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DEPARTMENT OF
WATER RESOURCES

Name of Party Serving Document:

Jared K. Bedke
Bruce Byron Bedke
in care of: 42 East Basin Road
Oakley, Idaho (83346)
(208) 862-3697

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

In Re SRBA	)	Subcases 45-02810A
	)	
Case No. 39576	)	
	)	
	)	
	)	BEDKES' FIRST SET OF
	)	DISCOVERY REQUESTS TO THE UNITED
	)	STATES
_____	)	

TO: UNITED STATES OF AMERICA:

Pursuant to Idaho R. Civ. P. 26, 33, 34, and 36, Jared K. Bedke and Bruce Byron Bedke request that the United States respond to the following requests for admission, interrogatories, and requests for production of documents within the time allowed by the Idaho Rules of Civil Procedure.

Please note that each interrogatory is to be answered separately and fully in writing, under oath, within 30 days of service in accordance with Idaho R. Civ. P. 33(a)(2).

Please note that in accordance with Idaho R. Civ. P. 36(a), you must serve a written answer, under oath, or objection to each request for admission within 30 days of service of the

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Subcase nos. 45-02810A

request or the matter is deemed admitted.

Please note that you must serve responses to each request for production of documents within 30 days of service of the request in accordance with Idaho R. Civ. P. 34(b)(2). In responding to the requests for production, you must deliver the requested documents for inspection and copying to the home of Bruce Bedke c/o 42 East Basin Road Oakley Idaho, no later than 30 days after the date of service of these discovery requests. In the alternative, you may mail copies of the requested documents and your written responses to each request for production to Bruce Bedke c/o 42 East Basin Road Oakley Idaho 83346, no later than 30 days after the date of service of these discovery requests.

INSTRUCTIONS

1. In responding to these interrogatories, requests for admissions, and requests for production of documents, please restate in full the interrogatory, request for admission, or request for production of documents to which each response relates.

2. In responding to these interrogatories, requests for admission, and requests for production of documents, you must furnish all information available to you, including, but not limited to, information in the possession or control of your attorneys, experts, consultants, advisors, agents, associates, subcontractors, representatives, or any other person or entity over which you have control.

3. If there is any interrogatory, request for admission or request for production of documents to which you object in whole or in part, or as to which you claim a privilege in whole or in part, or as to which you claim protection from discovery in whole or in part, state the nature and basis of your objection or claim of protection from discovery, describe in detail the facts

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upon which you base your objection, and answer any remaining part to which you do not object, do not claim a privilege, or do not claim protection from discovery.

4. Should you claim privilege for any documents about which information is requested for any of the following discovery requests, you are to provide a list with the following information:

a. Principals. The name and job title of the author(s), sender(s), address(s), and recipient(s);

b. Date. The date the document was originated;

c. Publications. The name and title of each person to whom the contents of the document has been communicated (by copy, exhibition, reading, summarization, or otherwise);

d. Description. A description of the nature (i.e., letter memoranda, fax, tape, video, etc.) and subject matter of the document; and

e. Privilege. A statement of the privilege and basis upon which it is asserted.

Notwithstanding a claim that a document is privileged, any document so withheld must be produced with the portion to be protected excised.

5. If there is any interrogatory, request for admission, or request for production of documents which you cannot answer in its entirety or for which you cannot provide the exact information requested:

a. Answer any part as to which you have or can obtain the information requested, and provide the information requested to the extent that you know or can obtain such information;

b. State your best estimate of all information requested which you do not know

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necessary to bring within the scope of these interrogatories and requests for production any information that might otherwise be construed to be outside their scope.

3. "Base property" means land and improvements owned and used by the permittee for a farm or ranch operation and specifically designated by him/her as base property to qualify for a Grazing Permit as required by the federal agency issuing the permit. Such property shall include the basic facilities necessary to conduct a ranching operation.

4. "Chain of title" refers to successive conveyances of a certain property, commencing with the patent from the government (or other original source), each being a conveyance of title down to and including the conveyance to the present holder.

5. "Claim" or "Claims" refers to SRBA Water Right Claim Numbers identified on Attachment A.

6. "Communication" means any transmittal or exchange of information (in the form of facts, ideas, inquiries or otherwise), whether oral, written, or electronic.

7. "Director's Reports for the Claims" means the Director's Reports for the Claims which were attached to a Notice of Completed Administrative Proceeding executed by the Idaho Department of Water Resources ("IDWR") on or about January 19, 2006.

