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SEP 10 2021

Robert L. Harris (ISB #7018)

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HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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Department of Water Resources
Eastern Region

Attorneys for Grouse Creek Reserve, LLC

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER 84788 IN THE NAME
OF GROUSE CREEK RESERVE, LLC

**DECLARATION OF
ROBERT L. HARRIS**

I, Robert L. Harris, state that the following is made on my personal knowledge, and that I would so testify in open court if called upon to do so.

1. I am over the age of eighteen (18) and am competent to testify to the matters contained herein.
2. I am a member of Holden, Kidwell, Hahn & Crapo, P.L.L.C. ("HKHC"), representing Grouse Creek Reserve, LLC ("GCR") in this matter.
3. This declaration is being submitted in support of *Grouse Creek Reserve's Motion for Summary Judgment and Memorandum in Support* filed by GCR in this matter.
4. On July 30, 2021, I prepared discovery requests and served them on Ron Hansen, Dennis Craig, Gary Hansen, Kyle Hansen, and Rodney Barnes (collectively the "Protestants"). The discovery requests are attached hereto as **Exhibit 1**. The discovery requests included interrogatories, request for production of documents, and requests for admission.

5. The discovery requests were propounded on July 30, 2021, in accordance with the *Notice of Hearing and Scheduling Order; Order Authorizing Discovery* dated July 19, 2021 (the "Procedural Order").
6. Responses to the discovery requests were due on or before 30 days of service of the discovery requests, which was Monday, August 30, 2021.¹
7. As of September 10, 2021, I have not received responses to any of the discovery requests propounded to the Protestants. Specifically, I have not received responses to the requests for admission contained in the discovery requests.

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho R. Civ. P. 2.7; Idaho Code § 9-1406.

September 10, 2021



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

¹ Thirty (30) days from July 30, 2021 is August 29, 2021, but because that day falls on a Sunday, by rule, the deadline is moved to the next business day, in this case, August 30, 2021. IDAPA 37.01.01.056.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2021, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

DOCUMENT SERVED: DECLARATION OF ROBERT L. HARRIS

ORIGINAL TO: James Cefalo
Hearing Officer, Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718
James.Cefalo@idwr.idaho.gov

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Kyle D. Hansen
6345 N. 500 W.
Tetonia, ID 83452
hansenk36@gmail.com

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☐ Hand Delivery
☒ Email

Ronald D. Hansen
6345 N. 500 W.
Tetonia, ID 83452
hansenranch@msn.com

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Dennis D. Craig
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Tetonia, ID 83452
mrddc@hotmail.com

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Rodney Barnes
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Hansen_brian@sbcglobal.net

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☐ Hand Delivery
☒ Email



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Exhibit 1

DISCOVERY REQUESTS

Robert L. Harris (ISB #7018)
rharris@holdenlegal.com
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

Attorneys for Grouse Creek Reserve, LLC

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER 84788 IN THE NAME
OF GROUSE CREEK RESERVE, LLC

**FIRST DISCOVERY REQUESTS TO
DENNIS CRAIG**

TO: DENNIS CRAIG

YOU WILL PLEASE TAKE NOTICE that Applicant, Grouse Creek Reserve LLC, requires Protestant Dennis Craig ("Craig") to answer the following discovery requests pursuant to IDAPA 37.01.01.520 and the *Notice of Hearing and Scheduling Order* (issued July 19, 2021).

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your own personal knowledge.

If you cannot answer the discovery requests in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents, after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents,

the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

If you object to answering any portion of any of the following discovery requests based on a claim of privilege or work product, please so state by providing a complete description of the basis for the privilege upon which you base your objection.

Prior to answering these discovery requests, note the following definitions:

1. “You” and/or “Craig” refers to Dennis Craig, as well as each of his employees, agents, representatives (including insurance carriers), investigators, and attorneys.

2. “Grouse Creek Reserve” refers to Grouse Creek Reserve, LLC.

3. “Transfer” refers to Application for Transfer No. 84788.

4. “And” includes “or” and “and/or.”

5. “Facts” means all circumstances, events, and evidence pertaining to or touching upon the allegations set forth in the pleadings in this matter.

6. The term “document” or “documents” means any kind of written, typed, printed, graphic, photographic, videotaped, electronic, or computer-generated matter of any kind or nature, however produced or reproduced, including data or information that exists in electronic or data storage devices in any medium, any electronic files in their original format, as well as all mechanical or electronic sound recordings, and written transcripts thereof, however produced or reproduced, including all marginal notations, drafts, duplicates, and carbon copies thereof, whether in your control or not, in the possession of you or your counsel. If a document exists in both a paper form (or “hard copy”) and electronically, then a request to produce such documents shall be deemed to be a request to produce both the hard copy and the electronic copy of the document.

7. The terms “electronic” and “electronically” mean any and all digital or electronic files or means, however stored, including, but not limited to, local or remote computer hard disk drive, floppy disc, CD-ROM, tape drive, zip disk, flash or thumb drive, or any other electronic storage format or medium. Additionally, requests for production of electronic documents means production of such documents or computer files in their native format.

8. The term “identify,” when used with respect to documents or the description or identification of a document, shall be deemed to request the nature and subject matter of the documents; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared the document or who has knowledge of it; and the name, address, job title, and/or job capacity of the recipient(s) thereof.

9. 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 telephone numbers.

10. “Communicate” or “communication” refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face-to-face, by telephone, mail, e-mail, personal delivery, or otherwise.

11. 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 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, and when such communication took place.

12. “Evidencing” and “relating to” mean consisting of, summarizing, describing, referring to, dealing with, mentioning, etc.

13. Whenever the plural appears, the word shall include the singular, and vice versa.

14. All pronouns denoting gender which are in the masculine form shall be interpreted in light of the gender of the individual which the pronoun describes and vice versa.

15. Where knowledge or information in 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 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.

16. Each discovery request shall be accorded a separate answer and each subpart of a discovery request shall be accorded a separate answer.

17. PURSUANT TO RULE 26(e) OF THE IDAHO RULES OF CIVIL PROCEDURE, AS INCORPORATED INTO THIS MATTER BY IDAPA 37.01.01.520.02, THESE DISCOVERY REQUESTS ARE CONTINUING IN NATURE, SO AS TO REQUIRE YOU TO FILE SUPPLEMENTARY ANSWERS IN A REASONABLE MANNER.

I. INTERROGATORIES

INTERROGATORY NO. 1.: Please identify each individual who answered or provided information necessary to respond to the following interrogatories and requests for production.

INTERROGATORY NO. 2.: Please identify each and every person known to you who has any knowledge or who purports to have knowledge of any of the facts of this contested case.

INTERROGATORY NO. 3.: With respect to each person identified in response to Interrogatory No. 2, please set forth in detail the facts you believe are or may be known to such person.

INTERROGATORY NO. 4.: For each fact set forth in response to Interrogatory No. 3, above, identify any and all documents that relate to, describe, support, or otherwise reflect the facts known to each person.

INTERROGATORY NO. 5.: Please state the full name, current address, and telephone number of each and every person, including parties, you intend to call as a witness to testify on your behalf in this contested case.

INTERROGATORY NO. 6.: Please state with particularity the substance of the facts and opinions to which each person identified in response to Interrogatory No. 5 is expected to testify.

INTERROGATORY NO. 7.: Please identify in full and complete detail any reports, statements, affidavits, photographs, drawings, illustrations, written documents, electronic messages, diaries, calendars, notes, journals, tape recordings, and/or video tapes of which you possess or are aware that pertain to any issues in this contested case.

INTERROGATORY NO. 8.: Please state with particularity all facts and legal bases you have to assert that the Transfer will injure your water rights as described in the *Notice of Protest* to the Transfer you filed.

INTERROGATORY NO. 9.: Please describe any water rights owned by you (by water right number) that you believe will be interfered with or injured by this Transfer.

INTERROGATORY NO. 10.: Please identify any and all studies or other documents you believe support your bases of protest to the Transfer.

INTERROGATORY NO. 11.: Please describe any and all communications you have had with other protestants to the Transfer, including those that may have withdrawn their protests.

INTERROGATORY NO. 12.: If you believe the Transfer will allow for an enlargement, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 13.: If you believe that the Transfer is not consistent with the conservation of water resources within the state of Idaho, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 14.: If you believe that the Transfer is not in the local public interest, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 15.: Please explain what maintenance has been done on the North Leigh Canal by you or others that you are aware of in the past five (5) years.

INTERROGATORY NO. 16.: Please explain what maintenance has been done on the Hubbard Ditch by you or others that you are aware of in the past five (5) years.

