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APR 14 2003

Department of Water Resources

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
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Telephone: (208) 333-0622
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Attorney for the Estate of Eleanor I. Chase

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF)
APPLICATION FOR PERMIT NO. 63-12448) ESTATE'S RESPONSE TO APPLICANT'S
IN THE NAME OF THE CITY OF EAGLE) SECOND SET OF INTERROGATORIES,
REQUESTS FOR ADMISSIONS AND
PRODUCTION

DESCRIPTIVE SUMMARY

Pursuant to the Idaho Rules of Civil Procedure, the Estate of Eleanor I. Chase ("the Estate") provides the following responses to the Applicant's Second Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents.

GENERAL OBJECTIONS AND QUALIFICATIONS

The Estate has not yet completed its own discovery. Therefore, the responses that follow are based upon the best knowledge, information and belief of the Estate at this time. The Estate reserves the right to provide any further responses if it appears that any omission or error has been made in connection with these answers or that more accurate information is or has become available. These answers are made without prejudice to the Estate's right to use at trial such evidence that may later be discovered or evaluated.

ESTATE'S RESPONSE TO APPLICANT'S SECOND SET OF INTERROGATORIES,
REQUESTS FOR ADMISSIONS AND PRODUCTION – 1

These responses are provided in accordance with the Idaho Rules of Civil Procedure irrespective of any definitions or instructions that may accompany the interrogatories, requests for admissions, and requests for production. These responses are made subject to all objections as to competence, relevance, and admissibility. These responses are subject to all objections that would require the exclusion of any statement or information provided herein. All such objections are reserved and may be interposed at the time of hearing or trial. The Estate specifically objects to these discovery requests to the extent they seek information protected by the attorney-client privilege, work-product protections, and the rules governing the discovery of information from experts. This objection applies to all discovery requests that may be interpreted to seek such information. The Estate will supplement these responses pursuant to Rule 26(e) as new or additional information becomes available. Objection is also made to the time and place for production of documents as unreasonable. Objection is also made to the Applicant's definitions of "injury," "maintenance," "primary water right," and "supplemental water right." The responses herein shall be made in accordance with the common understanding of such terms and as such terms may be regarded by the Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 22: Please describe in full and complete detail the basis for the Chase Estate's protest to the City's application.

RESPONSE: Objection is made on the basis that the interrogatory seeks attorney work product. Without waiving the objection, the following response is provided. The protest is based on the concern that the Applicant's proposed amendment will injure the

Estate's water rights, constitute an enlargement in the use of the original right, conflict with the local public interest, and is contrary to conservation of water resources within the state of Idaho.

INTERROGATORY NO. 23: If any person or entity other than the individuals identified in your response to interrogatory no.8 has any interest in any portion(s) of the water right(s) or claim(s) to water right(s) appurtenant to the 120 acres of property referenced in your response to interrogatory nos. 7-8, please specify each particular person or entity and describe the water right or claim and the interest held by each.

RESPONSE: Objection to the form of question as misleading and confusing. The question requests information relating to "120 acres of property referenced in your response to interrogatory nos. 7-8." However, there is no such reference to a 120-acre parcel in either interrogatory no. 7 or 8. Interrogatory nos. 7 and 8 reference an 80-acre parcel.

INTERROGATORY NO. 24: Please identify any pending contracts for sale or conveyance of any portion(s) of the water right(s) or claim(s) to water right(s) appurtenant to the 120 acres of property referenced in your response to interrogatory nos. 7-8

RESPONSE: Objection to the form of question as misleading and confusing. The question requests information relating to "120 acres of property referenced in your response to interrogatory nos. 7-8." However, there is no such reference to a 120-acre parcel in either interrogatory no. 7 or 8. Interrogatory nos. 7 and 8 reference an 80-acre parcel. Also object to relevancy.

INTERROGATORY NO. 25: Please identify the current legal owner of the 120 acres of property referenced in your response to interrogatory nos. 7-8.

RESPONSE: Objection to the form of question as misleading and confusing. The question requests information relating to “120 acres of property referenced in your response to interrogatory nos. 7-8.” However, there is no such reference to a 120-acre parcel in either interrogatory no. 7 or 8. Interrogatory nos. 7 and 8 reference an 80-acre parcel.

INTERROGATORY NO. 26: If any portion(s) of the 120 acres property referenced in your response to interrogatory nos. 7-8 is owned by a different owner(s) than identified in your response to interrogatory no. 8, please specify each particular legal owner and the description of the part of property owned by each.

RESPONSE: Objection to the form of question as misleading and confusing. The question requests information relating to “120 acres of property referenced in your response to interrogatory nos. 7-8.” However, there is no such reference to a 120-acre parcel in either interrogatory no. 7 or 8. Interrogatory nos. 7 and 8 reference an 80-acre parcel.

INTERROGATORY NO. 27: Please any identify any pending contracts for sale of the 120 acres, or any portion thereof, of property referenced in your response to interrogatory nos. 7-8.

RESPONSE: Objection to the form of question as misleading and confusing. The question requests information relating to “120 acres of property referenced in your response to interrogatory nos. 7-8.” However, there is no such reference to a 120-acre

parcel in either interrogatory no. 7 or 8. Interrogatory nos. 7 and 8 reference an 80-acre parcel. Also object to relevancy.

