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Attorneys for John F. Stevenson

**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 NO.: 37-118
	)	
Case No. 39576	)	JOHN STEVENSON'S RESPONSES TO
	)	DEAN R. ROGERS, III'S FIRST SET OF
	)	INTERROGATORIES AND REQUEST
	)	FOR PRODUCTION OF DOCUMENTS
	)	

COMES NOW, Claimant, JOHN F. STEVENSON, by and through its attorneys of record, Barker Rosholt & Simpson LLP, in response to Dean R. Rogers, III's First Set of Interrogatories and Requests for Production of Documents to John F. Stevenson, hereby makes the following responses in accordance with the Idaho Rules of Civil Procedure.

GENERAL OBJECTIONS

1. JOHN F. STEVENSON objects to the Interrogatories and Requests for Production and to the definitions and instructions to the extent they purport to require discovery responses beyond that required under the local rules and orders of the Idaho Rules of Civil Procedure. These responses are provided in accordance with the Idaho Rules of Civil Procedure irrespective of any definitions and instructions that may accompany the discovery requests.

2. These responses are made subject to all objections as to competence, relevance, materiality, and admissibility. These responses are subject to all objections that would require the exclusion of any statement, material, or information herein provided if such requests were asked of, or any statement, material, or information provided were made by witness present and testifying in court. All such objections are reserved and may be interposed at the time of trial.

3. Claimant specifically objects to these discovery requests to the extent they seek information protected by the attorney-client privilege, the accountant-client privilege, the work product doctrine, and the rules governing discovery relating to experts as set forth in Rule 26(b)(4). This objection is intended to apply to each of the discovery requests that seek such information and will not be repeated specifically for each request to which it applies. JOHN F. STEVENSON, to the extent possible, construed each request as requesting only information and/or documents not subject to any applicable protection.

4. No incidental or implied admissions are intended. The fact that JOHN F. STEVENSON has responded to any discovery request or part thereof should not be taken as an admission that JOHN F. STEVENSON accepts that the discovery request or the response or objection thereto constitutes admissible evidence. Similarly, the fact that JOHN F. STEVENSON has responded to all or part of a request is not intended to and shall not be construed to be a waiver by JOHN F. STEVENSON of all or part of any objection to other requests. JOHN F. STEVENSON's answers to any discovery request herein does not constitute a waiver of its right to object to any future additional, or supplemental discovery requests regarding the same or similar matters.

5. Each of these objections is incorporated into the response to each of the Interrogatories and each of the Requests for Production of Documents as though set forth verbatim therein.

INTERROGATORIES

INTERROGATORY NO. 1: Please state the name, address and telephone number of each and every person known to you or your attorney who has any knowledge of, or who purports to have any knowledge of, any of the facts of this case. By this Interrogatory we seek the names, addresses, and telephone numbers of all witnesses who have any knowledge of any facts pertinent to both damages and liability.

ANSWER TO INTERROGATORY NO. 1:

Dean Rogers Jr., P.O. Box 305, 30 Hillside Ranch Road, Bellevue, Idaho 83313

Dean Rogers III, P.O. Box 305, 30 Hillside Ranch Road, Bellevue, Idaho 83313

John Fell Stevenson, 36 Hillside Ranch Road, Bellevue, Idaho 83313-5147

Gary Beck, c/o Hillside Ranch, 36 Hillside Ranch Road, Bellevue, Idaho

Rogers Ranch Manager, name and address are known to Objector

Ted Uhrig, 201 North Grape Street, Shoshone, Idaho

Harvey Bickett, address is known to Objector

Kevin Lakey, Water Master for Water District #37, and assistant water master,
107 West First Street, Shoshone, ID 83352

Lee Peterson, former water master Water District #37

Doug Jones, IDWR, 1341 Fillmore St., Suite 200, Twin Falls, Idaho 83301-3380

Jim Stanton, IDWR, 1341 Fillmore St., Suite 200, Twin Falls, Idaho 83301-3380

Jeannie Robertson, IDWR, 1341 Fillmore St., Suite 200, Twin Falls, Idaho 83301-3380

Allen Merritt, IDWR, 1341 Fillmore St., Suite 200, Twin Falls, Idaho 83301-3380

Tim Luke, IDWR, P.O. Box 83720, Boise, Idaho 83720-0098

If additional individuals are identified, this answer will be supplemented.

INTERROGATORY NO. 2: Please state the names, addresses and telephone numbers of all witnesses you intend to call at the trial of this cause.

ANSWER TO INTERROGATORY NO. 2: Claimant has not identified the individuals who he intends to call at the trial of this action and when such an identification is made, this Interrogatory will be timely supplemented.

INTERROGATORY NO. 3: With respect to each of the witnesses you intend to call at the trial of this cause, please state the general nature of the facts to which each one will testify.

ANSWER TO INTERROGATORY NO. 3: Claimant objects to this Interrogatory on the grounds that it seeks to invade the attorney-client and work-product privileges. See also Answer to Interrogatory No. 2. Without waiving this objection, Claimant states that if called Harvey Bickett and Ted Uhrig and Dean Rogers Jr. are expected to testify consistent with their deposition transcripts. If called, Kevin Lakey and the water master and assistant water masters are expected to testify concerning the delivery of water. If called, Doug Jones, Jim Stanton, and Jeannie Robertson are expected to testify about the use of the rights consistent with the recommendations of the Department to recommend this water right. If called, Allen Merritt and Tim Luke are believed to have knowledge concerning the interference with the delivery of the water by Rogers.