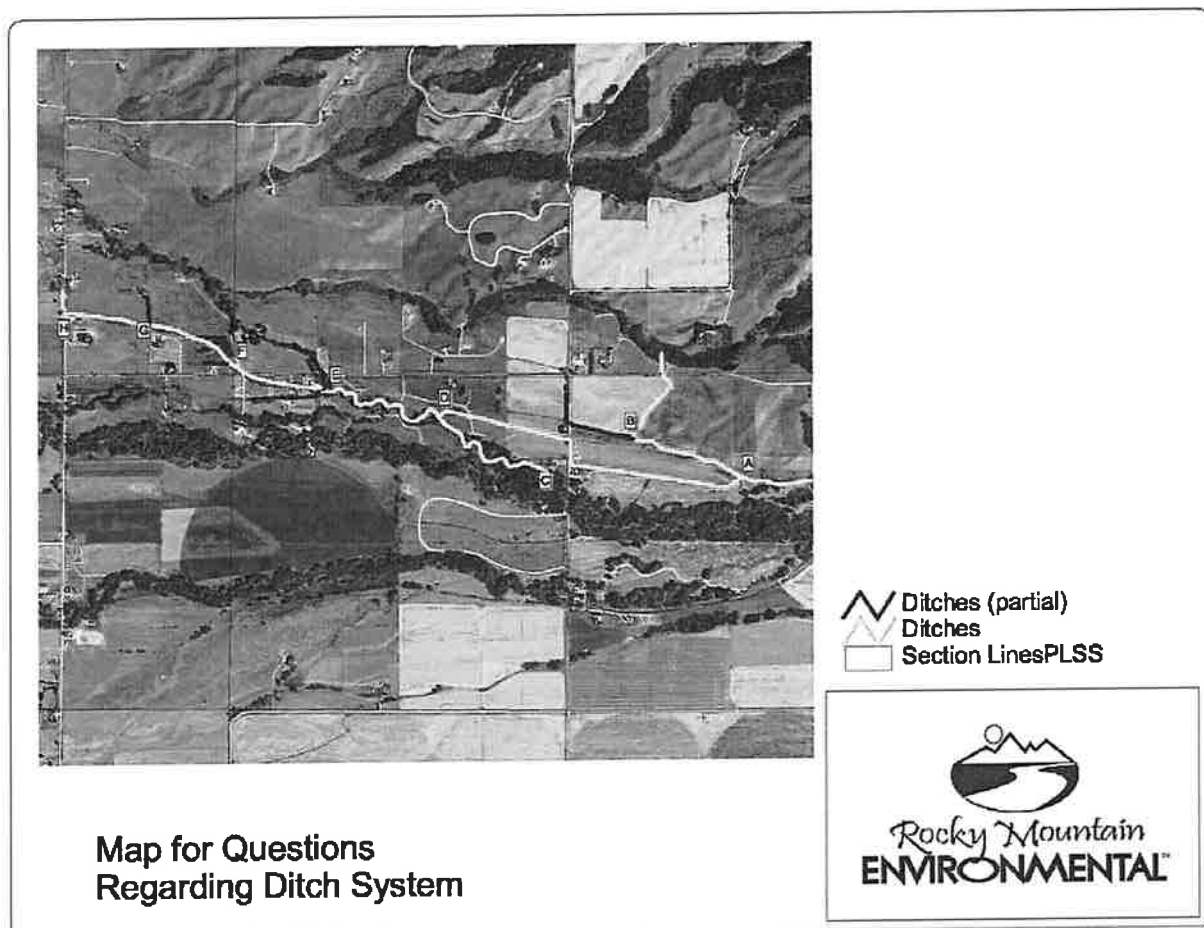
INTERROGATORY NO. 17.: Please explain what actions you have taken, if any, to act as a canal manager/watermaster for the North Leigh Canal and the Hubbard Ditch.

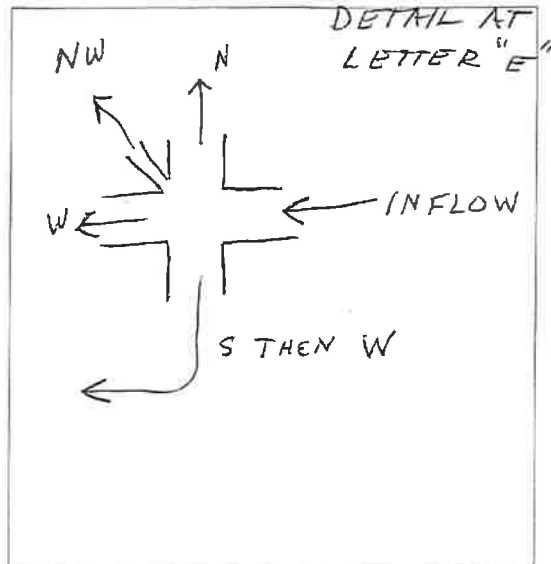
INTERROGATORY NO. 18.: Your Protest indicates there are 2 “water beds” on our property. Are these “water beds” natural streams or ditches?

INTERROGATORY NO. 19.: Your Protest indicates that you use water from North Leigh Creek for stockwater, irrigation, and ground water recharge purposes. Please identify any water right owned by you and/or appurtenant to your property that allows use of water for these purposes.

INTERROGATORY NO. 20.: Please explain your understanding of how the determination is made of how much water to deliver to each water user on the North Leigh Canal and Hubbard Ditch. Stated another way, please describe how water is distributed from the North Leigh Canal and the Hubbard Ditch to you.

INTERROGATORY NO. 21.: Please refer to the following map and sketch and, to the extent you are involved in water delivery or have an understanding about water delivery on the North Leigh Creek Canal and Hubbard Ditch system, answer the following questions:





300 E. Mallard Drive, Suite 350 • Boise, ID 83706
208.383.4140 • fax 208.383.4156 • www.splwater.com

- a. At Point A, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point A, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point A, and how many cfs under each water right?
- b. At Point B, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point B, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point B, and how many cfs under each water right?

- c. Point C represents a diversion from North Leigh Creek.
 - a. What water rights are diverted at this location, and how many cfs under each water right?
- d. At Point D, a ditch coming from Point A injects water into a ditch coming from Point C.
 - a. Is all the water conveyed to the west at Point A injected at Point D, other than seepage losses?
 - b. If not, how many cfs are delivered to lateral(s) between Point A and Point D, and under what water rights?
- e. At Point E, water coming from the east enters a structure illustrated conceptually in the attached sketch.
 - a. What water right(s) are conveyed to the north at Point E, and how many cfs under each right?
 - b. What water right(s) are conveyed to the northeast at Point E, and how many cfs under each right?
 - c. What water rights are delivered from the west-facing outlet of the structure at Point E, and how many cfs under each right?
 - d. What water rights are delivered from the south-facing outlet of the structure at point E, and how many cfs under each right?
- f. At Point F, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point F, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the northwest at Point F, and how many cfs under each water right?
- g. At Point G, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point G, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point G, and how many cfs under each water right?
- h. At Point H, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point H, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point H, and how many cfs under each water right?

II. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce any and all documents you intend to produce at the hearing in this contested case.

REQUEST FOR PRODUCTION NO. 2.: Please produce any and all expert reports regarding the issues of this contested case available to you.

REQUEST FOR PRODUCTION NO. 3.: Please produce any and all documents identified in response to the above Interrogatories or used to derive the information for your responses to these *First Discovery Requests to Dennis Craig*.

REQUEST FOR PRODUCTION NO. 4.: Please produce any and all documents relating to, evidencing, or on which you base your responses to the above Interrogatories.

REQUEST FOR PRODUCTION NO. 5.: Please produce copies of any and all emails, letters, or other communication between you and any of the other protestants (or the protestants' representatives), including those protestants that have withdrawn their protests, concerning the Transfer.

REQUEST FOR PRODUCTION NO. 6.: Please produce copies of deeds conveying title to the property irrigated with water rights you own or that you believe you own that are delivered through the North Leigh Canal and/or Hubbard Ditch.

REQUEST FOR PRODUCTION NO. 7.: Please produce copies of any lists of water rights that you use in the delivery and allocation of water delivered through the North Leigh Canal and the Hubbard Ditch in your actions as a canal manager or water user acting as a canal manager.

III. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that you do not own any water rights that are authorized to be diverted from North Leigh Creek at the Hubbard Ditch heading and/or the North Leigh Creek Canal heading with an authorized place of use on your property.

REQUEST FOR ADMISSION NO. 2: Admit that the Transfer will not allow for an enlargement, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 3: Admit that the Transfer is consistent with the

conservation of water resources within the state of Idaho, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 4: Admit that the Transfer is in the local public interest, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 5: Admit that you are not a lawyer authorized to practice law in the State of Idaho.

REQUEST FOR ADMISSION NO. 6: Admit that the Hubbard Ditch is currently in a state of disrepair.

REQUEST FOR ADMISSION NO. 7: Your Protest indicates that you use water from North Leigh Creek for stockwater, irrigation, and ground water recharge purposes. Admit that you do not own any water rights owned by you and/or appurtenant to your property that allows use of water for these purposes.

Dated this 30th day of July, 2021.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

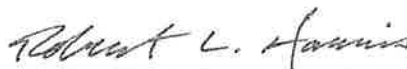
I hereby certify that on this 30th day of July, 2021, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

DOCUMENT SERVED: FIRST DISCOVERY REQUESTS TO DENNIS CRAIG

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Dennis Craig
P O Box 8
Tetonia, ID 83452

- ☒ Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Courthouse Box
- ☐ Email



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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Robert L. Harris (ISB #7018)
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HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

Attorneys for Grouse Creek Reserve, LLC

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER 84788 IN THE NAME
OF GROUSE CREEK RESERVE, LLC

**FIRST DISCOVERY REQUESTS TO
GARY L. HANSEN**

TO: GARY L. HANSEN

YOU WILL PLEASE TAKE NOTICE that Applicant, Grouse Creek Reserve LLC, requires Protestant Gary L. Hansen ("Hansen") to answer the following discovery requests pursuant to IDAPA 37.01.01.520 and the *Notice of Hearing and Scheduling Order* (issued July 19, 2021).

