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DEPARTMENT OF
WATER RESOURCES

Norman M. Semanko, ISB No. 4761
Sarah A. McCormack, ISB No. 9683
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
nms@moffatt.com
sam@moffatt.com
26002.0001

Attorneys for Claimant(s) Steve and Deanne Hawks

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

In re CSRBA

Case No. 49576

Subcase Nos. 91-7102 and 91-7173

**CLAIMANTS' FIRST SET OF
DISCOVERY REQUESTS TO
OBJECTOR COEUR D'ALENE TRIBE**

Claimant Steve and Deanna Hawks,

Claimant(s),

vs.

Coeur d'Alene Tribe, a federally-recognized
Indian tribe,

Objector.

COME NOW Claimants Steve and Deanna Hawks ("Claimants"), by and through undersigned counsel of record, pursuant to Idaho Rules of Civil Procedure 26, 33, 34 and 36 and Special Master Brigitte Bilyeu's ("Special Master") Trial Scheduling Order dated December 4, 2015, and hereby submit their First Set of Discovery Requests to Objector Coeur d'Alene Tribe as follows:

INSTRUCTIONS

In responding to these Requests for Admission, Interrogatories and Requests for Production of Documents, you are requested to furnish all information available to you, or subject to your reasonable inquiry, including information in the possession of your attorneys, investigators, employees, agents, representatives, guardians, consultants, expert witnesses and any other person or persons acting on your behalf, and not merely such information as is known to you by your own personal knowledge.

In responding to these discovery requests you must make a diligent search of your Records and all other papers and materials that are in your possession or available to you, or to the individuals described in the preceding paragraph. If any item has subparts, please answer each part separately and in full. If you cannot answer any of the following requests in full after exercising due diligence to secure the information necessary to do so, please so state and answer or respond to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

If you object to any discovery request on the ground that the information sought is privileged and nondiscoverable, please state the basis for your claim of privilege and, in the case of any request for production, identify the documents and records that you object to producing in sufficient detail as to enable the Hearing Officer to rule upon the claim of privilege.

These discovery requests are deemed to be continuing. If, after responding to these requests you acquire any further information responsive to them, you are hereby requested, pursuant to the above-referenced Order and Rules, to file and serve supplemental answers or responses containing such further information.

If you fail to respond to one or more of these discovery requests or if your response to one or more of these requests is evasive or incomplete, Claimants may move the Special Master for an order compelling you to fully respond to these requests and to pay the reasonable expenses, including attorney fees, incurred by them in obtaining the order.

If you fail to produce documents and records requested herein on the ground that the necessary information, records or documents are not within your care, custody, possession or control, please state what efforts you have made to obtain such information, documents or records.

If you fail to respond to any of these discovery requests in full or fail to supplement your answers or responses as requested, Claimants may move the Special Master for an order precluding you from introducing into evidence, or otherwise using at hearing, any testimony, witness, exhibit, document, record, publication or other item or information not timely disclosed in your responses to these discovery requests.

The discovery requests that follow are directed to Objector Coeur d'Alene Tribe.

DEFINITIONS

1. The terms "Document(s)" and/or "Record(s)" mean any tangible thing upon which has been placed handwriting, e-mail transmission, typewriting, printing, photocopying, photographing, digital or computerized data, or any other form of recording, communication or representation, including but not limited to letters, words, pictures, sounds,

magnetic impulses, symbols, numbers or any combination thereof, whether or not visible to the unassisted human eye. This definition shall include, but is not limited to, any and all originals, copies or drafts of any and all of the following: Records, notes, summaries, schedules, contracts, agreements, orders, design manuals, inventories, audits, acknowledgments, diaries, findings, forecasts, tests, appraisals, reports, memoranda, telephone recordings, telephone logs, telephone lists, diaries, calendars, planners, daytimers, correspondence and letters, e-mail, telegrams, telexes, facsimiles and faxes, cables, tapes, tape recordings, statements, receipts, invoices, transcripts, digital or other recordings, photographs, witness statements, pictures, films, videotapes, computer programs, computer databases, models, things and materials of any nature whatsoever. Any "Document" that contains any comment, notation, addition, insertion or marking of any kind which is not part of another document is to be considered as a separate "Document."

2. When asked to "identify" a person or entity or when asked for the "identity" of a person or entity, please include:
 - (a) The name of the person or entity;
 - (b) The present or last known address and telephone number of the person or entity;
 - (c) The present or last known occupation, title, business, and employer of the person or entity; and
 - (d) The present or last known address and telephone number of the employer of the person or entity.

3. When asked to "identify" a Record or Document please include:

(a) The nature or type of Record or Document (e.g., letter, photograph, map, drawing, tape recording, etc.);

(b) The subject matter of the Record or Document and/or a general description of its contents;

(c) The “identity” of the person who authored or created the Record or Document;

(d) The date of the Document or, if it bears no date, the date on which it was prepared or created; and

(e) The physical location of the original and any copies of the Document or Record of which you are aware and the “identity” of the present custodian of the Record or Document.