8. "Document" is used in its broadest sense and means any item that is subject to a request for production of documents under Idaho R. Civ. P. 34. The term "document" includes all items identified in Idaho Rules of Civil Procedure 34(a)(1) and at a minimum means any written, drawn, typed, printed, recorded, photostated, computer generated, microfiched, microfilmed or graphic matters, whether produced, reproduced, or stored on paper, cards, disc, tape, film, electronic facsimile, computer storage or any other media, whether an original, master

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or duplicate including, but not limited to accounts, advertisements, affidavits, agreements, analyses, appraisals, applications, appointment books, appointment calendars, bank checks, bills, blueprints, books, bookkeeping entries, bulletins, cablegrams, cache logs, calculations, canceled checks, cashiers' checks, catalogs, charts, checks, check stubs, circulars, communications, compilations, computer printouts, computer source code and object code, contracts, correspondence, court filings, day books, data, declarations, depositions, desk calendars, diagrams, diaries, diary entries, documents, drafts, drawings, electronic mail, electronic files stored on computer disk, CD-ROM, or other computer disk or tape technology, expense reports, field notebooks, files, financial statements, flowcharts, forecasts, graphs, invoices, itineraries, interview notes, ledgers, letters, lists, log books, mailgrams, manuals, memoranda, minutes, notebooks, note pads, notes, pamphlets, papers, periodicals, photographs, plans, projections, proposals, prospectuses, publications, receipts, records, reports, returns, sketches, sound recordings, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, summaries or records of meetings, conferences or legislative, judicial, or other public hearings, summaries or reports of investigations or negotiations, opinions and/or reports of consultants, tax returns, telefax, telegrams, telephone logs, tickets, time records, time sheets, transcriptions, transcripts, travel reports, travel vouchers, vouchers, wiretaps, working papers, worksheets, and all other papers, writings, drawings, recordings, or physical things containing information, including all original and amended versions of the documents, preliminary and subsequent drafts or marginal notes appearing on any documents, however denominated or described by the parties to whom the particular interrogatories and/or requests for admission and requests for production are directed. "Document" shall further

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collectively include the original, duplicate original, and any or all copies or reproductions of the original document, to the extent that any or all copies are different in any way from the original document, whether by interlineation, receipt stamps, notation, indication of copies sent or received otherwise, which are in your possession, custody or control.

9. "Goose Creek Allotment" means the grazing allotment where the places of use and points of diversion identified in the Claims are located.

10. "Identify," when used to refer to a natural person, requests the following information:

- a. The person's full name and present or last-known address and telephone number;
- b. The person's present title and employer or other business affiliation; and
- c. The person's employer and title at the time of the actions which are the subject of the interrogatory or request for admission.

11. "Identify," when used to refer to an entity other than a natural person, requests the following information about the entity:

- a. Full name;
- b. The present or last-known address of its principal office or place of doing business and the telephone number; and
- c. The type of entity (e.g., corporation, partnership, unincorporated association, municipality, etc.).

12. "Identify," when used with respect to a document, requests the following information:

- a. The title of the document;

- b. A summary of the contents of the document;
- c. The date of the document;
- d. The identity of the person or persons who wrote, contributed to, prepared or originated such document;
- e. The identity of the person or persons to whom the document was directed or who received or reviewed the document or copies of the document or any portion thereof; and
- f. The present or last-known address and custodian of the document and the address and phone number of each such custodian.

13. "Identify," when used in reference to a communication, means, without limitation, to describe the communication by:

- a. Identifying the date of the communication;
- b. Identifying the place where the communication took place or was made;
- c. Identifying the means (e.g., face-to-face, by telephone) by which the communication was made;
- d. Identifying the person making and the person receiving the communication, and any other persons present and aware of the communication when the communication was made or when it was received; and
- e. Describing the subject matter and content of the communication.

14. "Land conveyance document" means a document of conveyance of real property or a real property interest, and includes but is not limited to treaties, general or special warranty deeds, patents, titles, assignments, contracts, easements, or rights of way.

15. "Legal title" refers to any instrument in writing which conveys an interest in land

from the grantor to the grantee.

16. "State the basis" or "describe the basis" means to describe all facts, analyses, opinions, conclusions, inferences, arguments or conjectures supporting the matter, statement or contention in question, and to identify each person who is knowledgeable about the matter, statement or contention in question.

17. "Objection" or "Objections" means the Standard Form 1 Objection forms filed by you in the Snake River Basin Adjudication to each Claim.

18. "Response" or "Responses" means the Standard Form 2 Response forms filed by you in the Snake River Basin Adjudication to each Claim.

19. "United States" means the United States of America, and includes all agencies, subdivisions, or agents, authorized to act in its behalf including, but not limited to, the Department of Interior, Bureau of Land Management.

