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Attorneys for Applicants Robert & Jana Linderman

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT TO
APPROPRIATE WATER
NO. 47-17664

IN THE NAME OF:
ROBERT K. & JANA L. LINDERMAN

APPLICANTS' SUPPLEMENTED
RESPONSES TO INTERROGATORIES AND
RESPONSES TO REQUESTS FOR
PRODUCTION OF DOCUMENTS

COMES NOW Applicants, Robert Linderman and Jana Linderman, husband and wife, and provide supplemented answers and responses to Protestants, James Michael Hamilton and Sally Hamilton's Interrogatories and Requests for Production of Documents, served on September 18, 2020, as follows:

ANSWERS TO INTTEROGATORIES

INTERROGATORY NO. 2: For any water used on your property in the last 10 years, state and describe with specificity for every type or purpose of use:

- a. Each source and specific place from which the water has been diverted and/or re-diverted from the public waters of the State of Idaho;
- b. Each collection and/or diversion system put in place or used to capture or divert any water used;
- c. Each conveyance system or works put in place or used to move water from where it is collected to where it is used;



- d. The amount diverted and/or otherwise used (flow rates and volumes);
- e. The time period of each use, including its frequency and duration;
- f. The water right, permit, license, water share, agreement or other basis under which you contend each use was authorized or allowed;
- g. The specific contact information (name, address, email, phone number) of each person having personal knowledge of the information provided in your response to a. through f., above, and what that person purports to know that is pertinent; and
- h. A description of each document showing or related to any of the above (what the document is, who possesses it or a copy of it, its date and subject matter, who authored or commented on it, and what it purports to show or establish.

If you contend the proposed transfer may injure other water rights, state all the facts that support this contention.

ANSWER NO. 2: Applicants have not had possession of their real property for ten years and therefore are without personal knowledge as to certain information requested in this interrogatory. However, Applicants state as follows:

- a. Applicants have on their property at issue a culvert which receives water diverted from drain tiles located on the property. The location of the culvert is at a diversion point which then flows to the nearby creek;
- b. Applicants capture rainwater, irrigation, and other runoff water from neighboring properties through the use of drain tiles located on the property. This water is collected in a culvert located on the property, any unused water is redistributed at the diversion point to the nearby creek;
- c. Applicants' system to move water from its point of storage to its place of use is accomplished by means of an irrigation pump which is approximately 1.5hp. The pump is used to pressurize water which is then distributed to irrigate the property;
- d. Applicants make request for 0.02 CFS rate of diversion for the amount diverted and/or otherwise used (flow rates and volumes). Applicant is without knowledge as to the actual flow rate and volumes used, however, the flow rate is less than 0.02 CFS, because use in excess of this amount would result in detrimental oversaturation of the property;
- e. Applicants use of the water varies depending on weather conditions, but in general the use occurs between the months of April – October with a duration of about a few hours per day;

- f. Applicants' request for water is from an unnamed stream tributary to Mud Creek and are not aware of a particular water right, permit, license, water share and/or agreement. However, Applicant's request is based pursuant to the IDWR's guidelines;
- g. Applicants, Robert and Jana Linderman c/o Angstman Johnson 516 Hansen St E, Twin Falls, ID 83301, 208-384-8588; James Michael & Sally Hamilton c/o Patrick D. Brown, Esq. PO Box 125, Twin Falls ID 83301, 208-733-5004; and unknown individuals of which not all names are known, but may include Corey Skinner, Southern Regional Manager, IDWR;
- h. Applicants' refer Protestants to the records on file with the IDWR to date in reference to the Application for Permit.

Applicants do not contend the proposed transfer may injure other water rights.

DATED this 20th day of November 2020.

ANGSTMAN JOHNSON

By: /s/ Nathan A. Fowler
Nathan A. Fowler
Attorney for Applicants

VERIFICATION

STATE OF IDAHO)
): ss
County of Twin Falls)

ROBERT LINDERMAN, being first duly sworn upon oath, depose and state:

That I have read the foregoing APPLICANTS' ANSWERS AND RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION, know the contents thereof, and believe the same to be true and correct to the best of my knowledge, information, and belief.

ROBERT LINDERMAN

SUBSCRIBED AND SWORN to before me this _____ day of November 2020.

NOTARY PUBLIC
Residing in:

CERTIFICATE OF SERVICE –I.R.C.P. 5(f)

I HEREBY CERTIFY that I caused the foregoing instrument to be served upon the following persons in the manner indicated on November 20, 2020:

Patrick D. Brown, ISB No. 4413
Patrick D. Brown, P.C.
516 Hansen Street East
Twin Falls, ID 83301
Via email: pat@pblaw.co

/s/ Nathan A. Fowler
NATHAN A. FOWLER, Attorney for Applicants