

1
2 Claimants:

Walter W. Candy
Margaret Candy

3 Attorney Name and Address:

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

7
8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

10 * * * * *

11 In Re SRBA)

Subcase No. 36-00134A

12 Case No. 39576)

) CLAIMANTS' SECOND SET OF
) INTERROGATORIES, REQUEST FOR
) PRODUCTION OF DOCUMENT AND
) REQUEST FOR ADMISSIONS
)
)

15 * * * * *

16 TO: The Department of Water Resources and to their attorneys of record:

17
18 YOU WILL PLEASE TAKE NOTICE that the claimants require you to answer
19 under oath the following interrogatories and respond to the requests for admission and
20 requests for production of documents within fifteen (15) days from the service hereunder,
21 and in conformance with all provisions of Rules 33, 34 and 36 of the Idaho Rules of Civil
22 Procedure.

23
CLAIMANTS' SECOND SET OF INTERROGATORIES, REQUEST FOR
PRODUCTION OF DOCUMENTS AND REQUEST FOR ADMISSIONS - 1

1 In answering these interrogatories and responding to these requests for
2 admission and requests for production of documents, furnish all information available to
3 you, including information in the possession of your attorneys and investigators, experts,
4 etc., retained by you or your attorneys, not merely information known of your own personal
5 knowledge.

6 If you cannot answer the following interrogatories or respond to the following
7 requests for admission and requests for production of documents in full, after exercising due
8 diligence to secure the information to do so, so state, and answer to the extent possible,
9 specifying your inability to answer the remainder, and stating whatever information and
10 knowledge you have concerning the unanswered portion.

11 These interrogatories and requests for production of documents are deemed
12 continuing interrogatories and requests for production of documents, and your answers
13 thereto are to be supplemented as additional information and knowledge becomes available
14 or known to you. These requests for admission must be answered within the time provided
15 by the Idaho Rules of Civil Procedure after service of the request or within such shorter or
16 longer time as the court may allow. If answers are not forthcoming within the time period
17 provided, these requests for admission WILL BE DEEMED ADMITTED.

18 REQUEST FOR ADMISSIONS

19 REQUEST FOR ADMISSION NO. 1: Admit that on August 5, 1993, Loren
20 Holmes, an IDWR employee at that time, measured water flowing in the Candys' diversion
21 pipe.
22
23

1 REQUEST FOR ADMISSION NO. 2: Admit that on August 5, 1993, Loren
2 Holmes, an IDWR employee at that time, measured water flowing in the Candys' diversion
3 pipe, which measurement showed at least 1.0 cfs flowing in their pipe.

4 REQUEST FOR ADMISSION NO. 3: Admit that the attached Exhibit A is true
5 and accurate copy of the polysonic tape reading of a measurement taken by Loren Holmes
6 on August 5, 1993 at the Candy pipeline.

7 REQUEST FOR ADMISSION NO. 4: Admit that you have no evidence
8 showing that water was being unreasonably used from the pipeline when the 1.0 cfs plus
9 measurement was taken on August 5, 1993.

10 REQUEST FOR ADMISSION NO. 5: Admit that the Candys were reasonably
11 using the more than 1.0 cfs measured in their pipeline on August 5, 1993 as indicated in
12 the attached Exhibit A.

13 REQUEST FOR ADMISSION NO. 6: Admit that you do not have evidence
14 showing that the Candys were wasting water from their diversion at the time Loren Holmes
15 measured at least 1.0 cfs flowing through the Candys' pipeline on August 5, 1993.

16 INTERROGATORIES

17 INTERROGATORY NO. 1: Please state all the facts which support your
18 denial, in whole or in part, of any of the above Requests to Admit.

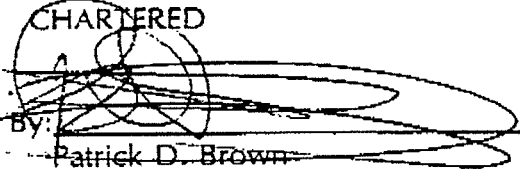
19 REQUEST FOR PRODUCTION

20 REQUEST FOR PRODUCTION NO. 1: Please produce a true and accurate
21 copy of each document which purports to support your denial, in whole or in part, of any
22
23

1 of the above Requests to Admit.