INTERROGATORY NO. 28: Please identify any agreement between the Chase Estate and United Water Idaho.

RESPONSE: Object to relevancy. Without waiving the objection, the Estate entered into an agreement with United Water of Idaho relating to the IMAP transfer application.

INTERROGATORY NO. 29: If you deny any of the City's Requests for Admission, for each denial please describe the basis for the denial.

RESPONSE: Object to this interrogatory as overly broad, vague, and unduly burdensome. Without waiving these objections, the explanations for such denials are set forth in the responses to the requests for admissions.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 11: Please admit that the Chase Estate has entered into an agreement with United Water Idaho giving United Water Idaho a legal interest in all or a portion of the water rights or claims to water rights appurtenant to the 120 acres identified in your response to interrogatory nos. 7- 8.

RESPONSE: Objection to the form of the request as misleading and confusing. The request seeks an admission relating to "120 acres identified in your response to interrogatory nos. 7-8." However, there is no such reference to a 120-acre parcel in either interrogatory no. 7 or 8. Interrogatory nos. 7 and 8 reference an 80-acre parcel. Based on the foregoing objections, deny.

REQUEST FOR ADMISSION NO. 12: Please admit that the Chase Estate has entered into an agreement with United Water Idaho authorizing United Water Idaho to provide water to all or a portion of the 120 acres identified in your response to interrogatory nos. 7- 8.

RESPONSE: Objection to the form of the request as misleading and confusing. The request seeks an admission relating to “120 acres identified in your response to interrogatory nos. 7-8.” However, there is no such reference to a 120-acre parcel in either interrogatory no. 7 or 8. Interrogatory nos. 7 and 8 reference an 80-acre parcel. Based on the foregoing objection, deny.

REQUESTS FOR PRODUCTION

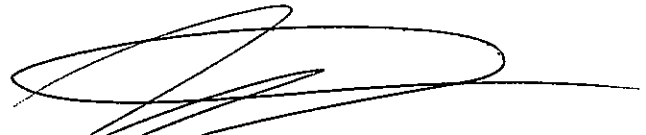
REQUEST FOR PRODUCTION NO. 12: Please produce any agreement between the Chase Estate and United Water Idaho.

RESPONSE: Objection to this request is made on the basis of relevancy. Without waiving the objection, the Applicant may review the Estate’s non-privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate’s attorney at (208) 333-0622.

REQUEST FOR PRODUCTION NO. 13: If you denied any of the City’s requests for admission, please produce all the evidence for each individual denial that you contend supports your denial.

RESPONSE: See responses to admissions above.

DATED this 2 day of April, 2003.

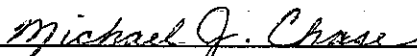


MATT J. HOWARD

VERIFICATION

STATE OF IDAHO)
)ss.
County of Ada)

The Estate of Eleanor I. Chase, being first duly sworn upon oath, depose and say that it has read the foregoing document, knows the contents thereof, and states the same to be true and correct to the best of its knowledge.



The Estate of Eleanor I. Chase
By: Michael J. Chase

SUBSCRIBED AND SWORN to before me this 3 day of April, 2003.



Notary Public for Idaho
Residing at Bonne Terre
My Commission Expires 2/7/06

CERTIFICATE OF SERVICE

The undersigned certifies that on the 11 day of April 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) by the method indicated below:

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

U.S. Mail

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

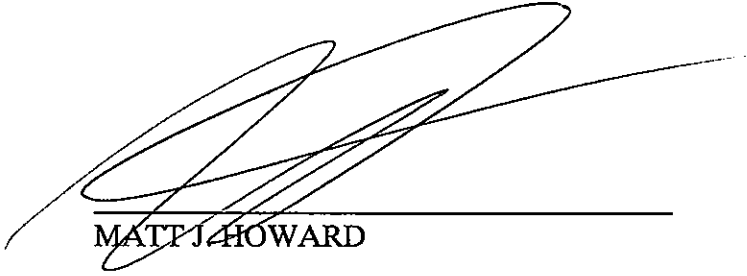
U.S. Mail

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Facsimile

Bruce Smith, Esq.
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702

Facsimile



MATT J. HOWARD

APR - 9 2003

Department of Water Resources

BRUCE M. SMITH, ISB # 3425
 TAMMY A. ZOKAN, ISB # 5450
 MOORE SMITH BUXTON & TURCKE, CHARTERED
 225 North 9th, Suite 420
 Boise, Idaho 83702
 Telephone: (208) 331-1800
 Facsimile: (208) 331-1202

Attorney for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF) THE CITY OF EAGLE'S THIRD
 APPLICATION FOR PERMIT NO. 63-12448) SUPPLEMENTAL RESPONSE TO THE
 IN THE NAME OF THE CITY OF EAGLE) ESTATE'S FIRST SET OF
) INTERROGATORIES, REQUESTS FOR
) PRODUCTION OF DOCUMENTS, AND
) REQUESTS FOR ADMISSIONS
)
 _____)

THE CITY OF EAGLE BY AND THROUGH ITS ATTORNEY, BRUCE M. SMITH
 HEREBY provides its third supplemental response to the interrogatories, requests for production
 of documents, and requests for admissions by the Chase Estate, dated February 5, 2003. As a
 general objection, the City objects to providing any response or producing any documents
 protected by the attorney client or work product privileges.