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your own personal knowledge.

If you cannot answer the discovery requests in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents, after exercising due diligence to

secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

If you object to answering any portion of any of the following discovery requests based on a claim of privilege or work product, please so state by providing a complete description of the basis for the privilege upon which you base your objection.

Prior to answering these discovery requests, note the following definitions:

1. “You” and/or “Barnes” refers to Gary L. Hansen, as well as each of his employees, agents, representatives (including insurance carriers), investigators, and attorneys.
2. “Grouse Creek Reserve” refers to Grouse Creek Reserve, LLC.
3. “Transfer” refers to Application for Transfer No. 84788.
4. “And” includes “or” and “and/or.”
5. “Facts” means all circumstances, events, and evidence pertaining to or touching upon the allegations set forth in the pleadings in this matter.
6. The term “document” or “documents” means any kind of written, typed, printed, graphic, photographic, videotaped, electronic, or computer-generated matter of any kind or nature, however produced or reproduced, including data or information that exists in electronic or data storage devices in any medium, any electronic files in their original format, as well as all mechanical or electronic sound recordings, and written transcripts thereof, however produced or reproduced, including all marginal notations, drafts, duplicates, and carbon copies thereof, whether in your control or not, in the possession of you or your counsel. If a document exists in both a

paper form (or “hard copy”) and electronically, then a request to produce such documents shall be deemed to be a request to produce both the hard copy and the electronic copy of the document.

7. The terms “electronic” and “electronically” mean any and all digital or electronic files or means, however stored, including, but not limited to, local or remote computer hard disk drive, floppy disc, CD-ROM, tape drive, zip disk, flash or thumb drive, or any other electronic storage format or medium. Additionally, requests for production of electronic documents means production of such documents or computer files in their native format.

8. The term “identify,” when used with respect to documents or the description or identification of a document, shall be deemed to request the nature and subject matter of the documents; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared the document or who has knowledge of it; and the name, address, job title, and/or job capacity of the recipient(s) thereof.

9. 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 telephone numbers.

10. “Communicate” or “communication” refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face-to-face, by telephone, mail, e-mail, personal delivery, or otherwise.

11. 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 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, and when such communication took place.

12. “Evidencing” and “relating to” mean consisting of, summarizing, describing, referring to, dealing with, mentioning, etc.

13. Whenever the plural appears, the word shall include the singular, and vice versa.

14. All pronouns denoting gender which are in the masculine form shall be interpreted in light of the gender of the individual which the pronoun describes and vice versa.

15. Where knowledge or information in 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 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.

16. Each discovery request shall be accorded a separate answer and each subpart of a discovery request shall be accorded a separate answer.

17. PURSUANT TO RULE 26(e) OF THE IDAHO RULES OF CIVIL PROCEDURE, AS INCORPORATED INTO THIS MATTER BY IDAPA 37.01.01.520.02, THESE DISCOVERY REQUESTS ARE CONTINUING IN NATURE, SO AS TO REQUIRE YOU TO FILE SUPPLEMENTARY ANSWERS IN A REASONABLE MANNER.

I. INTERROGATORIES

INTERROGATORY NO. 1.: Please identify each individual who answered or provided information necessary to respond to the following interrogatories and requests for production.

INTERROGATORY NO. 2.: Please identify each and every person known to you who has any knowledge or who purports to have knowledge of any of the facts of this contested case.

INTERROGATORY NO. 3.: With respect to each person identified in response to Interrogatory No. 2, please set forth in detail the facts you believe are or may be known to such person.

INTERROGATORY NO. 4.: For each fact set forth in response to Interrogatory No. 3, above, identify any and all documents that relate to, describe, support, or otherwise reflect the facts known to each person.

INTERROGATORY NO. 5.: Please state the full name, current address, and telephone number of each and every person, including parties, you intend to call as a witness to testify on your behalf in this contested case.

INTERROGATORY NO. 6.: Please state with particularity the substance of the facts and opinions to which each person identified in response to Interrogatory No. 5 is expected to testify.

INTERROGATORY NO. 7.: Please identify in full and complete detail any reports, statements, affidavits, photographs, drawings, illustrations, written documents, electronic messages, diaries, calendars, notes, journals, tape recordings, and/or video tapes of which you possess or are aware that pertain to any issues in this contested case.

INTERROGATORY NO. 8.: Please state with particularity all facts and legal bases you have to assert that the Transfer will injure your water rights as described in the *Notice of Protest* to the Transfer you filed.

INTERROGATORY NO. 9.: Please describe any water rights owned by you (by water right number) that you believe will be interfered with or injured by this Transfer.

INTERROGATORY NO. 10.: Please identify any and all studies or other documents you believe support your bases of protest to the Transfer.

INTERROGATORY NO. 11.: Please describe any and all communications you have had with other protestants to the Transfer, including those that may have withdrawn their protests.

INTERROGATORY NO. 12.: If you believe the Transfer will allow for an enlargement, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 13.: If you believe that the Transfer is not consistent with the conservation of water resources within the state of Idaho, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 14.: If you believe that the Transfer is not in the local public interest, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 15.: Please explain what maintenance has been done on the North Leigh Canal by you or others that you are aware of in the past five (5) years.

INTERROGATORY NO. 16.: Please explain what maintenance has been done on the Hubbard Ditch by you or others that you are aware of in the past five (5) years.

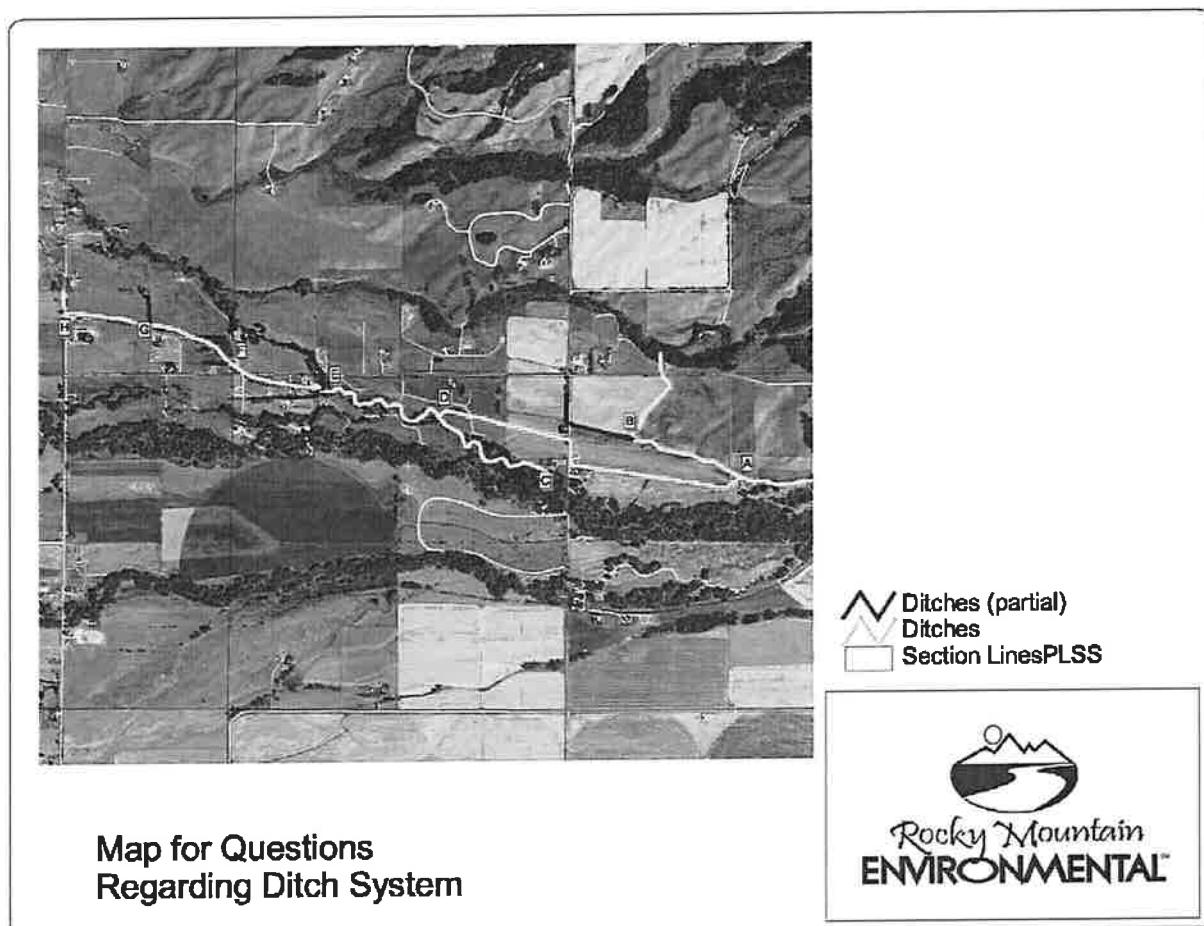
INTERROGATORY NO. 17.: Please explain what actions you have taken, if any, to act as a canal manager/watermaster for the North Leigh Canal and the Hubbard Ditch.