20. "You" or "your" refers to the United States of America and to any present or former employee, agent, representative, subcontractor, consultant, investigator, attorney, director, officer, and any other person who was or presently is authorized to act or purported to act on behalf of the aforementioned.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION #1: Admit that Application for Permit number D1728 was for "spring development and pipeline".

RESPONSE:

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REQUEST FOR ADMISSION #2: Admit that certain springs were developed and captured by headboxes and conveyed through a pipeline in 1963 and was the basis for Application for Permit number D1728.

RESPONSE:

REQUEST FOR ADMISSION #3: Admit that one of the springs developed and captured lies on land owned by the State of Idaho and is the basis for SRBA Claim No: 45-02810B.

RESPONSE:

REQUEST FOR ADMISSION #4: Admit that the United States has no claim to the spring(s) described by SRBA Claim No. 45-02810B.

RESPONSE:

REQUEST FOR ADMISSION #5: Admit that Granite Creek is a live stream.

RESPONSE:

REQUEST FOR ADMISSION #6: Admit that Granite Creek flows within 50 feet to the south
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of the headbox installed to capture the spring that is the basis of Application for Permit number D1728 and SRBA Claim No. 45-12810A.

RESPONSE:

REQUEST FOR ADMISSION #7: Admit that the spring originally developed in 1963 that is the basis for SRBA Claim No. 45-02810A and the live stream known as Granite Creek are two separate water sources.

RESPONSE:

REQUEST FOR ADMISSION #8: Admit that the spring that formed the basis for SRBA Claim No. 45-02810A ceased to flow water or “dried up” in the 1990’s.

RESPONSE:

REQUEST FOR ADMISSION #9: Admit that the United States abandoned the use of the spring and headbox that is the basis for SRBA Claim No. 45-02810A.

RESPONSE:

REQUEST FOR ADMISSION #10: Admit that the United States installed a new set of diversion works in the live stream known as Granite Creek for the purposes of capturing the

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water of Granite Creek and diverting it into the pipeline installed pursuant to Application for Permit number D1728 and represented by SRBA Claim No. 45-02810A.

RESPONSE:

REQUEST FOR ADMISSION #11: Admit that since the installation of the new set of diversion works in the live stream known as Granite Creek the United States has not diverted any water from the spring originally developed pursuant to Application for Permit number D1728 and represented by SRBA Claim No. 45-02810A.

RESPONSE:

REQUEST FOR ADMISSION #12: Admit that since the installation of the new set of diversion works in the live stream known as Granite Creek the United States has not used any water from the spring originally developed pursuant to Application for Permit number D1728 and represented by SRBA Claim No. 45-02810A at the points of use described in SRBA Claim No. 45-02810A.

RESPONSE:

REQUEST FOR ADMISSION #13: Admit that in late 2008 or early 2009 the diversion works in the live stream known as Granite Creek were replaced with a new set of diversion works

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manufactured by a company based out of Colorado.

RESPONSE:

REQUEST FOR ADMISSION #14: Admit that water currently used at the various points of use listed on SRBA Claim No. 45-02810A originates from the live stream known as Granite Creek and not the spring developed pursuant to Application for Permit number D1728 or represented by SRBA Claim No. 45-02810A.

RESPONSE:

INTERROGATORIES

INTERROGATORY #1: Identify each person who provided information for, or participated in, the preparation of the responses to these discovery requests, and identify the specific discovery requests or parts thereof, for which each such person provided information.

RESPONSE:

INTERROGATORY #2: Identify each person whom you may rely on as a witness, expect to call as a witness, or will provide testimony of any kind during the course of this proceeding. For each person so identified, state the substance of his or her expected testimony.

RESPONSE:

INTERROGATORY #3: Identify each person who has personal knowledge of the facts that form the basis of each element of the Objections and Responses to the Claims.

RESPONSE:

INTERROGATORY #4: Identify any person or entity you have contacted or consulted (whether in-house or staff expert or consultant or an outside expert or consultant) in any field in any manner whatsoever with respect to the Responses or the Objections. This includes any person or entity employed by you or your attorney(s) to assist in the preparation of your case, whether that person is or is not at this time expected to testify at trial.

RESPONSE:

INTERROGATORY #5: Identify each person or entity you expect to call as an expert witness in this proceeding and provide the following information required by Idaho R. Civ. P.

26(b)(4)(A)(I): A complete statement of all opinions to be expressed and the basis and reasons therefore; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; any qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

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RESPONSE:

INTERROGATORY #6: Identify all exhibits you may rely upon as evidence at trial and/or as evidence in support of, or in opposition to, dispositive motions.