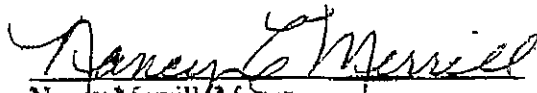
REQUESTS FOR PRODUCTION

REQUEST NO. 5: Please produce copies of all City Council minutes, transcripts,
 memoranda, and related documents that relate to the Application.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 5: The
 City objects to this Request because it is overbroad, unduly burdensome and requests the

production of privileged information. Notwithstanding the City's objection, see copies of relevant City Council meeting minutes referencing the City's application to amend permit no. 63-12448. The meeting minutes are dated from July 2001 - January 28, 2003 and the relevant portions have been highlighted for ease of reference.

DATED this ____ day of April, 2003.


Nancy Merrill, Mayor
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

The undersigned certifies that on the ____ day of April 2003, a true and correct copy of the City's Third Supplemental Response to the Chase Protestants First Set of Interrogatories, Requests for Production and Requests for Admissions was sent to the following person(s) as indicated below:

IDWR State Office *Via U.S. Mail*
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

Jim Burton *Via U.S. Mail*
1896 N. Eagle Rd.
Eagle, ID 83616

Weldon Fisher *Via U.S. Mail*
546 E. Beacon Light Rd.
Eagle, ID 83616

Molly O'Leary, Esq. *Via U.S. Mail*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Matt Howard, Esq. *Via U.S. Mail*
P.O. Box 190012
Boise, Idaho 83719

TAMMY A. ZOKAN

production of privileged information. Notwithstanding the City's objection, see copies of relevant City Council meeting minutes referencing the City's application to amend permit no. 63-12448. The meeting minutes are dated from July 2001 – January 28, 2003 and the relevant portions have been highlighted for ease of reference.

DATED this 8 day of April, 2003.

Nancy Merrill, Mayor
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

The undersigned certifies that on the 8 day of April 2003, a true and correct copy of the City's Third Supplemental Response to the Chase Protestants First Set of Interrogatories, Requests for Production and Requests for Admissions was sent to the following person(s) as indicated below:

IDWR State Office *Via U.S. Mail*
Hearing Officer
Glen Saxton
1301 N. Orchard Street
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Jim Burton *Via U.S. Mail*
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Eagle, ID 83616

Weldon Fisher *Via U.S. Mail*
546 E. Beacon Light Rd.
Eagle, ID 83616

Molly O'Leary, Esq. *Via U.S. Mail*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Matt Howard, Esq. *Via U.S. Mail*
P.O. Box 190012
Boise, Idaho 83719

TAMMY A. ZOKAN

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MAR 25 2003

Department of Water Resources

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	CITY OF EAGLE'S SECOND SET
	)	OF INTERROGATORIES,
CITY OF EAGLE, PETITIONER	)	REQUESTS FOR ADMISSIONS,
	)	AND REQUESTS FOR
APPLICATION FOR PERMIT NO. 63-12448	)	PRODUCTION TO THE CHASE
	)	ESTATE

The Applicant, the City of Eagle, by and through its attorneys of record, MOORE SMITH BUXTON & TURCKE, CHARTERED, submits the following Second Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to the Chase Estate.

I. INTERROGATORY INSTRUCTIONS

Pursuant to IRCP 33, the Interrogatories set forth below are to be answered within fifteen (15) days after service of these interrogatories, fully and separately in writing, under oath, and in accordance with the above cited rule. Answers to these interrogatories must include not only information in your personal knowledge and possession, but also any and all information available to you, including information in the possession of any of your agents, attorneys, or employees. If a claim of privilege is made as to any such

information, you must specify the basis for the claim of privilege and describe the information claimed to be privileged.

The interrogatories are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

II. REQUESTS FOR PRODUCTION INSTRUCTIONS

Pursuant to IRCP 34, you are requested, within fifteen (15) days after service of these requests, to permit the inspection and copying of the documents and things requested below at the offices of Moore Smith Buxton & Turcke Chartered, 225 North 9th Street, Suite 420, Boise, Idaho or at such other time and place as the parties agree upon in writing.

As an alternative to producing documents for inspection and copying, copies of requested documents may be attached to your answers and responses and served within the same time period.

Your response must be based not only on documents and things in your personal possession, but also on any and all documents and things available to you, including those in the possession of any of your agents, attorneys, or employees.

Please identify to which request for production each document or group of documents you provide is responsive.

With respect to each document as herein defined which is required to be identified by these interrogatories or produced in the requests for production and which you presently contend you are not required to disclose because of any alleged "privilege" (which you are not presently prepared to waive), in lieu of the document identification called for above, please identify each such "privileged" document as follows: (1) give the

date of each such document; (2) identify each individual who was present when it was prepared; (3) identify each individual to whom a copy was sent; (4) identify each individual who has seen it; (5) identify each individual who has custody of it; (6) identify each and every document which refers to, discusses, analyzes or comments upon it, in whole or in part, or which contain any or all of its contents; and (7) state the nature of the privilege asserted (i.e., attorney-client, work-product, etc.).