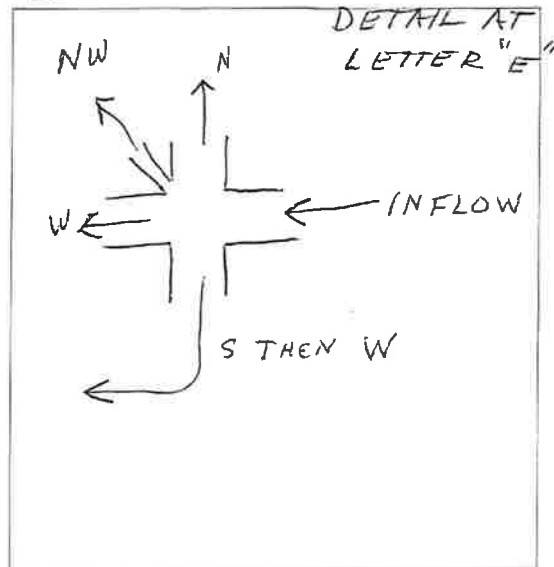
INTERROGATORY NO. 18.: Your protest indicates that you “need water to water livestock and irrigate pasture.” How many cattle use water from the Hubbard Ditch and/or North Leigh Canal and how many acres of pasture do you irrigate?

INTERROGATORY NO. 19.: Please describe which stockwater and/or irrigation water rights you have that authorize these uses on your property.

INTERROGATORY NO. 20.: Please explain your understanding of how the determination is made of how much water to deliver to each water user on the North Leigh Canal and Hubbard Ditch. Stated another way, please describe how water is distributed from the North Leigh Canal and the Hubbard Ditch to you.

INTERROGATORY NO. 21.: Please refer to the following map and sketch and, to the extent you are involved in water delivery or have an understanding about water delivery on the North Leigh Creek Canal and Hubbard Ditch system, answer the following questions:





300 E. Mallard Drive, Suite 350 • Boise, ID 83706
208.383.4140 • fax 208.383.4156 • www.splwater.com

- a. At Point A, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point A, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point A, and how many cfs under each water right?
- b. At Point B, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point B, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point B, and how many cfs under each water right?

- c. Point C represents a diversion from North Leigh Creek.
 - a. What water rights are diverted at this location, and how many cfs under each water right?
- d. At Point D, a ditch coming from Point A injects water into a ditch coming from Point C.
 - a. Is all the water conveyed to the west at Point A injected at Point D, other than seepage losses?
 - b. If not, how many cfs are delivered to lateral(s) between Point A and Point D, and under what water rights?
- e. At Point E, water coming from the east enters a structure illustrated conceptually in the attached sketch.
 - a. What water right(s) are conveyed to the north at Point E, and how many cfs under each right?
 - b. What water right(s) are conveyed to the northeast at Point E, and how many cfs under each right?
 - c. What water rights are delivered from the west-facing outlet of the structure at Point E, and how many cfs under each right?
 - d. What water rights are delivered from the south-facing outlet of the structure at point E, and how many cfs under each right?
- f. At Point F, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point F, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the northwest at Point F, and how many cfs under each water right?
- g. At Point G, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point G, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point G, and how many cfs under each water right?
- h. At Point H, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point H, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point H, and how many cfs under each water right?

II. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce any and all documents you intend to produce at the hearing in this contested case.

REQUEST FOR PRODUCTION NO. 2.: Please produce any and all expert reports regarding the issues of this contested case available to you.

REQUEST FOR PRODUCTION NO. 3.: Please produce any and all documents identified in response to the above Interrogatories or used to derive the information for your responses to these *First Discovery Requests to Gary L. Hansen*.

REQUEST FOR PRODUCTION NO. 4.: Please produce any and all documents relating to, evidencing, or on which you base your responses to the above Interrogatories.

REQUEST FOR PRODUCTION NO. 5.: Please produce copies of any and all emails, letters, or other communication between you and any of the other protestants (or the protestants' representatives), including those protestants that have withdrawn their protests, concerning the Transfer.

REQUEST FOR PRODUCTION NO. 6.: Please produce copies of deeds conveying title to the property irrigated with water rights you own or that you believe you own that are delivered through the North Leigh Canal and/or Hubbard Ditch.

REQUEST FOR PRODUCTION NO. 7.: Please produce copies of any lists of water rights that you use in the delivery and allocation of water delivered through the North Leigh Canal and the Hubbard Ditch in your actions as a canal manager or water user acting as a canal manager.

III. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that you do not own any water rights that are authorized to be diverted from the North Leigh Creek Canal heading with an authorized place of use on your property.

REQUEST FOR ADMISSION NO. 2: Admit that you are currently diverting your water through the North Leigh Creek Canal heading.

REQUEST FOR ADMISSION NO. 3: Admit that the Transfer will not allow for an

enlargement, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 4: Admit that the Transfer is consistent with the conservation of water resources within the state of Idaho, as described under Idaho Code § 42-222.

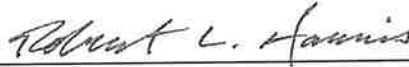
REQUEST FOR ADMISSION NO. 5: Admit that the Transfer is in the local public interest, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 6: Admit that you are not a lawyer authorized to practice law in the State of Idaho.

REQUEST FOR ADMISSION NO. 7: Admit that the representative designated in your Protest, Brian L. Hansen, is not a lawyer authorized to practice law in the State of Idaho.

REQUEST FOR ADMISSION NO. 8: Admit that the Hubbard Ditch is currently in a state of disrepair.

Dated this 30th day of July, 2021.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

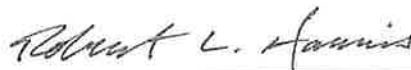
I hereby certify that on this 30th day of July, 2021, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

DOCUMENT SERVED: FIRST DISCOVERY REQUESTS TO GARY L. HANSEN

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Gary L. Hansen
c/o Brian Barnes
335 Parker Drive
Folsom, CA 95630
Hansen_Brian@sbcglobal.net

- ☒ Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Courthouse Box
- ☒ Email



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

G:\WPDATA\IRLH21640-000 Grouse Creek Reserve, LLC (Gertmenian)\Discovery\Discovery Requests of Protestants\Discovery.Gary L. Hansen.docx

Robert L. Harris (ISB #7018)
rharris@holdenlegal.com
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

Attorneys for Grouse Creek Reserve, LLC

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER 84788 IN THE NAME
OF GROUSE CREEK RESERVE, LLC

**FIRST DISCOVERY REQUESTS TO
KYLE D. HANSEN**

TO: KYLE D. HANSEN

YOU WILL PLEASE TAKE NOTICE that Applicant, Grouse Creek Reserve LLC, requires Protestant Kyle D. Hansen ("Hansen") to answer the following discovery requests pursuant to IDAPA 37.01.01.520 and the *Notice of Hearing and Scheduling Order* (issued July 19, 2021).

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your own personal knowledge.

If you cannot answer the discovery requests in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents, after exercising due diligence to

secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

If you object to answering any portion of any of the following discovery requests based on a claim of privilege or work product, please so state by providing a complete description of the basis for the privilege upon which you base your objection.

Prior to answering these discovery requests, note the following definitions:

1. "You" and/or "Hansen" refers to Kyle D. Hansen, as well as each of his employees, agents, representatives (including insurance carriers), investigators, and attorneys.
2. "Grouse Creek Reserve" refers to Grouse Creek Reserve, LLC.
3. "Transfer" refers to Application for Transfer No. 84788.
4. "And" includes "or" and "and/or."
5. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the allegations set forth in the pleadings in this matter.

6. The term "document" or "documents" means any kind of written, typed, printed, graphic, photographic, videotaped, electronic, or computer-generated matter of any kind or nature, however produced or reproduced, including data or information that exists in electronic or data storage devices in any medium, any electronic files in their original format, as well as all mechanical or electronic sound recordings, and written transcripts thereof, however produced or reproduced, including all marginal notations, drafts, duplicates, and carbon copies thereof, whether in your control or not, in the possession of you or your counsel. If a document exists in both a

paper form (or “hard copy”) and electronically, then a request to produce such documents shall be deemed to be a request to produce both the hard copy and the electronic copy of the document.

7. The terms “electronic” and “electronically” mean any and all digital or electronic files or means, however stored, including, but not limited to, local or remote computer hard disk drive, floppy disc, CD-ROM, tape drive, zip disk, flash or thumb drive, or any other electronic storage format or medium. Additionally, requests for production of electronic documents means production of such documents or computer files in their native format.

8. The term “identify,” when used with respect to documents or the description or identification of a document, shall be deemed to request the nature and subject matter of the documents; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared the document or who has knowledge of it; and the name, address, job title, and/or job capacity of the recipient(s) thereof.

9. 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 telephone numbers.

10. “Communicate” or “communication” refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face-to-face, by telephone, mail, e-mail, personal delivery, or otherwise.

11. 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 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, and when such communication took place.