4. The terms “you” and “your” shall mean Objector Coeur d’Alene Tribe.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit that the United States of America is the owner of any submerged lands that you claim an interest in.

REQUEST FOR ADMISSION NO. 2: Please admit that the United States of America is not a party in the two above-captioned subcases.

REQUEST FOR ADMISSION NO. 3: Please admit that you did not file a protest to the application for water right permit for either of the water rights claimed in the two above-captioned subcases and that a water right license was issued by the State of Idaho for both water rights.

REQUEST FOR ADMISSION NO. 4: Please admit that the St. Joe River is the source of water for the water rights claimed in the two above-captioned subcases.

REQUEST FOR ADMISSION NO. 5: Please admit that the point of diversion for each water right claimed in the above-captioned subcases is at the point described in the Director's Report for those water rights.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify each and every individual known to you who has any knowledge of, or who claims to have knowledge of, any facts or evidence discoverable in this matter, together with a summary of each person's knowledge, including your own.

INTERROGATORY NO. 2: Please identify each person who participated in preparing answers, responses and producing Documents pursuant to this first set of discovery requests.

INTERROGATORY NO. 3: Please identify any and all expert witnesses you intend to call at the trial of this matter, and please:

- (a) Summarize each expert's background and qualifications;
- (b) State the subject matter of each expert's expected testimony;
- (c) State the substance of the facts and opinions to which each expert is expected to testify; and
- (d) Disclose all underlying facts and data upon which each expert bases his or her opinions.

INTERROGATORY NO. 4: If you contend that Claimants have made any admission or statement against Claimants' interests in this matter, please state the following:

- (a) The identity of the individual making the admission or statement;
- (b) The date, time and location where the admission or statement was made;

- (c) Whether the admission or statement was written or oral; and
- (d) If the admission or statement was oral, please state the complete content of the admission or statement to the best of your recollection and knowledge.

INTERROGATORY NO. 5: Please identify each and every Document or item that you intend to offer as an exhibit at the trial of this matter.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: For every expert you intend to call to testify as an expert witness at a hearing of this matter, please produce any and all reports (both formal and informal), opinions, analyses and summaries relating in any way to the issues in this matter, and any other Document that reflects an opinion relating to this matter.

REQUEST FOR PRODUCTION NO. 2: If any of the admissions or statements identified in Interrogatory No. 4 were written, please produce a copy of any and all documentation of the admissions and statements.

REQUEST FOR PRODUCTION NO. 3: Please produce any and all exhibits identified in your answer to Interrogatory No. 5.

REQUEST FOR PRODUCTION NO. 4: Please produce any and all Documents and things that you may offer into evidence at the trial of this matter.

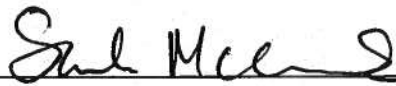
REQUEST FOR PRODUCTION NO. 5: Please produce any and all Documents and Records in your possession that indicate, or in any way relate to, the historic level of the St. Joe River.

REQUEST FOR PRODUCTION NO. 6: Please produce any and all Documents and Records in your possession that indicate, or in any way relate to, the historic ownership of the land at Claimants' point(s) of diversion.

REQUEST FOR PRODUCTION NO. 7: Please produce any and all additional documentation that is in any way supportive of your answers to any of the foregoing interrogatories.

DATED this 14th day of April, 2016.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Sarah A. McCormack – Of the Firm
Attorneys for Claimant(s)
Steve and Deanna Hawks

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April, 2016, I caused a true and correct copy of the foregoing **CLAIMANTS' FIRST SET OF DISCOVERY REQUESTS TO OBJECTOR COEUR D'ALENE TRIBE** to be served by the method indicated below, and addressed to the following:

Howard A. Funke
Kinzo H. Mihara
Dylan Hedden-Nicely
HOWARD FUNKE & ASSOCIATES, P.C.
424 Sherman Avenue, Suite 308
P.O. Box 969
Coeur d'Alene, ID 83816-0969
Facsimile (208) 667-4695
hfunke@indian-law.org
kmihara@indian-law.org
dhedden@indian-law.org

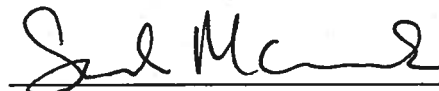
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☒ E-Mail

Chief, Natural Resources Division
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
700 W. State St., 2nd Floor
P.O. Box 83720
Boise, ID 83720-0010
Facsimile (208) 854-8072

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-Mail

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098
Facsimile (208) 287-6700
gary.spackman@idwr.idaho.gov

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-Mail



Sarah A. McCormack