These requests for production are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

III. REQUESTS FOR ADMISSIONS INSTRUCTIONS

Pursuant to IRCP 36, the Requests for Admissions set forth below are to be answered within fifteen (15) days after service of these requests for admissions, fully and separately in writing, under oath, and in accordance with the above-cited rule. If a claim of privilege is made as to any such information, you must specify the basis for the claim of privilege and describe the information claimed to be privileged.

The requests for admissions are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

IV. DEFINITIONS

The following definitions shall apply to these discovery requests:

1. "Afa" is acre feet per annum.
2. "And" and "and/or" and "or" shall each be deemed to refer to both their conjunctive and disjunctive meanings, being construed as necessary to bring within the scope of the discovery request all information and documents which would otherwise be construed as being outside the request.

3. "Any" shall mean "each and every" and "all" as well as "any one" and "all" shall mean "any and all."
4. "Big irrigation well" means the Estate's claimed point of diversion for water right no. 63-8663.
5. "The Chase Estate" or "Estate" is the Chase Estate, a protestant in this matter.
6. "The Chase Estate water rights" or "the Estate water rights" means the water rights identified as "Estate Water Rights" by the Estate in definition no. 3 of the *Estate's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions Upon the City of Eagle*, specifically water right nos. 63-5224, 63-5225, 63-5226, 63-5229, 63-8663, 63-15820 and 63-18731.
7. "Cfs" is cubic feet per second.
8. "The City" is the City of Eagle, the applicant in this case.
9. "The City's proposal" is the addition of the diversion point described in the City's Application which is the subject of this contested case.
10. "Dairy well" means the Estate's claimed point of diversion for water right nos. 63-5226 (stockwater and commercial) and 63-15820 (domestic).
11. "Diversion works" or "associated diversion works" means any mechanism employed to supply water for any purpose of use.
12. "Document" or "documents" shall mean the original, all copies and drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records of data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: correspondence, notes, "e-mails", memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra- or inter-office communications, memoranda, reports, canceled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, telegrams, instructions, work assignments, messages (including reports, notes, and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge slips, working papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other documents filed or

prepared in connection with any court or agency or other proceedings, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents.

13. "Identify" when used with respect to a document, item or thing means to provide the following information relating to such document, item or thing:
 - (a) A general description thereof;
 - (b) Date it was written or created;
 - (c) Name and present or last known address of the person or persons who wrote or created it;
 - (d) Name and present or last known address of the person to whom it was sent;
 - (e) Name and present address of the custodian thereof; and
 - (f) Whether you have a copy, duplicate, reproduction, photostat, photograph, sample or exemplar thereof.
14. "Identify" when used with respect to a natural person requires that you provide the following information with respect to the person:
 - (a) Name;
 - (b) Last known business address;
 - (c) Last known residence address;
 - (d) Last known telephone number; and
 - (e) Name of employer or business with whom the person was associated and the person's title and position at the time relevant to the identification.
15. "Identify" when used with respect to a person that is not a natural person means, to the extent applicable, to provide the same information required as though the entity were a natural person, and also provide the additional information regarding a description of the nature of the entity (e.g., partnership, corporation, limited liability company, etc.).
16. "Injury" means interference with the ability to use one's water right and/or otherwise have a negative impact on one's interests.
17. "IDWR" is the State of Idaho, Department of Water Resources.
18. "Maintenance" means to inspect, repair or conduct other service.

19. "Person" means any natural person, corporation, partnership, joint venture, limited liability company, proprietorship, governmental or business entity.
20. "Primary water right" means the principal water right. See definition of "supplemental water right."
21. "Relate to" or "relating to" shall be deemed to mean and include the following terms: regards, describes, involves, compares, correlates, mentions, connected to, refers to, pertains to, contradicts, or compromises.
22. "Small irrigation well" means the Estate's claimed point of diversion for water right no. 63-5229.
23. "Supplemental water right" means a water right that is ancillary or a backup supply to the primary water right. See definition of "primary water right."
24. "You," "your," or "yours," means the Chase Estate including without limitation, all present and former agents, representatives, personnel, attorneys, consultants, experts, investigators, employees or other persons acting on its behalf.

V. INTERROGATORIES

INTERROGATORY NO. 22: Please describe in full and complete detail the basis for the Chase Estate's protest to the City's application.

INTERROGATORY NO. 23: If any person or entity other than the individuals identified in your response to interrogatory no.8 has any interest in any portion(s) of the water right(s) or claim(s) to water right(s) appurtenant to the 120 acres of property referenced in your response to interrogatory nos. 7-8, please specify each particular person or entity and describe the water right or claim and the interest held by each.

INTERROGATORY NO. 24: Please identify any pending contracts for sale or conveyance of any portion(s) of the water right(s) or claim(s) to water right(s) appurtenant to the 120 acres of property referenced in your response to interrogatory nos. 7-8

INTERROGATORY NO. 25: Please identify the current legal owner of the 120 acres of property referenced in your response to interrogatory nos. 7-8.

INTERROGATORY NO. 26: If any portion(s) of the 120 acres property referenced in your response to interrogatory nos. 7-8 is owned by a different owner(s) than identified in your response to interrogatory no. 8, please specify each particular legal owner and the description of the part of property owned by each.