12. “Evidencing” and “relating to” mean consisting of, summarizing, describing, referring to, dealing with, mentioning, etc.

13. Whenever the plural appears, the word shall include the singular, and vice versa.

14. All pronouns denoting gender which are in the masculine form shall be interpreted in light of the gender of the individual which the pronoun describes and vice versa.

15. Where knowledge or information in 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 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.

16. Each discovery request shall be accorded a separate answer and each subpart of a discovery request shall be accorded a separate answer.

17. PURSUANT TO RULE 26(e) OF THE IDAHO RULES OF CIVIL PROCEDURE, AS INCORPORATED INTO THIS MATTER BY IDAPA 37.01.01.520.02, THESE DISCOVERY REQUESTS ARE CONTINUING IN NATURE, SO AS TO REQUIRE YOU TO FILE SUPPLEMENTARY ANSWERS IN A REASONABLE MANNER.

I. INTERROGATORIES

INTERROGATORY NO. 1.: Please identify each individual who answered or provided information necessary to respond to the following interrogatories and requests for production.

INTERROGATORY NO. 2.: Please identify each and every person known to you who has any knowledge or who purports to have knowledge of any of the facts of this contested case.

INTERROGATORY NO. 3.: With respect to each person identified in response to Interrogatory No. 2, please set forth in detail the facts you believe are or may be known to such person.

INTERROGATORY NO. 4.: For each fact set forth in response to Interrogatory No. 3, above, identify any and all documents that relate to, describe, support, or otherwise reflect the facts known to each person.

INTERROGATORY NO. 5.: Please state the full name, current address, and telephone number of each and every person, including parties, you intend to call as a witness to testify on your behalf in this contested case.

INTERROGATORY NO. 6.: Please state with particularity the substance of the facts and opinions to which each person identified in response to Interrogatory No. 5 is expected to testify.

INTERROGATORY NO. 7.: Please identify in full and complete detail any reports, statements, affidavits, photographs, drawings, illustrations, written documents, electronic messages, diaries, calendars, notes, journals, tape recordings, and/or video tapes of which you possess or are aware that pertain to any issues in this contested case.

INTERROGATORY NO. 8.: Please state with particularity all facts and legal bases you have to assert that the Transfer will injure your water rights as described in the *Notice of Protest* to the Transfer you filed.

INTERROGATORY NO. 9.: Please describe any water rights owned by you (by water right number) that you believe will be interfered with or injured by this Transfer.

INTERROGATORY NO. 10.: Please identify any and all studies or other documents you believe support your bases of protest to the Transfer.

INTERROGATORY NO. 11.: Please describe any and all communications you have had with other protestants to the Transfer, including those that may have withdrawn their protests.

INTERROGATORY NO. 12.: If you believe the Transfer will allow for an enlargement, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 13.: If you believe that the Transfer is not consistent with the conservation of water resources within the state of Idaho, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 14.: If you believe that the Transfer is not in the local public interest, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 15.: Please identify any property you own and if there are water rights appurtenant to such property.

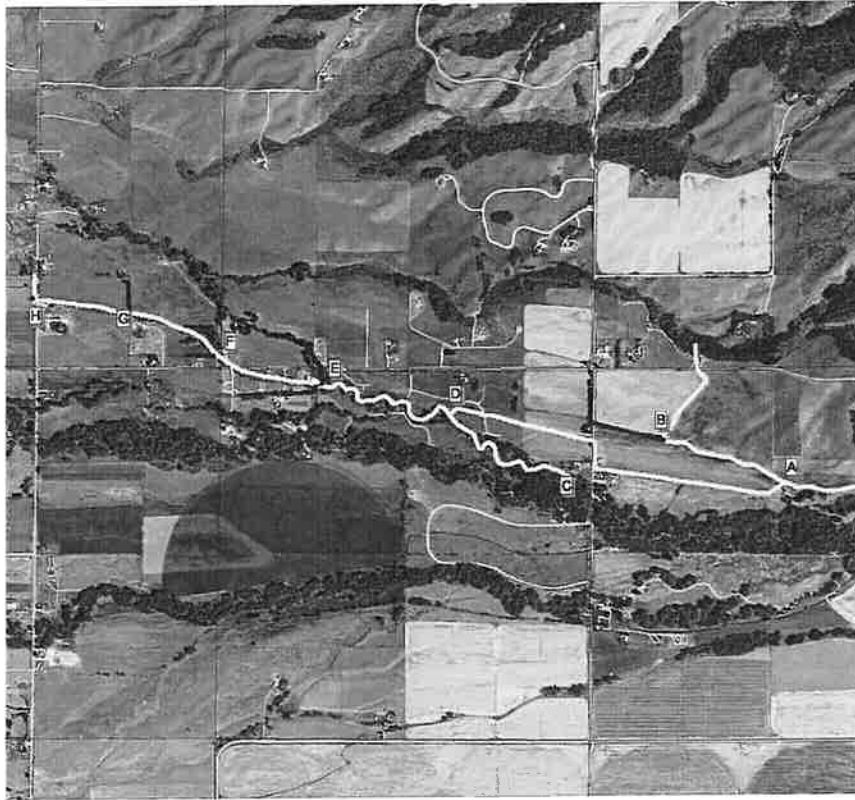
INTERROGATORY NO. 16.: Please explain what maintenance has been done on the North Leigh Canal by you or others that you are aware of in the past five (5) years.

INTERROGATORY NO. 17.: Please explain what maintenance has been done on the Hubbard Ditch by you or others that you are aware of in the past five (5) years.

INTERROGATORY NO. 18.: Please explain what actions you have taken, if any, to act as a canal manager/watermaster for the North Leigh Canal and the Hubbard Ditch.

INTERROGATORY NO. 19.: Please explain your understanding of how the determination is made of how much water to deliver to each water user on the North Leigh Canal and Hubbard Ditch. Stated another way, please describe how water is distributed from the North Leigh Canal and the Hubbard Ditch to you.

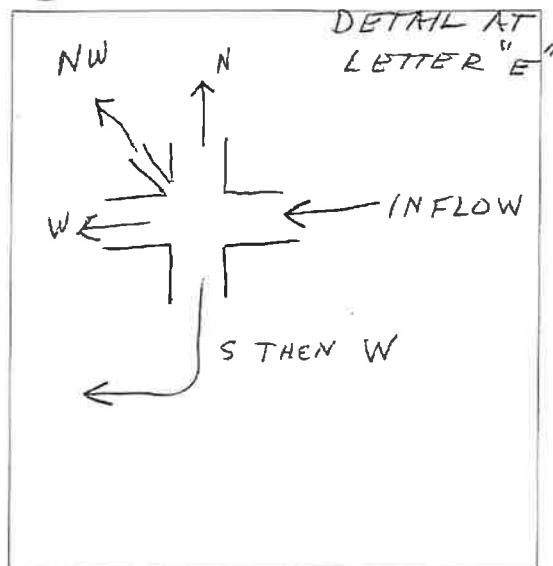
INTERROGATORY NO. 20.: Please refer to the following map and sketch and, to the extent you are involved in water delivery or have an understanding about water delivery on the North Leigh Creek Canal and Hubbard Ditch system, answer the following questions:



 Ditches (partial)
 Ditches
 Section Lines PLSS

**Map for Questions
 Regarding Ditch System**





300 E. Mallard Drive, Suite 350 • Boise, ID 83706
208.383.4140 • fax 208.383.4156 • www.sptwater.com

- a. At Point A, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point A, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point A, and how many cfs under each water right?
- b. At Point B, a ditch bifurcates.
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 - b. What water right(s) are conveyed to the north at Point B, and how many cfs under each water right?

- c. Point C represents a diversion from North Leigh Creek.
 - a. What water rights are diverted at this location, and how many cfs under each water right?
- d. At Point D, a ditch coming from Point A injects water into a ditch coming from Point C.
 - a. Is all the water conveyed to the west at Point A injected at Point D, other than seepage losses?
 - b. If not, how many cfs are delivered to lateral(s) between Point A and Point D, and under what water rights?
- e. At Point E, water coming from the east enters a structure illustrated conceptually in the attached sketch.
 - a. What water right(s) are conveyed to the north at Point E, and how many cfs under each right?
 - b. What water right(s) are conveyed to the northeast at Point E, and how many cfs under each right?
 - c. What water rights are delivered from the west-facing outlet of the structure at Point E, and how many cfs under each right?
 - d. What water rights are delivered from the south-facing outlet of the structure at point E, and how many cfs under each right?
- f. At Point F, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point F, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the northwest at Point F, and how many cfs under each water right?
- g. At Point G, a ditch bifurcates.
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- h. At Point H, a ditch bifurcates.
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II. REQUESTS FOR PRODUCTION

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REQUEST FOR PRODUCTION NO. 2.: Please produce any and all expert reports regarding the issues of this contested case available to you.

REQUEST FOR PRODUCTION NO. 3.: Please produce any and all documents identified in response to the above Interrogatories or used to derive the information for your responses to these *First Discovery Requests to Kyle D. Hansen*.

REQUEST FOR PRODUCTION NO. 4.: Please produce any and all documents relating to, evidencing, or on which you base your responses to the above Interrogatories.

