other agents or Persons from whom you have a legal right to obtain such Document.

7. All of the interrogatories and requests herein are deemed continuing. If, after responding to these interrogatories and requests for production you acquire any further information or any Documents requested herein, or any other information related to any Document herein, which is not reflected by any Documents produced or any response to these

interrogatories and requests for production, you must file a supplemental response or indicate to counsel for the party propounding these interrogatories and requests for production of the existence of such Documents. Such supplemental response is in addition to any required by the Idaho Rules of Civil Procedure.

8. If any Document or any portion of any Document or any other information which is requested herein is or will be withheld from your answers to interrogatories, from production, inspection or copying (whether because it is claimed to be work product, communication from attorney to client, or is claimed to be entitled to be withheld for any other reason), please fully identify each such Document or portion thereof in your response and fully state in your response the reason it is or will be withheld. In addition, if any Document is practically impossible of production, inspection or copying, please fully identify such Document and the reason for the practical impossibility.

9. As used in this document request, the following terms have the following meanings:

“Date” means the day, month and year if known or ascertainable and, if not, the closest approximation that can be made.

“Identify” means (regardless of whether any claim of privilege is asserted):

(a) for a person, provide that person’s full name and home and business addresses and telephone numbers;

(b) for a corporation, unincorporated association, partnership, trust, estate, governmental agency, division, bureau, or other entity, provide its full legal name and other names under which it does business or is known to you (including trade names), its principal place of its business, the state or government under which it is organized, its telephone number,

and the identities of all natural persons associated with the entity who have knowledge relevant to these proceedings;

(c) for a document, provide the date, title, author(s), recipient(s), type of document (e.g., letter or memorandum), generic subject matter, and, if not in your possession, custody, or control, other information necessary to identify the document for purposes of a subpoena duces tecum, including the custodian, and the location of the document;

(d) for an oral communication or other event, describe and summarize its substance; state the time and place it occurred; and identify participants and all others present;

(e) for tangible or intangible property, describe the property, give a legal description or street address for real property, identify its owner(s) and any other person(s) with a legal interest in the property, such as lienholders and lessors, and state the date acquired by the current owner(s), if known;

“Relate to” or “relating to” means constituting; evidencing; reflecting; representing; supporting; contradicting; referring to; containing; mentioning; recording; noting; embodying; studying; analyzing; evaluating; relevant to; generated in anticipation of or as a result of; or relied upon, referred to, or mentioned in connection with any item or event. The term “relate to,” as applied to specific document, such as an agreement, deed of trust, promissory note, requests that specific document as well any documents otherwise relating to it.

FURTHER INSTRUCTIONS

1. These Interrogatories and Requests for Production are continuing and require supplementation to the extent that Rule 26(e) of the Idaho Rules of Civil Procedure requires such.

2. Responses are required within thirty (30) days of service of these Interrogatories and Requests for Production upon you.

INTERROGATORIES

INTERROGATORY NO. 1: Please state the name, address and telephone number of each and every person who has knowledge of facts concerning the subject matter of this action, and for each such person, state:

- a. His or her residence address and telephone number.
- b. His or her business address and telephone number.
- c. Whether you, your agents, insurers, representatives and/or attorneys have spoken with said person and, if so, whether any oral or written statement has been obtained from said person;
- d. Identify each and every document, writing, photograph or other item of tangible or documentary evidence obtained by you, your agents, insurers, representatives and/or attorneys from said person or known to you, your agents, insurers, representatives and/or attorneys to be in the possession of said person.

INTERROGATORY NO. 2: Please set forth the name, address and telephone number of each and every person TFCC expects to call as a lay witness at the trial of this matter, and for each such person, state:

- a. The substance of his or her expected testimony.

INTERROGATORY NO. 3: Please state the name, address and telephone number of each and every person TFCC expects to call as an expert witness at the trial of this matter, and for each such person, state:

- a. The qualifications upon which you intend to rely to establish said person as an expert witness;
- b. The substance of the facts and opinions to which he or she is expected to testify;
- and
- c. Set forth specifically and in detail the underlying facts and data upon which expert's opinion and testimony is based.

