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OFFICE OF THE
ATTORNEY GENERAL

Thompson Creek Mining Company, USMX, Inc.,
Dewey Mining Company, Thunder Mountain Gold Company

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Department of Water Resources
Adjudication Bureau

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 Nos. 75-13316
Case No. 39576	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO CLAIMANT, UNITED STATES OF AMERICA, U.S.D.A. FOREST SERVICE REGARDING FEDERAL RESERVED WATER RIGHT CLAIMS MADE IN CONNECTION WITH WILD AND SCENIC RIVERS

TO: Claimant, United States of America, U.S.D.A. Forest Service:

YOU WILL PLEASE TAKE NOTICE that USMX, Inc., Dewey Mining Company, Thunder Mountain Gold Company and Thompson Creek Mining Company (hereinafter referenced as "Mining Companies"), requires Claimant United States of America, U.S.D.A. Forest Service (hereinafter referenced as "Forest Service") to answer the following interrogatories and requests for production of documents within fifteen (15) days from the date of service herein, pursuant to Rules 26(b), 33(a), 34(a) and 36(a) of the Idaho Rules of Civil Procedure:

INSTRUCTIONS AND DEFINITIONS

A. Definitions and General Instructions.

1. The term "you" or "your" refers to United States of America, its agents, employees, representatives, investigators, consultants, and attorneys.

2. The term "document" shall mean any kind of written, printed, typed, graphic, or photographic matter of any kind or nature, including statements, however produced or reproduced, and all mechanical and electronic sound recordings and written transcripts thereof, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not.

3. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person

who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

4. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

5. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification (as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

6. The term "entitlement" means legal basis upon which a Federal Reserved Water Right can be based.

7. Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents.

8. If any of these documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

9. If any of the documents requested herein were at one time in existence, but are no longer in existence, please so state specifying for each document:

(a) Type of document;

(b) Types of information contained therein;

(c) Date upon which it ceased to exist;

(d) Circumstances under which it ceased to exist;

(e) Identity of all persons having knowledge of the circumstances under which it ceased to exist; and

(f) Identity of each person having knowledge of the contents thereof.

10. With respect to any documents called for by this request but withheld due to any claim or privilege, list for each such document:

(a) The paragraph to which the document is otherwise responsive;

(b) Its title and general subject matter;

(c) Its date;

(d) The name(s) and title(s) of its author or preparer;

(e) The name(s) and title(s) of the person(s) for whom it was prepared, and all persons to whom it was sent or shown; and

(f) The nature of the privilege claimed.

11. If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

12. Each interrogatory shall be accorded a separate answer, and each subpart of an interrogatory shall be accorded a separate answer.

B. Instructions Re: Supplementation.

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before trial.

2. Where knowledge or information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts of your claimed federal reserved water rights in subcase number 75-13316. By this interrogatory, we seek the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge of your claimed federal reserved water rights in subcase number 75-13316.

INTERROGATORY NO. 2: Identify those persons having knowledge of the facts of your claimed federal reserved water rights in subcase number 75-13316, who you may call as witnesses at the trial, and for each such person, state the substance of his expected testimony.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review your claimed federal reserved water rights in subcase number 75-13316. By this interrogatory, we seek the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all person who participated in any aspect of the preparation of your claimed federal reserved water rights in subcase number 75-13316. In answering this interrogatory, describe the role each person had, the tasks each person did, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 5: State the name and address of each person you expect to call as an expert witness at the trial regarding your claimed federal reserved water rights in subcase number 75-13316, and for each such person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support or purportedly support, in whole or in part, your response to Interrogatory No. 5.

INTERROGATORY NO. 6: For each person expected to be called as an expert witness for your claimed federal reserved water rights in subcase number 75-13316, state in a capsule summary the qualifications and background of the individual.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support or purportedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please describe in full and complete detail any photographs, drawings, illustrations, memoranda, or other documents of which either you or your attorneys are aware which pertain to your claimed federal reserved water rights in subcase number 75-13316. In answering this interrogatory, describe the nature and subject matter of the item, its date, if applicable, the name, address, job title, and capacity of the person preparing it or with knowledge of it, and for each such item, whether or not you intend to utilize it at trial as an exhibit.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support or purportedly support, in whole or in part, your response to Interrogatory No. 7.

INTERROGATORY NO. 8: If you are aware of any statement, whether oral, recorded, written, or otherwise made by any person or entity regarding your claimed federal reserved water rights in subcase number 75-13316, or any matter connected therewith, please state:

(a) The name and address of the person making the statement; and, if applicable,

(b) The means by which the statement is preserved (e.g., writing, tape recording, etc.); and, if applicable,

(c) The name and address of each person or entity having possession of the original or a copy of the statement preserved.

REQUEST FOR PRODUCTION NO. 4: Please produce all documents which support or purportedly support, in whole or in part, your response to Interrogatory No. 8.

INTERROGATORY NO. 9: Please identify all documents, including all scientific and/or biological studies, reports, opinions, or similar documents, which you contend bear upon or relate to the purpose of use you have identified in your claimed federal reserved water rights in subcase number 75-13316.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents, which support or allegedly support, in whole or in part, your response to Interrogatory No. 9.

INTERROGATORY NO. 10: Please identify by specific statutory or regulatory reference all claimed federal provisions which you contend entitles you to utilize the water you have identified in your claimed federal reserved water rights in subcase number 75-13316 for the purpose of use you have identified in your claimed federal reserved water rights in subcase no. 75-13316.

REQUEST FOR PRODUCTION NO. 6: Please produce all documents, which support or allegedly support, in whole or in part, your response to Interrogatory No. 10.

INTERROGATORY NO. 11: Please identify all documents, including all scientific and/or biological studies, reports, opinions, or similar documents, which you contend bear upon or relate to the period of use you have identified in your claimed federal reserved water rights in subcase no. 75-13316.

REQUEST FOR PRODUCTION NO. 7: Please produce all documents, which support or allegedly support, in whole or in part, your response to Interrogatory No. 11.

INTERROGATORY NO. 12: Please identify by specific statutory or regulatory reference all claimed federal provisions which you contend entitles you to utilize the water you have identified in your claimed federal reserved water rights in subcase number 75-13316 for your stated period of use you have identified in your claimed federal reserved water rights in subcase no. 75-13316.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents, which support or allegedly support, in whole or in part, your response to Interrogatory No. 12.

INTERROGATORY NO. 13: Please identify the minimum quantity of water flow necessary for accomplishing your stated purpose of use for each month of your stated period of use for claimed federal reserved water rights in subcase no. 75-13316.

REQUEST FOR PRODUCTION NO. 9: Please produce all documents, which support or allegedly support, in whole or in part, your response to Interrogatory No. 13.

Respectfully submitted this 27th day of September, 1996.

ELAM & BURKE, P.A.

By Scott A. Campbell for
Jeffery J. Ventrella

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed on the 27th day of September, 1996, with sufficient first-class postage to each of the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

USDA Forest Service
324 25th Street
Ogden, Utah 84401-2394

USDA Forest Service
Post Office Box 7669
Missoula, MO 59807

Scott L. Campbell for
Jeffery J. Ventrella