REQUEST FOR PRODUCTION NO. 5.: Please produce copies of any and all emails, letters, or other communication between you and any of the other protestants (or the protestants' representatives), including those protestants that have withdrawn their protests, concerning the Transfer.

REQUEST FOR PRODUCTION NO. 6.: Please produce copies of deeds conveying title to the property irrigated with water rights you own or that you believe you own that are delivered through the North Leigh Canal and/or Hubbard Ditch.

REQUEST FOR PRODUCTION NO. 7.: Please produce copies of any lists of water rights that you use in the delivery and allocation of water delivered through the North Leigh Canal and the Hubbard Ditch in your actions as a canal manager or water user acting as a canal manager.

III. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that you are not the owner of any water rights that can be affected or injured by the Transfer.

REQUEST FOR ADMISSION NO. 2: Admit that the Transfer will not allow for an enlargement, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 3: Admit that the Transfer is consistent with the conservation of water resources within the state of Idaho, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 4: Admit that the Transfer is in the local public

interest, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 5: Admit that you are not the legal owner of any water rights delivered through the North Leigh Canal and/or the Hubbard Ditch.

REQUEST FOR ADMISSION NO. 6: Admit that you are not a lawyer authorized to practice law in the State of Idaho.

REQUEST FOR ADMISSION NO. 7: Admit that the Hubbard Ditch is currently in a state of disrepair.

Dated this 30th day of July, 2021.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July, 2021, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

DOCUMENT SERVED: FIRST DISCOVERY REQUESTS TO KYLE HANSEN

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Kyle D. Hansen
6345 N. 500 W.
Tetonia, ID 83452
hansenk36@gmail.com

- ☒ Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Courthouse Box
- ☒ Email



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

G:\WPDATA\RLH\21640-000 Grouse Creek Reserve, LLC (Gertmenian)\Discovery\Discovery Requests of Protestants\Discovery.Kyle Hansen.docx

Robert L. Harris (ISB #7018)
rharris@holdenlegal.com
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

Attorneys for Grouse Creek Reserve, LLC

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER 84788 IN THE NAME
OF GROUSE CREEK RESERVE, LLC

**FIRST DISCOVERY REQUESTS TO
RODNEY BARNES**

TO: RODNEY BARNES

YOU WILL PLEASE TAKE NOTICE that Applicant, Grouse Creek Reserve LLC, requires Protestant Rodney Barnes ("Barnes") to answer the following discovery requests pursuant to IDAPA 37.01.01.520 and the *Notice of Hearing and Scheduling Order* (issued July 19, 2021).

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your own personal knowledge.

If you cannot answer the discovery requests in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents, after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents,

the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

If you object to answering any portion of any of the following discovery requests based on a claim of privilege or work product, please so state by providing a complete description of the basis for the privilege upon which you base your objection.

Prior to answering these discovery requests, note the following definitions:

1. “You” and/or “Barnes” refers to Rodney Barnes, as well as each of his employees, agents, representatives (including insurance carriers), investigators, and attorneys.
2. “Grouse Creek Reserve” refers to Grouse Creek Reserve, LLC.
3. “Transfer” refers to Application for Transfer No. 84788.
4. “And” includes “or” and “and/or.”
5. “Facts” means all circumstances, events, and evidence pertaining to or touching upon the allegations set forth in the pleadings in this matter.

6. The term “document” or “documents” means any kind of written, typed, printed, graphic, photographic, videotaped, electronic, or computer-generated matter of any kind or nature, however produced or reproduced, including data or information that exists in electronic or data storage devices in any medium, any electronic files in their original format, as well as all mechanical or electronic sound recordings, and written transcripts thereof, however produced or reproduced, including all marginal notations, drafts, duplicates, and carbon copies thereof, whether in your control or not, in the possession of you or your counsel. If a document exists in both a paper form (or “hard copy”) and electronically, then a request to produce such documents shall be deemed to be a request to produce both the hard copy and the electronic copy of the document.

7. The terms “electronic” and “electronically” mean any and all digital or electronic files or means, however stored, including, but not limited to, local or remote computer hard disk drive, floppy disc, CD-ROM, tape drive, zip disk, flash or thumb drive, or any other electronic storage format or medium. Additionally, requests for production of electronic documents means production of such documents or computer files in their native format.

8. The term “identify,” when used with respect to documents or the description or identification of a document, shall be deemed to request the nature and subject matter of the documents; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared the document or who has knowledge of it; and the name, address, job title, and/or job capacity of the recipient(s) thereof.

9. 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 telephone numbers.

10. “Communicate” or “communication” refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face-to-face, by telephone, mail, e-mail, personal delivery, or otherwise.

11. 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 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, and when such communication took place.

12. “Evidencing” and “relating to” mean consisting of, summarizing, describing, referring to, dealing with, mentioning, etc.

13. Whenever the plural appears, the word shall include the singular, and vice versa.

14. All pronouns denoting gender which are in the masculine form shall be interpreted in light of the gender of the individual which the pronoun describes and vice versa.

15. Where knowledge or information in 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 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.

16. Each discovery request shall be accorded a separate answer and each subpart of a discovery request shall be accorded a separate answer.

17. PURSUANT TO RULE 26(e) OF THE IDAHO RULES OF CIVIL PROCEDURE, AS INCORPORATED INTO THIS MATTER BY IDAPA 37.01.01.520.02, THESE DISCOVERY REQUESTS ARE CONTINUING IN NATURE, SO AS TO REQUIRE YOU TO FILE SUPPLEMENTARY ANSWERS IN A REASONABLE MANNER.

I. INTERROGATORIES

INTERROGATORY NO. 1.: Please identify each individual who answered or provided information necessary to respond to the following interrogatories and requests for production.

INTERROGATORY NO. 2.: Please identify each and every person known to you who has any knowledge or who purports to have knowledge of any of the facts of this contested case.

INTERROGATORY NO. 3.: With respect to each person identified in response to Interrogatory No. 2, please set forth in detail the facts you believe are or may be known to such person.

INTERROGATORY NO. 4.: For each fact set forth in response to Interrogatory No. 3, above, identify any and all documents that relate to, describe, support, or otherwise reflect the facts known to each person.

INTERROGATORY NO. 5.: Please state the full name, current address, and telephone number of each and every person, including parties, you intend to call as a witness to testify on your behalf in this contested case.

INTERROGATORY NO. 6.: Please state with particularity the substance of the facts and opinions to which each person identified in response to Interrogatory No. 5 is expected to testify.

INTERROGATORY NO. 7.: Please identify in full and complete detail any reports, statements, affidavits, photographs, drawings, illustrations, written documents, electronic messages, diaries, calendars, notes, journals, tape recordings, and/or video tapes of which you possess or are aware that pertain to any issues in this contested case.

INTERROGATORY NO. 8.: Please state with particularity all facts and legal bases you have to assert that the Transfer will injure your water rights as described in the *Notice of Protest* to the Transfer you filed.

INTERROGATORY NO. 9.: Please describe any water rights owned by you (by water right number) that you believe will be interfered with or injured by this Transfer.

INTERROGATORY NO. 10.: Please identify any and all studies or other documents you believe support your bases of protest to the Transfer.

INTERROGATORY NO. 11.: Please describe any and all communications you have had with other protestants to the Transfer, including those that may have withdrawn their protests.

INTERROGATORY NO. 12.: If you believe the Transfer will allow for an enlargement, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 13.: If you believe that the Transfer is not consistent with the conservation of water resources within the state of Idaho, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 14.: If you believe that the Transfer is not in the local public interest, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 15.: Please explain what maintenance has been done on the North Leigh Canal by you or others that you are aware of in the past five (5) years.

INTERROGATORY NO. 16.: Please explain what maintenance has been done on the Hubbard Ditch by you or others that you are aware of in the past five (5) years.

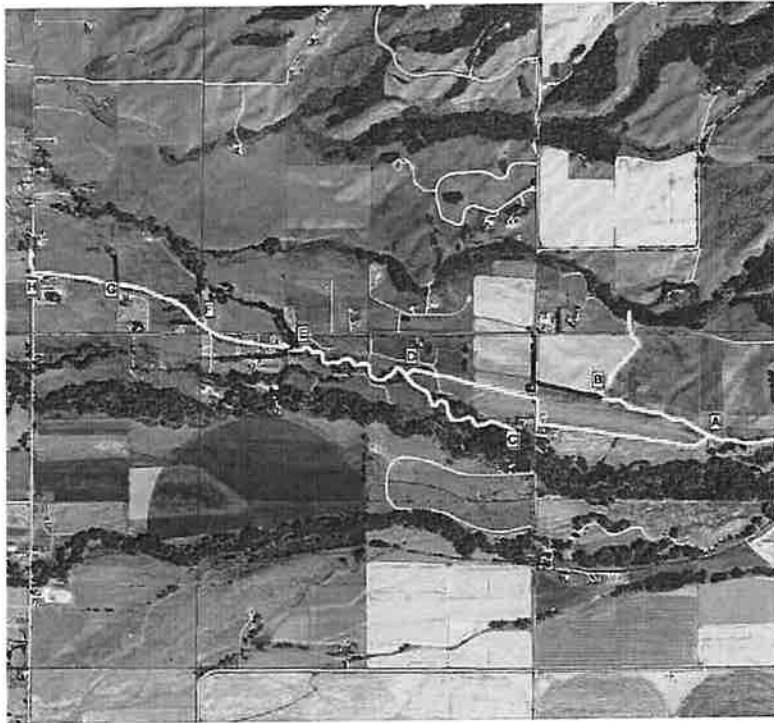
INTERROGATORY NO. 17.: Please explain what actions you have taken, if any, to act as a canal manager/watermaster for the North Leigh Canal and the Hubbard Ditch.