INTERROGATORY NO. 27: Please any identify any pending contracts for sale of the 120 acres, or any portion thereof, of property referenced in your response to interrogatory nos. 7-8.

INTERROGATORY NO. 28: Please identify any agreement between the Chase Estate and United Water Idaho.

INTERROGATORY NO. 29: If you deny any of the City's Requests for Admission, for each denial please describe the basis for the denial.

VI. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 11: Please admit that the Chase Estate has entered into an agreement with United Water Idaho giving United Water Idaho a legal interest in all or a portion of the water rights or claims to water rights appurtenant to the 120 acres identified in your response to interrogatory nos. 7- 8.

REQUEST FOR ADMISSION NO. 12: Please admit that the Chase Estate has entered into an agreement with United Water Idaho authorizing United Water Idaho to provide water to all or a portion of the 120 acres identified in your response to interrogatory nos. 7- 8.

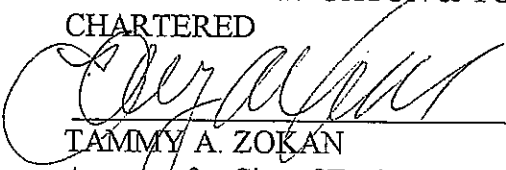
VII. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 12: Please produce any agreement between the Chase Estate and United Water Idaho.

REQUEST FOR PRODUCTION NO. 13: If you denied any of the City's requests for admission, please produce all the evidence for each individual denial that you contend supports your denial.

DATED this 24 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED


TAMMY A. ZOKAN

Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24 day of March, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S SECOND SET OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE CHASE ESTATE via U.S. Mail Postage pre-paid, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

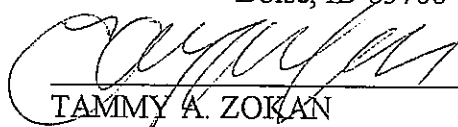
Matt Howard
P.O. Box 190012
Boise, Idaho 83719

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, Idaho 83616

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, Idaho 83616

Jim Burton
1896 N. Eagle Rd.
Eagle, Idaho 83616

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706


TAMMY A. ZOKAN

RECEIVED

MAR 25 2003

Department of Water Resources

BRUCE M. SMITH, ISB # 3425
TAMMY A. ZOKAN, ISB # 5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
225 North 9th, Suite 420
Boise, Idaho 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorney for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF)
APPLICATION FOR PERMIT NO. 63-12448) THE CITY OF EAGLE'S FIRST
IN THE NAME OF THE CITY OF EAGLE) SUPPLEMENTAL RESPONSE TO THE
EAGLE WATER COMPANY, INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION

THE CITY OF EAGLE BY and through its attorney, MOORE SMITH BUXTON & TURCKE, CHARTERED, hereby supplements its response to the following requests for production by the Eagle Water Company, Inc. ("Eagle Water"). As a general objection, the City objects to providing any response or producing any documents protected by the attorney client or work product privileges.

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, however obtained, including hearsay which is available to you and including information known by or in the possession of yourself, your attorney(s), investigator(s), expert(s), employee(s), or agent(s)

**APPLICANT'S FIRST SUPPLEMENTAL RESPONSE TO EAGLE WATER
COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS TO THE CITY OF
EAGLE - Page 1**

retained by you or your attorney, or appearing in your records, and not merely information known of your own personal knowledge.

If you cannot answer the following interrogatories 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 and detailing what you did in attempting to secure the unknown information.

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.

The entire discovery herein is deemed continuing. If after responding to these interrogatories, you acquire any documents requested herein, or any information related to any interrogatories or documents requested herein which is not reflected by one of the answers, you must file a supplemental discovery response. Such supplementation is requested herein in addition to any supplementation required by the Idaho Rules of Civil Procedure.

THE FOLLOWING DEFINITIONS APPLY TO THESE DISCOVERY REQUESTS:

1. "*Application*" means the Application for Amendment of Permit No. 63-12448 in the Name of The City of Eagle.
2. "*Document or Documents*" means all writing of any kind, including the original and

all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise including without limitation correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort of conversations, bulletins, printed matter, computer printouts, teletypes, telecopy, invoices, work sheets, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representation of any kind including without limitations, photographs, charts, graphs, microfiche, microfilm, videotapes, recording, motion pictures and electronic, mechanical, or electrical records or representation of any kind including without limitation, tapes, cassette discs, recordings.

3. "*Eagle Water's Water Rights*" means the water rights represented by SRBA water right claim nos. 63-7368; 63-7618; and 63-9245.

4. "*Fact*" or "*Facts*" mean all circumstances, events, evidence, information, including statements or testimony made by, or knowledge of, any person(s), pertaining to or touching upon the item or matter in question.

5. "*Issues*" means the issues set forth in the Notice of Hearing dated January 10, 2003, which are as follows:

- A. Will other water rights be injured by the amendment?
- B. Will the requested change constitute an enlargement in the use of the original right?
- C. Will the proposed change conflict with the local public interest?
- D. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

6. "*Person*" includes any natural person, partnership, corporation, joint venture, unincorporated association, governmental entity (or agency or other subdivision thereof), quasi-public entity or other form of entity or combination thereof.