2 Dated this 22nd day of June, 1995.

3 HEPWORTH, LEZAMIZ & HOHNHORST,
4 CHARTERED

5 BY: 
6 Patrick D. Brown
7 Attorneys for Claimants
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

HLH
Chartered
Hepworth,
Lezamiz &
Hohnhorst

CLAIMANTS' SECOND SET OF INTERROGATORIES, REQUEST FOR
PRODUCTION OF DOCUMENTS AND REQUEST FOR ADMISSIONS - 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
CERTIFICATE OF SERVICE

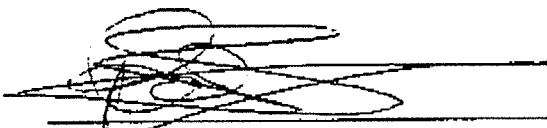
The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimants in this matter, certifies that on the 22nd day of June, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Nicholas Spencer
Daniel Steckel
Deputy Attorneys General
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

☐ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

U.S. Department of Justice
Environment & Natural Resources
Division
550 West Fort St.
P. O. Box 33
Boise, ID 83724

☐ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)


Patrick D. Brown

(WATER\41096REQ.SUP)622.llm

ZERO MODE
CLEAR

ZERO MODE
OUT ZERO

MM-DD HH:MM
08-05 11:42

MODE SELECT
INPUT

OUTER DIAMETER
12.9982 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
.25200 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
?

TYPE OF SENSOR
?

DATA CHANGE

READING
12.9982 IN

ZERO MODE
CLEAR

ZERO MODE
OUT ZERO

ZERO MODE
ZERO OPR

MODE SELECT
TO CHECK

0464.1 UNSEC
100.28

0464.1 UNSEC
100.28

00 00 00.0000 KR
A. 0.0000 0.0000

POLYSONIC
READINGS

8-5-1993

MODE SELECT
INPUT

OUTER DIAMETER
12.9991 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
.17990 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
?

TYPE OF SENSOR
?

DATA CHANGE

READING
12.9991 IN

ZERO MODE
CLEAR

ZERO MODE
OUT ZERO

ZERO MODE
ZERO OPR

08-05 12:0900 *R
+450.3386 GPM

08-05 12:0900 *R
+457.5666 GPM

00.00 00.0000 *R

Mosk

*Run in
36 Hertz
@ 580m
60 PSI
7/41 1/8*

Condt

*WM
Velocity
meter
shows
NO Velocity*

0531.1 44000
100.12 2 2

W. J. ...

L A W O F F I C E S

*Hepworth, Lezamiz
& Hohnhorst**- Established 1952 -*

TWIN FALLS OFFICE

John C. Hepworth
John T. Lezamiz
John C. Hohnhorst
Jeffrey J. Hepworth
Enelope Parker**
Deann A. McDevitt*
Patrick D. Brown
Jeffrey A. Warr

FACSIMILE TRANSMISSION

/s/ M. L. Nungester
Counsel

DATE: June 22, 1995

BOISE OFFICE

/s/ Charles Hepworth*
John J. Janis

TIME: 3:35 p.m.

Member CA Bar
Member UT Bar

TO: Nicholas Spencer
Fax No. 208-327-7866FROM: Patrick Brown
Return Fax No. (208)734-4115RE: Request for Discovery
File No. 94-1-040

This transmission consists of 7 pages, including this cover page. If you do not receive the entire transmission, please call LeAnn at (208)734-7510.

CONFIDENTIALITY NOTICE

The information contained in this facsimile communication is attorney/client privileged and/or confidential information intended only for the use of the individual or entity named above. If the reader of this cover page is not the intended recipient or the agent or employee of the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication or the information contained herein is strictly prohibited. If you have received this communication in error, please immediately call Hepworth, Lezamiz & Hohnhorst at (208)734-7510 and return this facsimile to the Twin Falls address set forth below. We appreciate your cooperation.

HLH
Chartered

TWIN FALLS OFFICE

208-734-7510
3800 Building
133 Shoshone St. N.
P.O. Box 389
Twin Falls, ID 83303-0389
FAX: 208-734-4115

BOISE OFFICE

208-343-7510
337 West Bannock
P.O. Box 2582
Boise, ID 83701-2582
FAX: 208-342-2927