

JUL 06 2020

WATER RESOURCES
WESTERN REGION

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Intermountain Sewer & Water, Corp.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTERS OF APPLICATION FOR
AMENDMENT OF PERMIT NO. 63-32225
IN THE NAME OF INTERMOUNTAIN
SEWER & WATER, CORP. AND
APPLICATION FOR TRANSFER NO. 83875
IN THE NAME OF GREGORY B.
JOHNSON

APPLICANTS' FIRST SET OF DISCOVERY
REQUESTS TO LACEY WILDE

TO: PROTESTANT LACEY WILDE:

YOU WILL PLEASE TAKE NOTICE that Applicants, Intermountain Sewer and Water Corp., and Gregory B. Johnson (hereinafter collectively referred to as the "Applicants") by and through its attorneys of record Sawtooth Law Offices, PLLC, require you to answer under oath the following discovery requests within fourteen (14) days from the service hereof, and in conformance with the *Order Consolidating Matters for Hearing, Notice of Status Conference, Notice of Hearing, and Scheduling Order*, dated June 19, 2020 in this matter and all provisions of Rules 26, 33 and 34 of the Idaho Rules of Civil Procedure.

DEFINITIONS

The following terms used herein have the following meanings, unless otherwise indicated:

1. The term “answering party” refers to the party or parties to whom this request is directed, as identified above.
2. A “communication” includes, but is not limited to, all oral conversations, discussions, letters, telegrams, memoranda, e-mail, facsimile transmission, and any other transmission of information in any form, both oral and written.
3. A “document” includes, but is not limited to, all written or printed matter of any kind, including legal documents, letters, memoranda, business records, interoffice communications, notes, diary entries, reports, compilations, and data stored electronically, which are in possession or control of the answering party.
4. To “identify” means to (a) state a person’s full name, occupation, home address, business address, home telephone number, business telephone number, and present and past relationship to any party; and/or (b) state the title of any document, who prepared it, when it was prepared, where it is located, and who its custodian is.
5. “Hearing” shall mean any evidentiary hearing, contested hearing, and/or trial in relation to the above-titled matter.
6. “Application” shall mean above-titled Application for Transfer No. 83875 in the name of Gregory B. Johnson.
7. A “record” includes, but is not limited to, any document, writing, drawing, graph, chart, photograph, video, phono record, data compilation, or any other tangible item containing or depicting sound, visual images, or data.

8. The term “requesting party” refers to the party making this request and requiring a response, as identified above.

9. The term “you” and/or “your” refers to the answering party.

INSTRUCTIONS

1. In responding to these discovery requests, furnish all information available to you, including information in the possession of your attorneys (and investigators, experts, etc., retained by you and your attorneys), not merely information known of your own personal knowledge.

2. If you cannot respond to the following 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 and knowledge you have concerning the unanswered portion.

3. These discovery requests are deemed continuing and your answers thereto are to be supplemented as additional information and knowledge becomes available or known to you.

4. The requesting party reserves the right to ask additional interrogatories and request additional documents or admissions, and/or take oral depositions.

5. Your failure to supply answers and/or supplementary answers to any interrogatory, request for production, or request for admission contained herein will result in an objection at any trial or evidentiary hearing in this matter where you attempt to call as a witness, offer a record, or contest an admission not so identified, provided, or denied in accordance with these discovery requests.

INTERROGATORIES

INTERROGATORY NO. 1: PERSONS WITH KNOWLEDGE. Please identify and provide the name, address, and telephone number of each individual that purports to have

knowledge or is likely to have discoverable information relevant to the disputed and undisputed facts at issue in this Application, as determinable from the pleadings filed incident to this action, and identify the subjects of the information possessed by each individual.

INTERROGATORY NO. 2: POTENTIAL WITNESSES. Please identify those persons who you may call as witnesses at any hearing/trial, and for each such witness, state the substance of his/her expected testimony.

INTERROGATORY NO. 3: YOUR COMMUNICATIONS AND STATEMENTS. If you or any of your agents or representatives are aware of any communications or statements made by you or anyone on your behalf, oral or written, which relate to any of the issues involved in this Application, as determinable from the pleadings filed incident to this action, for each such communication or statement, please state:

- (a) The date and time it was made;
- (b) The place it was made;
- (c) Whether it was oral or written;
- (d) The identity (*i.e.*, please identify) of each person who claims to have knowledge of the statement; and
- (e) The substance of the statement.