7. "*You and Your*" means the City of Eagle.

REQUESTS FOR PRODUCTION

REQUEST NO. 18: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 13.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 18: The City objects to this request because it is ambiguous and because it is not calculated to lead to admissible evidence. Notwithstanding the City's objection, please see United Water Idaho's reports on total production and consumption for four (4) quarters in 2000, four (4) quarters in 2001 and two (2) quarters in 2002.

REQUEST NO. 19: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 14.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 19: See supplemental response to request for production no. 18.

DATED this _____ day of March 2003.


Lynne Sedlacek, Councilmember
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

REQUESTS FOR PRODUCTION

REQUEST NO. 18: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 13.

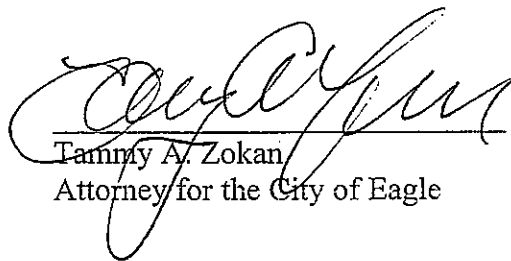
SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 18: The City objects to this request because it is ambiguous and because it is not calculated to lead to admissible evidence. Notwithstanding the City's objection, please see United Water Idaho's reports on total production and consumption for four (4) quarters in 2000, four (4) quarters in 2001 and two (2) quarters in 2002.

REQUEST NO. 19: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 14.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 19: See supplemental response to request for production no. 18.

DATED this 24 day of March, 2003.

Lynne Sedlacek, Councilmember
City of Eagle



Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24 day of March, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S FIRST SUPPLEMENTAL RESPONSE TO THE EAGLE WATER COMPANY'S FIRST SET OF REQUESTS FOR PRODUCTION TO THE CITY via U.S. Mail Postage pre-paid, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

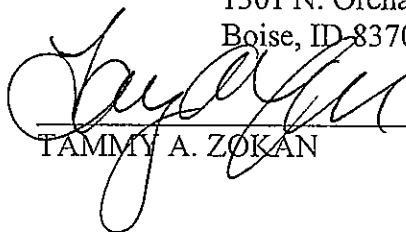
Matt Howard
P.O. Box 190012
Boise, Idaho 83719

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, Idaho 83616

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, Idaho 83616

Jim Burton
1896 N. Eagle Rd.
Eagle, Idaho 83616

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706



TAMMY A. ZOKAN

ER-2.2

**City of Eagle Contract
United Water Operations Idaho
Quarterly Report - Year Ending December 31, 2001**

<u>Total Production (in 1,000 gallons)</u>	<u>2000</u>	<u>2001</u>
1st Quarter (March 31)	18,350	29,570
2nd Quarter (June 30)	24,209	25,208
3rd Quarter (Sept. 30)	21,490	24,550
4th Quarter (Dec. 31)	25,070	30,250

City of Eagle Contract
United Water Operations Idaho
Quarterly Report - Quarter Ending September 30, 2001

	<u>2000</u>	<u>2001</u>
Total Consumption (in 1,000 gallons)		
1st Quarter (March 31)	12,827	17,634
2nd Quarter (June 30)	19,277	23,253
3rd Quarter (Sept. 30)	23,027	23,880
4th Quarter (Dec. 31)	18,167	-

ER-2.2

City of Eagle Contract
United Water Operations Idaho
Quarterly Report - Quarter Ending June 30, 2002

<u>Total Production (in 1,000 gallons)</u>	<u>2001</u>	<u>2002</u>
1st Quarter (March 31)	29,570	29,470
2nd Quarter (June 30)	25,208	29,510
3rd Quarter (Sept. 30)	24,550	
4th Quarter (Dec. 31)	30,250	

07/29/02

ER-2.3

City of Eagle Contract
Quarterly Report - Quarter Ending June 30, 2002

<u>Total Consumption (in 1,000 gallons)</u>	<u>2001</u>	<u>2002</u>
1st Quarter (March 31)	17,634	19,236
2nd Quarter (June 30)	23,253	25,155
3rd Quarter (Sept. 30)	23,880	
4th Quarter (Dec. 31)	22,898	

07/29/02

RECEIVED
MAR 19 2003
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

DESCRIPTIVE SUMMARY

GENERAL OBJECTIONS AND QUALIFICATIONS

ESTATE'S RESPONSE TO APPLICANT'S FIRST SET OF INTERROGATORIES,
REQUESTS FOR ADMISSIONS AND PRODUCTION – 1

These responses are provided in accordance with the Idaho Rules of Civil Procedure irrespective of any definitions or instructions that may accompany the interrogatories, requests for admissions, and requests for production. These responses are made subject to all objections as to competence, relevance, and admissibility. These responses are subject to all objections that would require the exclusion of any statement or information provided herein. All such objections are reserved and may be interposed at the time of hearing or trial. The Estate specifically objects to these discovery requests to the extent they seek information protected by the attorney-client privilege, work-product protections, and the rules governing the discovery of information from experts. This objection applies to all discovery requests that may be interpreted to seek such information. The Estate will supplement these responses pursuant to Rule 26(e) as new or additional information becomes available. Objection is also made to the time and place for production of documents as unreasonable. Objection is also made to the Applicant's definitions of "injury," "maintenance," "primary water right," and "supplemental water right." The responses herein shall be made in accordance with the common understanding of such terms and as such terms may be regarded by the Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify each person who participated in responding to the City's interrogatories, requests for admissions and requests for production, and describe that person's role in doing so.

