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DEPT. OF WATER RESOURCES

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Attorneys for Claimants 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 No. 91-7173

**CLAIMANTS STEVE AND DEANNE
HAWKS' SECOND AMENDED AND
SUPPLEMENTAL RESPONSES TO
OBJECTOR'S FIRST REQUESTS FOR
DISCOVERY**

Steve and Deanne Hawks,

Claimants,

vs.

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

Objector.

**CLAIMANTS STEVE AND DEANNE HAWKS' SECOND
AMENDED AND SUPPLEMENTAL RESPONSES TO OBJECTOR'S
FIRST REQUESTS FOR DISCOVERY - 1**

Client:4157516.1

COPY

COME NOW Claimants Steve and Deanne Hawks, by and through undersigned counsel of record, pursuant to the direction received from the Special Master at the Hearings on Objector's Motion to Compel and Motion to Determine Sufficiency of Objections and Deem Certain Matters Admitted on May 11, 2016, and provide second amended and supplemental responses to Objector's First Requests for Discovery, which replace Claimants' previous Responses to Request for Admission Nos. 10 and 11 and supplement Claimants' previous Answer to Interrogatory No. 7 and previous Response to Request for Production No. 13 as follows:

REQUEST FOR ADMISSION NO. 10: Please admit that Claimant(s) did not have permission to encroach upon the submerged lands of the St. Joe River from either the United States or the Coeur d'Alene Tribe at the time the diversion works were constructed for this claim.

RESPONSE TO REQUEST FOR ADMISSION NO. 10: The term "permission" is defined as "the act of permitting" or "a license or liberty to do something; authorization." BLACK'S LAW DICTIONARY 1176 (8th ed. 2004). Pursuant to this definition, Claimants admit that they did not have permission from either the United States or the Coeur d'Alene Tribe to encroach upon the submerged lands of the St. Joe River at the time the diversion works were constructed for this claim. However, Claimants deny that the United States or the Coeur d'Alene Tribe owns the land upon which the diversion works may have been constructed and further deny that any such permission was needed.

REQUEST FOR ADMISSION NO. 11: Please admit that since the time Claimant(s) began diverting water from the St. Joe River he/she has never received permission to

encroach upon the submerged lands of the St. Joe River from either the United States or the Coeur d'Alene Tribe for Claimant(s)[] diversionary works.

RESPONSE TO REQUEST FOR ADMISSION NO. 11: The term "permission" is defined as "the act of permitting" or "a license or liberty to do something; authorization." BLACK'S LAW DICTIONARY 1176 (8th ed. 2004). Pursuant to this definition, Claimants admit that they have never received permission from either the United States or the Coeur d'Alene Tribe to encroach upon the submerged lands of the St. Joe River at the time the diversion works were constructed for this claim. However, Claimants deny that the United States or the Coeur d'Alene Tribe owns the land upon which the diversion works may have been constructed and further deny that any such permission was ever needed.

INTERROGATORY NO. 7: Please describe the Claimant(s)[] diversion works and water system from the point of diversion to the place of use, including but not limited to, a description of all materials located in the water, the pump capacity (in gallons per minute), the conduit diameter(s) (in inches), any storage facilities on the property (and storage volume in gallons), and a description of the water conveyance on the property.

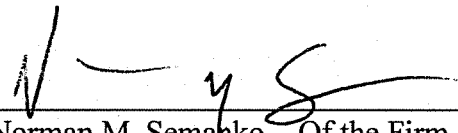
ANSWER NO. 7: Consistent with the licensing file, the 3/4 HP pump for the diversion works is located on Claimants property and is connected to a discharge line that extends about 100 feet out over and into the water of the St. Joe River. The lowest part of the diversion works within the St. Joe River is several feet in depth. However, the diversion works are not located underwater at all times of the year. The diversion works are only located underwater from about May to October for summer domestic use. The diversion rate is 0.04 cfs and the volume is 1.2 acre feet.

REQUEST FOR PRODUCTION NO. 13: Please produce any other documents which may be relevant to, or support, Claimant(s)' water right claim, Objector's objection, and/or any responses to the objection which have been filed in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: See supplemental documents produced herein. Documents produced, bates number Hawks 2880 – 2908, are from Claimants' files, as mentioned during the deposition on May 2, 2016.

DATED this 17th day of May, 2016.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Norman M. Semanko – Of the Firm
Attorneys for Claimants
Steve and Deanne Hawks

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2016, I caused a true and correct copy of the foregoing **CLAIMANTS STEVE AND DEANNE HAWKS' SECOND AMENDED AND SUPPLEMENTAL RESPONSES TO OBJECTOR'S FIRST REQUESTS FOR DISCOVERY** to be served by the method indicated below, and addressed to the following:

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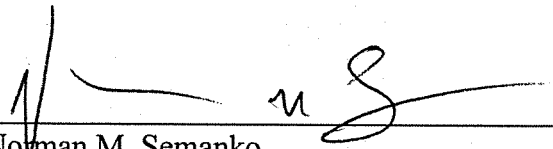
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