

does not constitute a waiver of their right to object to any future additional, or supplemental, discovery request regarding the same or similar matters.

5. Each of these objections is incorporated into the response to each of the Interrogatories and each of the Requests for Production of Documents as though set forth verbatim therein.

6. Applicant reserves the right to supplement these responses pursuant to the Idaho Rules of Civil Procedure.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit water rights 74-740, 74-741, 74-742, and 74-7147 allow for 5.76 cfs of Lemhi River water to be used on 186.2 acres, which is .03 cfs of water per acre.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Objection, the hearing office did not authorize requests for admission. Without waiving said objection, the Applicant admits that if the pending transfer (80150) is approved, then Water Right Nos. 74-740, 74-741, 74-742, and 74-7147 will authorize the irrigation of a common place of use of 186.2 acres. Prior to the transfer, these water rights did not have a combined place of use, and collectively could irrigate 206.7 acres. Transfer No. 80150 removed overlapping places of use to arrive at a place of use of 186.2 acres. If you divide the total acres (186.2) by the total diversion rate of all of the above water rights (5.76 cfs), the result is .031 cfs/acre.

REQUEST FOR ADMISSION NO. 2: Admit water rights 74-740, 74-741, 74-742, and 74-7147 do not limit the diversion rates when the water rights are exercised in combination.