INTERROGATORY NO. 4: Have you, your attorneys, or any person, firm or corporation acting on your behalf, consulted with or engaged any experts in connection with this litigation? If so, please state their names and addresses.

ANSWER TO INTERROGATORY NO. 4: Claimant objects to this Interrogatory on the grounds that it seeks to invade the attorney-client and work-product privileges. Without waiving this objection, at this point in time, Claimant has not engaged an expert to testify at trial. Claimant reserves the right to call any appropriate and necessary experts in the trial of this matter.

INTERROGATORY NO. 5: Do you intend to call any expert or person from whom you expect to elicit an opinion at the trial of this matter; if so,

(1) State the name and address of each such expert or person.

(2) State the general subject matter on which each such expert or person is expected to testify.

(3) Did he submit a report setting forth his findings, opinions or conclusions?

If so, please state the date this report was submitted, and the name and address of the person who has present custody thereof;

(4) Is he to be compensated for his work and efforts in connection with this action? If so, please state how much he is to be paid. If he is to receive any additional compensation, if you are successful in this action, please state the terms and conditions of this additional compensation.

(5) The name and address of the school or university where he received special education or training in this field, the dates when he attended each school or university and the name or description of each degree he received, including the date when each was received, and the name of the school from which received.

(6) Did he test, analyze or examine any physical evidence related to this litigation?

(a) If so, what did he test, analyze or examine and on what dates? Did anyone assist him? If he was assisted, please state the name and address of each person who gave assistance, the type or amount of assistance given and the inclusive dates that each person gave assistance.

(b) What is the name or other means of identification, and address of the person who has present custody of each item that was tested, analyzed or examined.

(c) Were any results or conclusions reached as a result, analysis or examination? If so, state such results or conclusions.

(7) State all opinions which you expect to elicit from such experts or persons; what is the factual or scientific or other basis for the opinion.

ANSWER TO INTERROGATORY NO. 5: See Answer to Interrogatory No. 4. Should a trial expert be disclosed, Claimant is willing and shall provide the information to which objector is entitled under Rule 26 of the Idaho Rules of Civil Procedure.

INTERROGATORY NO. 6: Please describe and state with particularity each and every document or object which you intend to offer as an exhibit at the trial of this matter.

ANSWER TO INTERROGATORY NO. 6: At this point in time, Claimant has not identified any documents or exhibits which it intends to offer as an exhibit at the trial of this matter. However, Claimant may offer the Director's Recommendation, the Frost Decree, the Easement between Dean Rogers and Earl Hutchinson, the Orders in the Ensign lawsuit, the Orders in the Hutchinson lawsuit, IDWR back files for Right 37-118, as well as rights held by Rogers, correspondence between Stevenson and Rogers, delivery records and historic and aerial photographs from the respective water rights files.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Copies of each and every document you may intent [sic] to offer as an exhibit at the trial of this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: At this time, Claimant has not identified any documents he intends to use as an exhibit at the trial of this matter.

REQUEST FOR PRODUCTION NO. 2: Copies of all notes, correspondence or reports from expert witnesses who are expected or intended witnesses at the trial of this cause. Copies of all photographic and written documentation produced by, or utilized by the experts in analyzing and reaching their expert opinions regarding this matter which forms are the subject matter of this suit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: See Answer to Interrogatory No. 4. Should Claimant identify a trial expert, Claimant will provide the information relied upon by the expert in accordance with the provisions of Rule 26 of the Idaho Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 3: All photographs, motion pictures, videotapes, diagrams or other pictorial representations of this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Claimant is herewith producing photographs of the properties at issue. Claimant states that the photographs and maps in the possession of the Idaho Department of Water Resources in this subcase and in the Rogers' water right back files are equally available to Objector as they are to Claimant.

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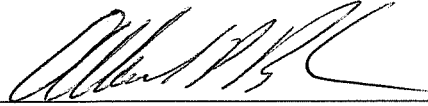
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DATED this 24th day of May 2011.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'Albert P. Barker', is written over a horizontal line.

Albert P. Barker
Attorneys for John Stevenson

CERTIFICATE OF SERVICE

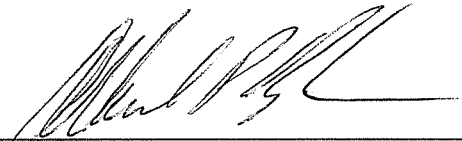
I HEREBY CERTIFY that on this 24th day of May, 2011, I caused to be served a true and correct copy of the foregoing JOHN STEVENSON'S RESPONSES TO DEAN R. ROGERS, III'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by the method indicated below, and addressed to each of the following:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098
(Without attachments)

United States Department of Justice
Environment & Natural Resource Div
550 West Fort Street, MSC 033
Boise, ID 83724
(Without attachments)

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449
(Without attachments)

Laird B. Stone
Stephan, Kvanvig, Stone & Trainor
P. O. Box 83
Twin Falls, ID 83303-0083
(with attachments)



Albert P. Barker