INTERROGATORY NO. 18.: Your protest indicates that you “need water to water livestock and irrigate pasture.” How many cattle use water from the Hubbard Ditch and/or North Leigh Canal and how many acres of pasture do you irrigate?

INTERROGATORY NO. 19.: Please describe which stockwater and/or irrigation water rights you have that authorize these uses on your property.

INTERROGATORY NO. 20.: Please explain your understanding of how the determination is made of how much water to deliver to each water user on the North Leigh Canal and Hubbard Ditch. Stated another way, please describe how water is distributed from the North Leigh Canal and the Hubbard Ditch to you.

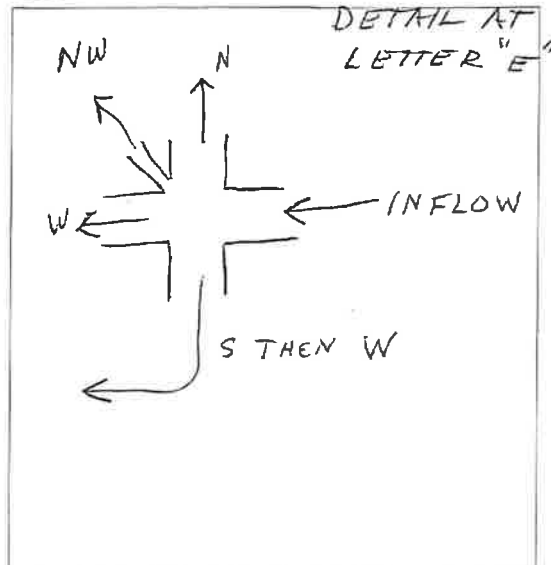
INTERROGATORY NO. 21.: Please refer to the following map and sketch and, to the extent you are involved in water delivery or have an understanding about water delivery on the North Leigh Creek Canal and Hubbard Ditch system, answer the following questions:



 Ditches (partial)
 Ditches
 Section Lines PLSS



Map for Questions
 Regarding Ditch System



300 E. Mallard Drive, Suite 350 • Boise, ID 83706
208.383.4140 • fax 208.383.4156 • www.splwater.com

- a. At Point A, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point A, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point A, and how many cfs under each water right?
- b. At Point B, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point B, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point B, and how many cfs under each water right?

- c. Point C represents a diversion from North Leigh Creek.
 - a. What water rights are diverted at this location, and how many cfs under each water right?
- d. At Point D, a ditch coming from Point A injects water into a ditch coming from Point C.
 - a. Is all the water conveyed to the west at Point A injected at Point D, other than seepage losses?
 - b. If not, how many cfs are delivered to lateral(s) between Point A and Point D, and under what water rights?
- e. At Point E, water coming from the east enters a structure illustrated conceptually in the attached sketch.
 - a. What water right(s) are conveyed to the north at Point E, and how many cfs under each right?
 - b. What water right(s) are conveyed to the northeast at Point E, and how many cfs under each right?
 - c. What water rights are delivered from the west-facing outlet of the structure at Point E, and how many cfs under each right?
 - d. What water rights are delivered from the south-facing outlet of the structure at point E, and how many cfs under each right?
- f. At Point F, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point F, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the northwest at Point F, and how many cfs under each water right?
- g. At Point G, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point G, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point G, and how many cfs under each water right?
- h. At Point H, a ditch bifurcates.
 - a. What water right(s) are conveyed to the west at Point H, and how many cfs under each water right?
 - b. What water right(s) are conveyed to the north at Point H, and how many cfs under each water right?

II. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1.: Please produce any and all documents you intend to produce at the hearing in this contested case.

REQUEST FOR PRODUCTION NO. 2.: Please produce any and all expert reports regarding the issues of this contested case available to you.

REQUEST FOR PRODUCTION NO. 3.: Please produce any and all documents identified in response to the above Interrogatories or used to derive the information for your responses to these *First Discovery Requests to Rodney Barnes*.

REQUEST FOR PRODUCTION NO. 4.: Please produce any and all documents relating to, evidencing, or on which you base your responses to the above Interrogatories.

REQUEST FOR PRODUCTION NO. 5.: Please produce copies of any and all emails, letters, or other communication between you and any of the other protestants (or the protestants' representatives), including those protestants that have withdrawn their protests, concerning the Transfer.

REQUEST FOR PRODUCTION NO. 6.: Please produce copies of deeds conveying title to the property irrigated with water rights you own or that you believe you own that are delivered through the North Leigh Canal and/or Hubbard Ditch.

REQUEST FOR PRODUCTION NO. 7.: Please produce copies of any lists of water rights that you use in the delivery and allocation of water delivered through the North Leigh Canal and the Hubbard Ditch in your actions as a canal manager or water user acting as a canal manager.

III. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that you do not own any water rights that are authorized to be diverted from North Leigh Creek at the Hubbard Ditch heading and/or the North Leigh Creek Canal heading with an authorized place of use on your property.

REQUEST FOR ADMISSION NO. 2: Admit that the Transfer will not allow for an enlargement, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 3: Admit that the Transfer is consistent with the

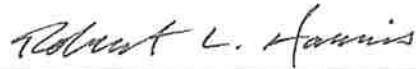
conservation of water resources within the state of Idaho, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 4: Admit that the Transfer is in the local public interest, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 5: Admit that you are not a lawyer authorized to practice law in the State of Idaho.

REQUEST FOR ADMISSION NO. 6: Admit that the Hubbard Ditch is currently in a state of disrepair.

Dated this 30th day of July, 2021.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

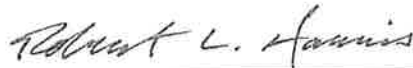
I hereby certify that on this 30th day of July, 2021, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

DOCUMENT SERVED: FIRST DISCOVERY REQUESTS TO RODNEY BARNES

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Rodney Barnes
c/o Brian Barnes
335 Parker Drive
Folsom, CA 95630
stoveman@silverstar.com

- ☒ Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Courthouse Box
- ☒ Email



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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Robert L. Harris (ISB #7018)
rharris@holdenlegal.com
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

Attorneys for Grouse Creek Reserve, LLC

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER 84788 IN THE NAME
OF GROUSE CREEK RESERVE, LLC

**FIRST DISCOVERY REQUESTS TO
RONALD D. HANSEN**

TO: RONALD D. HANSEN

YOU WILL PLEASE TAKE NOTICE that Applicant, Grouse Creek Reserve LLC, requires Protestant Ronald D. Hansen ("Hansen") to answer the following discovery requests pursuant to IDAPA 37.01.01.520 and the *Notice of Hearing and Scheduling Order* (issued July 19, 2021).

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your own personal knowledge.

If you cannot answer the discovery requests in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents, after exercising due diligence to

secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

If you object to answering any portion of any of the following discovery requests based on a claim of privilege or work product, please so state by providing a complete description of the basis for the privilege upon which you base your objection.

Prior to answering these discovery requests, note the following definitions:

1. “You” and/or “Hansen” refers to Ronald D. Hansen, as well as each of his employees, agents, representatives (including insurance carriers), investigators, and attorneys.

2. “Grouse Creek Reserve” refers to Grouse Creek Reserve, LLC.

3. “Transfer” refers to Application for Transfer No. 84788.

4. “And” includes “or” and “and/or.”

5. “Facts” means all circumstances, events, and evidence pertaining to or touching upon the allegations set forth in the pleadings in this matter.

6. The term “document” or “documents” means any kind of written, typed, printed, graphic, photographic, videotaped, electronic, or computer-generated matter of any kind or nature, however produced or reproduced, including data or information that exists in electronic or data storage devices in any medium, any electronic files in their original format, as well as all mechanical or electronic sound recordings, and written transcripts thereof, however produced or reproduced, including all marginal notations, drafts, duplicates, and carbon copies thereof, whether in your control or not, in the possession of you or your counsel. If a document exists in both a

paper form (or “hard copy”) and electronically, then a request to produce such documents shall be deemed to be a request to produce both the hard copy and the electronic copy of the document.

7. The terms “electronic” and “electronically” mean any and all digital or electronic files or means, however stored, including, but not limited to, local or remote computer hard disk drive, floppy disc, CD-ROM, tape drive, zip disk, flash or thumb drive, or any other electronic storage format or medium. Additionally, requests for production of electronic documents means production of such documents or computer files in their native format.

8. The term “identify,” when used with respect to documents or the description or identification of a document, shall be deemed to request the nature and subject matter of the documents; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared the document or who has knowledge of it; and the name, address, job title, and/or job capacity of the recipient(s) thereof.

9. 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 telephone numbers.

10. “Communicate” or “communication” refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face-to-face, by telephone, mail, e-mail, personal delivery, or otherwise.