INTERROGATORY NO. 4: OUR COMMUNICATIONS AND STATEMENTS. If you or any of your agents or representatives are aware of any communications or statements made by the requesting party or anyone on the requesting party's behalf, oral or written, which relate to any of the issues involved in this Application, as determinable from the pleadings filed incident to this action, for each such communication or statement, please state:

- (a) The date and time it was made;

- (b) The place it was made;
- (c) Whether it was oral or written;
- (d) The identity (*i.e.*, please identify) of each person who claims to have knowledge of the statement; and
- (e) The substance of the statement.

INTERROGATORY NO. 5: COMMUNICATIONS AND STATEMENTS OF OTHER PARTIES. If you or any of your agents or representatives are aware of any communications or statements made by any other parties to this Application/action, oral or written, which relate to any of the issues involved in this action, as determinable from the pleadings filed incident to this action, for each such communication or statement, please state:

- (a) The date and time it was made;
- (b) The place it was made;
- (c) Whether it was oral or written;
- (d) The identity (*i.e.*, please identify) of each person who claims to have knowledge of the statement; and
- (e) The substance of the statement.

INTERROGATORY NO. 6: POTENTIAL TRIAL EXHIBITS. Identify each and every document, record, or exhibit which you intend to use at any hearing/trial, including applicable dates, persons involved in, and subject matter or nature. For each such document, record, or exhibit, please attach a copy to your responses to these discovery requests.

INTERROGATORY NO. 7: IDENTITY OF DOCUMENTS AND RECORDS. Identify each and every document or record which you know to be in existence which pertains to any of the issues involved in this Application, as determinable from the pleadings filed incident to this

action. For each such document or record, please attach a copy to your answers to these responses to these discovery requests.

INTERROGATORY NO. 8: EXPERTS. Identify each person you may call as an expert witness at the hearing/trial of this matter and, as to each, please state the information listed in Idaho Rule of Civil Procedure 26(b)(4)(A)(i).

INTERROGATORY NO. 9: PREPARATION OF DISCOVERY RESPONSES. Please identify each and every person that was contacted or consulted in preparation of your answers and responses to these discovery requests, or who otherwise participated in the preparation of your answers and responses to these Discovery Requests.

INTERROGATORY NO. 10: PROTESTS. Specifically set forth each material fact and identify each specific document which supports your Protests to this Application.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: RELEVANT DOCUMENTS. Please produce a copy of all documents, data compilations, and tangible things in the possession, custody, or control of you that are relevant to the disputed and undisputed facts at issue in this action, as determinable from the pleadings filed incident to this action.

REQUEST FOR PRODUCTION NO. 2: SUPPORTIVE DOCUMENTS. Please produce any and all documents and records identified, relied on, or supportive of any response to the above Interrogatories, as well as any and all documents reviewed in preparing your answers to the above Interrogatories.

REQUEST FOR PRODUCTION NO. 3: POTENTIAL TRIAL EXHIBITS. Please produce all documents and records which you intend to offer into evidence at any Hearing/Trial.

REQUEST FOR PRODUCTION NO. 4: AUDIO RECORDINGS. Please produce copies of any audio or tape recordings of any conversations between you and any third parties,

including the requesting party, provided such conversation are relevant to the issues involved in this action, as determinable from the pleadings filed incident to this action.

REQUEST FOR PRODUCTION NO. 5: EXPERT REPORTS. Please produce all records, documents and things in your possession that relate to, support, reference or pertain to your Answer to Interrogatory No. 8.

REQUEST FOR PRODUCTION NO. 6: Please produce all records, documents and things in your possession that relate to, support, reference or pertain to your Answer to Interrogatory No. 10.

DATED this 2nd day of July, 2020.

SAWTOOTH LAW OFFICES, PLLC

By /s/ S. Bryce Farris
S. Bryce Farris
Attorneys for Gregory B. Johnson and
Intermountain Sewer & Water, Corp.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of July, 2020, I caused a true and correct copy of the foregoing **APPLICANTS' FIRST SET OF DISCOVERY REQUESTS TO LACEY WILDE** to be served by the method indicated below, and addressed to the following:

Cynthia Bridge Clark, Hearing Officer
Idaho Department of Water Resources
322 E. Front Street, 6th Floor
Boise, ID 83720-0098
T (208) 287-4800
F (208) 287-6700
E cynthia.clark@idwr.idaho.gov

☒ (X) U.S. Mail, Postage Prepaid
☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile
☒ (X) Email / CM/ECF

Nick Miller
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☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile
☒ (X) Email / CM/ECF

/s/ S. Bryce Farris
S. Bryce Farris