INTERROGATORY NO. 4: Please describe each and every documentary, written or tangible item of evidence that TFCC expects to introduce or use, or may use at trial of the above-described matter. Please provide sufficient detail (e.g., date, author, subject matter, etc.) so each such item may be identified and distinguished from other items of documentary, written or tangible evidence produced or used in this case.

INTERROGATORY NO. 5: Please state the full name and address of the person(s) participating in answering this discovery.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Any and all documents and/or items of tangible evidence which you expect to introduce or use, or may use at trial of the above-described matter.

REQUEST FOR PRODUCTION NO. 2: Any and all documents, statements, reports, notes, diaries, or memoranda in any form whatsoever obtained by you, your attorneys or representatives, or anyone acting on your or their behalf, from any person believed by you or by your attorney to have knowledge of any of the events or happenings referred to in the pleadings in this case.

REQUEST FOR PRODUCTION NO. 3: Any and all documents and/or items of tangible evidence seen, reviewed, maintained or generated by any expert witness who will testify on behalf of TFCC, at the trial of this matter, including, but not limited to all documents which reflect, document or otherwise describe facts known and/or opinions held by any such expert witness.

REQUEST FOR PRODUCTION NO. 4: Any and all documents in your possession that relate in any way to that certain water right no. 47-7830.

REQUEST FOR PRODUCTION NO. 5: Any and all documents in your possession that relate in any way to that certain water right no. 47-7960.

REQUEST FOR PRODUCTION NO. 6: Any and all documents and/or items of tangible evidence which were referred to, or contain information responsive to, any of Little Mac's First Set of Interrogatories as set out above and served contemporaneously herewith.

DATED this 2nd day of October, 2009.

GIVENS PURSLEY, LLP

By 

Michael C. Creamer

*Attorneys for Little Mac Power Company,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of October, 2009, a true and correct copy of the foregoing was served upon the following individual(s) by the means indicated:

Twin Falls Canal Company <i>Represented by:</i> Barker Rosholt & Simpson LLP 113 Main Avenue West, Ste. 303 PO Box 485 Twin Falls, ID 83303-0485	☒ ☐ ☐ ☐ ☒	U.S. Mail, postage prepaid Express Mail Hand Delivery Facsimile (208) 735-2444 Email
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Little Mac Power Co. Inc. PO Box 175 Buhl, ID 83316	☒ ☐ ☐ ☐ ☐	U.S. Mail, postage prepaid Express Mail Hand Delivery Facsimile Email
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Little Mac Power Co. 3921 North 3300 East Twin Falls, ID 83301	☒ ☐ ☐ ☐ ☐	U.S. Mail, postage prepaid Express Mail Hand Delivery Facsimile Email
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Director of IDWR PO Box 83720 Boise, ID 83720-0098	☒ ☐ ☐ ☐ ☐	U.S. Mail, postage prepaid Express Mail Hand Delivery Facsimile Email
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U.S. Department of Justice Environment & Natural Resources Division 550 W. Fort St. Boise, ID 83724	☒ ☐ ☐ ☐ ☐	U.S. Mail, postage prepaid Express Mail Hand Delivery Facsimile (208) 334-9375 Email
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Chief, Natural Resources Div. Office of the Attorney General State of Idaho PO Box 44449 Boise, ID 83711-4449	☒ ☐ ☐ ☐ ☐	U.S. Mail, postage prepaid Express Mail Hand Delivery Facsimile Email
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The **original** of *Little Mac Power Company's First Set Of Interrogatories and Requests For Production To Twin Falls Canal Company* will be retained at the office of Givens Pursley LLP.

A handwritten signature in black ink, appearing to read "Michael C. Creamer", written over a horizontal line.

Michael C. Creamer