RESPONSE: The following individuals provided information to counsel for preparation of the responses herein.

Bill Chase
2276 W. Floating Feather Rd.
Eagle, ID 83616
(208) 939-6744

Mike Chase
3482 Hwy 30 West
New Plymouth, ID 83655
(208) 278-3845

INTERROGATORY NO. 2: Please state when the Estate's attorney, Matt Howard, was hired to represent you in your protest to the City's application.

RESPONSE: Objection. The interrogatory is irrelevant and clearly not calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 3: Please identify each and every person you intend to call as an expert witness in this matter and state:

- (a) The opinions the expert will or is expected to give, and his/her qualifications for rendering said opinion;
- (b) All facts, documents, data, or other information relied upon in forming his/her opinions.

RESPONSE: Objection is made to this interrogatory on the basis that the Applicant carries the burden of proof and persuasion to establish that the Estate's water rights will not be injured by the Applicant's proposed amendment to its permit. To date, the Applicant has wholly failed to provide a proper response to the Estate's interrogatories requesting that the Applicant set forth facts, studies, analysis, and data, including the substance of the opinion to which its expert will testify and the underlying facts and data upon which the expert will rely. The Applicant's response evasively indicates that its expert will testify that the Applicant's proposal will have "minimal impact . . . on neighboring wells" and vaguely points to unidentified "public records" and

various studies, which to date, the Applicant has only partially produced even though having been repeatedly requested to do so.

In light of the Applicant's evasive and incomplete discovery responses, the Estate is unaware of the facts, opinions, analysis, and data upon which the Applicant intends to try to carry its burden to prove no injury to the Estate's water rights. Without proper disclosure by the Applicant, the Estate is unable to formulate a complete response to this interrogatory. After the Applicant provides a proper response to the Estate's earlier discovery requests, including a complete response concerning the specific opinions held by its experts and the specific data and facts supporting such opinions, the Estate will be in a position to provide a more complete response.

Without waiving the foregoing objection, the Estate anticipates calling Mr. David B. Shaw, P.E., as an expert witness in this case. At the August 15, 2001, prehearing conference the Applicant distributed a report from its then-expert, Bill Strowd, P.G., which set forth data, analysis and an opinion by Mr. Strowd that the Applicant's proposed well "should have minimal impact to the local aquifer and to senior water right interests." *See Summary of Groundwater Conditions in the Vicinity of Proposed Brookwood Subdivision Well, Eagle, Idaho (Bill Strowd) (Aug. 14, 2001)* (hereinafter "the Strowd Report"). Noticeably absent from the Applicant's current incomplete discovery responses is any reference to the Strowd Report. Therefore, it is unclear whether the Applicant still maintains that the Strowd Report sets forth its basis for claiming that there is no injury to the Estate wells, or whether the Applicant has wholly abandoned the Strowd Report. Assuming the Applicant properly notifies the Estate, through its discovery responses, that it is still relying on the Strowd Report as the basis for its no-injury opinion, then it is

expected that Mr. Shaw will testify that there will be Estate water rights that will be injured. Mr. Shaw's opinion is based upon the water rights records for the Estate water rights, the Applicant's application, permit no. 63-12448, and the Strowd Report. As noted above, Mr. Shaw's opinion is subject to further revision following the receipt of complete disclosures from the Applicant.

INTERROGATORY NO. 4: For each expert identified in your response to interrogatory no. 3, or for each expert you have consulted regarding the City's application, please state when the expert was hired by the Estate.

RESPONSE: Objection. Irrelevant. It is also outside the scope of discovery authorized for experts.

INTERROGATORY NO. 5: Please identify each lay and/or fact witness you intend to call and the facts and/or opinion the witness will give and the person's qualifications for giving any opinion or factual testimony.

RESPONSE: Objection is made to this interrogatory on the basis that it seeks attorney work product. Witnesses and exhibits will be disclosed pursuant to I.R.C.P. 16 and/or the pretrial order.

INTERROGATORY NO. 6: Please identify every document or item you intend to introduce as evidence at the hearing on this matter and identify the source of the document, the custodian of the document, and how you came to be in possession of such document or item.

RESPONSE: Objection is made to this request on the basis that it seeks attorney work product. Witnesses and exhibits will be disclosed pursuant to I.R.C.P. 16 and/or the pretrial order. Without waiving the objection, the Applicant may review the Estate's non-

privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

INTERROGATORY NO. 7: Please identify all water right claims, licenses or permits which you contend allow the diversion and use by you of water at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, consisting of 120 acres.

RESPONSE: Objection to form of question as misleading. The interrogatory only identifies 80 acres, not 120 acres. As to the 80 acres identified, those water rights are identified by the water right claims held by the Estate. Thus, the information may be obtained from the notices of claim and/or partial decrees for said water rights. The Applicant may review the Estate's non-privileged documents, which include the notices of claim and partial decrees, by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

INTERROGATORY NO. 8: Please identify the current legal owner of the property located at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, consisting of 120 acres.