RESPONSE:

INTERROGATORY #7: Identify all groups, entities, or individuals who, for any purpose, use or have used water sources located within the legal descriptions specified in SRBA Claim No. 45-02810A. State the dates of and circumstances surrounding such use.

RESPONSE:

INTERROGATORY #8: Explain the activities that you allege initiated the appropriation of water on the priority date asserted in the Claims. Include in your explanation the identity of the person who first appropriated water at the locations specified in SRBA Claim No. 45-02810A, your relationship to that person, the acts which constituted the alleged appropriation, and the beneficial use to which the appropriated water was allegedly applied.

RESPONSE:

INTERROGATORY #9: Identify all documents in your chain of title that connect you to the person who you identified in the previous Interrogatory as the person who first appropriated water.

RESPONSE:

INTERROGATORY #10: With respect to the priority date asserted in the Claims, identify the individual or individuals most knowledgeable regarding the priority date and identify all documents relating in any way to this priority date.

RESPONSE:

INTERROGATORY #11: Identify all persons who have modified the original diversion works from those originally installed in 1963.

RESPONSE:

INTERROGATORY #12: Describe in detail the modifications performed by the persons identified in Interrogatory #11.

RESPONSE:

INTERROGATORY #13: Identify all documents that form the basis of each element of the Claims.

RESPONSE:

INTERROGATORY #14: Please describe all facts which support the Claims and all elements of the Claims.

RESPONSE:

INTERROGATORY #15: Please describe in detail the diversion structure(s) that are currently diverting water to the pipeline identified by SRBA Claim No. 45-02810A.

RESPONSE:

INTERROGATORY #17: If your answer to any of the Requests for Admission is anything other than an unqualified "admit," identify and describe in detail the facts upon which you rely in making your responses, all individuals with knowledge regarding any such facts, and all documents relating in any way to your response(s).

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS

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REQUEST FOR PRODUCTION #1: Produce each document identified or reviewed in order to respond to the above Requests for Admission and Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION #2: Produce each document you may rely upon as evidence at trial, in support of dispositive motions, or in opposition of dispositive motions.

RESPONSE:

REQUEST FOR PRODUCTION #3: Produce all documents prepared by any expert or consultant that assisted you in preparing your claim or will form the basis of expert opinion and/or you may rely upon as fact testimony at trial, in support of dispositive motions, or in opposition to dispositive motions.

RESPONSE:

REQUEST FOR PRODUCTION #4: Produce all documents reviewed by any expert that did form a basis for your Objections and Responses to the Claims or may form the basis for opinion or fact testimony by an expert that you may rely upon at any stage of this proceeding.

RESPONSE:

REQUEST FOR PRODUCTION #5: Produce a detailed resume' or curriculum vitae for any expert or consultant that you identified in your response to Interrogatory Number 4.

RESPONSE:

REQUEST FOR PRODUCTION #6: Produce the data or other information considered by any expert witness in forming his or her opinions and any exhibits to be used as a summary of or in support of such opinions.

RESPONSE:

REQUEST FOR PRODUCTION #7: Produce all documents which relate in any way to your use or appropriation of the water described in the Claims.

RESPONSE:

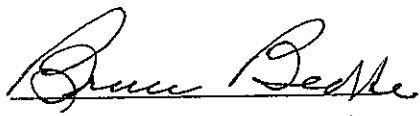
REQUEST FOR PRODUCTION #8: Produce all documents relating to the construction or modification of the structures installed as the basis for Application for Permit number D1728 and represented by SRBA Claim No. 45-02810A.

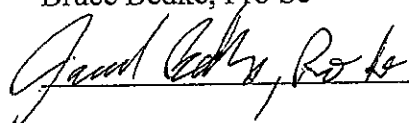
RESPONSE:

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Dated this 26th day of February, 2010.


Bruce Bedke, Pro Se


Jared K. Bedke, Pro Se

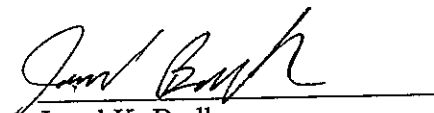
CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of February, 2010 I served a true and correct copy of the foregoing BEDKES' FIRST SET OF DISCOVERY REQUESTS TO THE UNITED STATES upon the following individuals by placing the document in the United States Mail, postage prepaid, addressed as follows:

DAVID NEGRI
Attorney, U.S. Dept of Justice
Natural Resources Section
ENVIRONMENT AND NATURAL RESOURCES DIVISION
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

Michael C. Orr
Office of the Attorney General
Natural Resources Division
P.O. Box 44449
Boise, Idaho 83711-4449

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098


Jared K. Bedke

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