11. 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 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, and when such communication took place.

12. “Evidencing” and “relating to” mean consisting of, summarizing, describing, referring to, dealing with, mentioning, etc.

13. Whenever the plural appears, the word shall include the singular, and vice versa.

14. All pronouns denoting gender which are in the masculine form shall be interpreted in light of the gender of the individual which the pronoun describes and vice versa.

15. Where knowledge or information in 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 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.

16. Each discovery request shall be accorded a separate answer and each subpart of a discovery request shall be accorded a separate answer.

17. PURSUANT TO RULE 26(e) OF THE IDAHO RULES OF CIVIL PROCEDURE, AS INCORPORATED INTO THIS MATTER BY IDAPA 37.01.01.520.02, THESE DISCOVERY REQUESTS ARE CONTINUING IN NATURE, SO AS TO REQUIRE YOU TO FILE SUPPLEMENTARY ANSWERS IN A REASONABLE MANNER.

I. INTERROGATORIES

INTERROGATORY NO. 1.: Please identify each individual who answered or provided information necessary to respond to the following interrogatories and requests for production.

INTERROGATORY NO. 2.: Please identify each and every person known to you who has any knowledge or who purports to have knowledge of any of the facts of this contested case.

INTERROGATORY NO. 3.: With respect to each person identified in response to Interrogatory No. 2, please set forth in detail the facts you believe are or may be known to such person.

INTERROGATORY NO. 4.: For each fact set forth in response to Interrogatory No. 3, above, identify any and all documents that relate to, describe, support, or otherwise reflect the facts known to each person.

INTERROGATORY NO. 5.: Please state the full name, current address, and telephone number of each and every person, including parties, you intend to call as a witness to testify on your behalf in this contested case.

INTERROGATORY NO. 6.: Please state with particularity the substance of the facts and opinions to which each person identified in response to Interrogatory No. 5 is expected to testify.

INTERROGATORY NO. 7.: Please identify in full and complete detail any reports, statements, affidavits, photographs, drawings, illustrations, written documents, electronic messages, diaries, calendars, notes, journals, tape recordings, and/or video tapes of which you possess or are aware that pertain to any issues in this contested case.

INTERROGATORY NO. 8.: Please state with particularity all facts and legal bases you have to assert that the Transfer will injure your water rights as described in the *Notice of Protest* to the Transfer you filed.

INTERROGATORY NO. 9.: Please describe any water rights owned by you (by water right number) that you believe will be interfered with or injured by this Transfer.

INTERROGATORY NO. 10.: Please identify any and all studies or other documents you believe support your bases of protest to the Transfer.

INTERROGATORY NO. 11.: Please describe any and all communications you have had with other protestants to the Transfer, including those that may have withdrawn their protests.

INTERROGATORY NO. 12.: If you believe the Transfer will allow for an enlargement, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 13.: If you believe that the Transfer is not consistent with the conservation of water resources within the state of Idaho, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 14.: If you believe that the Transfer is not in the local public interest, as described under Idaho Code § 42-222, please describe with particularity the basis for such belief.

INTERROGATORY NO. 15.: Please identify all members and managers of Ivy Enterprises LLC.

INTERROGATORY NO. 16.: Please identify all documents executed by Ivy Enterprises LLC authorizing you to protest the Transfer on behalf of Ivy Enterprises LLC and/or explain the basis for you to protest on its behalf.

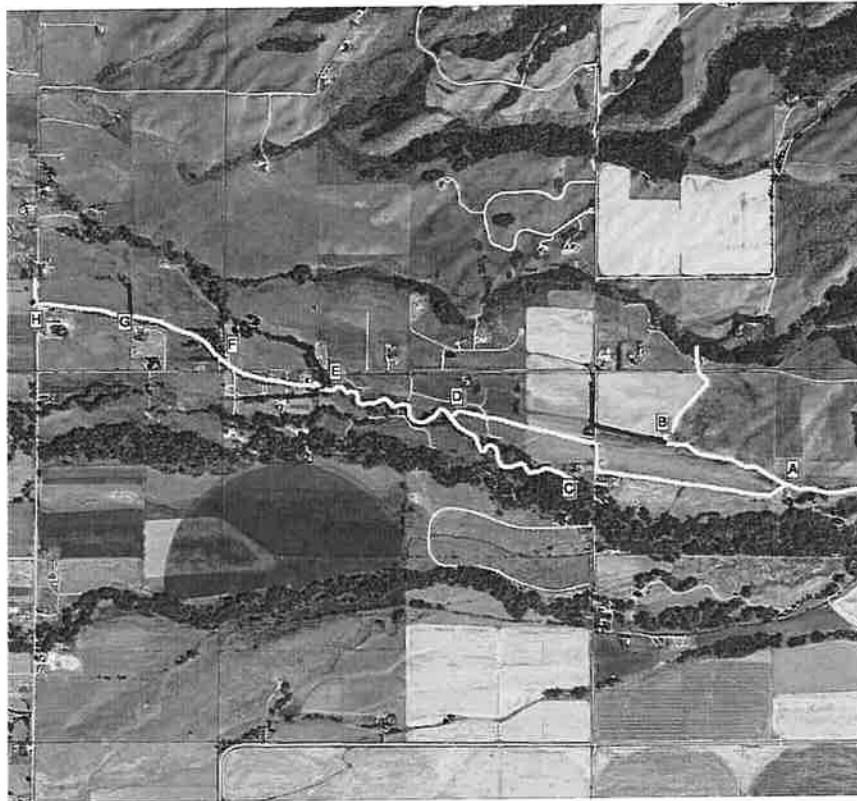
INTERROGATORY NO. 17.: Please explain what maintenance has been done on the North Leigh Canal by you or others that you are aware of in the past five (5) years.

INTERROGATORY NO. 18.: Please explain what maintenance has been done on the Hubbard Ditch by you or others that you are aware of in the past five (5) years.

INTERROGATORY NO. 19.: Please explain what actions you have taken to act as a canal manager/watermaster for the North Leigh Canal and the Hubbard Ditch.

INTERROGATORY NO. 20.: Please explain how you determine how much water to deliver to each water user on the North Leigh Canal and Hubbard Ditch. Stated another way, please describe how you divert water into and distribute water from the North Leigh Canal and the Hubbard Ditch.

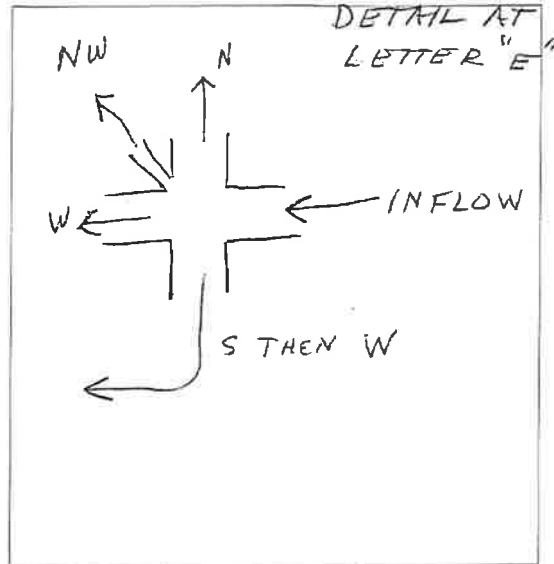
INTERROGATORY NO. 21.: Please refer to the following map and sketch and answer the following questions:



**Map for Questions
Regarding Ditch System**

 Ditches (partial)
 Ditches
 Section Lines PLSS





300 E. Mallard Drive, Suite 350 • Boise, ID 83706
208.383.4140 • fax 208.383.4156 • www.splwater.com

- a. At Point A, a ditch bifurcates.
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 - b. What water right(s) are conveyed to the north at Point B, and how many cfs under each water right?

- c. Point C represents a diversion from North Leigh Creek.
 - a. What water rights are diverted at this location, and how many cfs under each water right?
- d. At Point D, a ditch coming from Point A injects water into a ditch coming from Point C.
 - a. Is all the water conveyed to the west at Point A injected at Point D, other than seepage losses?
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III. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that you are not the owner of any water rights that can be affected or injured by the Transfer.

REQUEST FOR ADMISSION NO. 2: Admit that the Transfer will not allow for an enlargement, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 3: Admit that the Transfer is consistent with the

conservation of water resources within the state of Idaho, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 4: Admit that the Transfer is in the local public interest, as described under Idaho Code § 42-222.

REQUEST FOR ADMISSION NO. 5: Admit that you are not the legal owner of any water rights delivered through the North Leigh Canal and/or the Hubbard Ditch.

REQUEST FOR ADMISSION NO. 6: Admit that you are not a lawyer authorized to practice law in the State of Idaho.

REQUEST FOR ADMISSION NO. 7: Admit that the Hubbard Ditch is currently in a state of disrepair.

Dated this 30th day of July, 2021.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July, 2021, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

DOCUMENT SERVED: FIRST DISCOVERY REQUESTS TO RONALD D. HANSEN

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Ronald D. Hansen
6935 N. 500 W.
Tetonia, ID 83452
hansenranch@msn.com

- ☒ Mail
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Courthouse Box
- ☒ Email



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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