RESPONSE: Objection to form of question as misleading. The interrogatory only identifies 80 acres, not 120 acres. Also object to relevancy. Without waiving the objections, as to the 80 acres identified, the legal owners of the property are Kathryn L. Cock, H. Bryan Chase II, Charles W. Chase, Michael J. Chase, William D. Chase, and James L. Chase as tenants in common.

INTERROGATORY NO. 9: If any portion(s) of the property located at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, is owned by a different owner(s), please specify each particular legal owner and the description of the portion of property owned by each.

RESPONSE: See response to Interrogatory no. 8.

INTERROGATORY NO. 10: Please any identify any pending contracts for sale of the property at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, consisting of 120 acres or any portion thereof.

RESPONSE: Objection to form of question as misleading. The interrogatory only identifies 80 acres, not 120 acres. Also object to relevancy. Without waiving the objections, as to the 80 acres identified, none.

INTERROGATORY NO. 11: Please identify each individual water right you allege is injured by the City's proposal.

RESPONSE: See response to Interrogatory no. 3.

INTERROGATORY NO. 12: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe the water right, including the priority date, the location of the diversion, the amount of the diversion, the amount of use, the place of use, the purpose of use, and the nature of the water right (i.e. permit, license, etc.).

RESPONSE: The information may be obtained from the notices of claim and/or partial decrees for said water rights. The Applicant may review the Estate's non-

privileged documents, which include the notices of claim and partial decrees, by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

INTERROGATORY NO. 13: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe in full and complete detail, including the opinions of any expert, how the water right is allegedly injured by the City's proposal.

RESPONSE: See Response to Interrogatory No. 3.

INTERROGATORY NO. 14: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe how the water right is diverted, including a detailed description of any well and power supply and/or associated diversion works.

RESPONSE: See Response to Interrogatory No. 3. 63-08663: Water is diverted by 25hp electric motor and turbine pump into open ditches and or gated pipe. Electricity is provided by Idaho Power Company. This irrigation well is 338 feet deep constructed with 16" steel casing and was constructed in 1980. Water from this source has been used since 1980 and was last used during 2002. 63-05229: Water is diverted by 2 hp electric motor and centrifugal pump into open ditches. Electricity is provided by Idaho Power Company and/or privately owned portable power generator. This well may be 280' deep and is cased with 4" steel casing and was constructed in 1925. Water from this source has been used since its priority date as a supplemental right. 63-05226 and 63-15820: Water is diverted from a well with 3" steel casing, by two 3/4 hp electric pumps hooked up to operate individually or with each other and hooked into house and

farmstead distribution pipe. Electricity is provided by Idaho Power Company or by privately owned power generator in the event of a power outage. This well may be 240' deep and water from this source has been used since its priority dates. These rights are presently being used on a daily basis for the house and the dairy operations. 63-05224: Water is diverted from a well with unknown depth and size, it has been diverted from the time of its priority date and was last used in the 1980's. Presently no pump is hooked up to the site due to the current age and condition of the house. 63-05225 and 63-18731: Water is diverted from a well with 6" steel casing and is diverted by a 3/4 hp electric submersible pump into piping for the house and farmstead watering systems. Electricity is provided by Idaho Power Company. Water was first used at this site in 1900. The present well was constructed in 1981 and the present pump was replaced in 2002. Water from this well is presently being used on a daily basis for the house and livestock operations.

INTERROGATORY NO. 15: For each diversion of each individual water right you described in your response to interrogatory no. 14, please specifically describe the age and condition of the diversion, well and/or associated diversion works.

RESPONSE: See Response to Interrogatory No. 14.

INTERROGATORY NO. 16: For each individual water right identified in your response to Interrogatory no. 11, please state on what date you filed a claim for each water right in the Snake River Basin Adjudication.

RESPONSE: See Response to Interrogatory No. 3. Also, the information may be obtained from the notices of claim and/or partial decrees for said water rights. The Applicant may review the Estate's non-privileged documents, which include the notices

of claim and partial decrees, by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

INTERROGATORY NO. 17: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe how the water right was used during the ten (10) year period immediately preceding the date you filed your claim to each water right in the Snake River Basin Adjudication, including:

- (a) the amount of water pumped and used;
- (b) the place of use;
- (c) the purpose of use;
- (d) the permit/license number(s) associated with the well or other means of diversion;
- (e) its location and depth;
- (f) The static water level, pumping levels, well head pressure for each year.

RESPONSE: Objection as overly broad and burdensome. Without waiving the objection, see Response to Interrogatory No. 3. Also, the water rights have been used as claimed and as more specifically described in the Response to Interrogatory No. 14. The Estate cannot locate information relating to (f).

INTERROGATORY NO. 18: For each water right you identified in your response to interrogatory no. 11, please state how long it is has been since you have diverted the water right and applied it to beneficial use.

RESPONSE: See Response to Interrogatory Nos. 14 and 17.

INTERROGATORY NO. 19: Please describe in full and complete detail the basis for the Eagle Water Company's protest to the City's application.

RESPONSE: Objection. The Estate did not draft the Eagle Water Company's protest and therefore lacks personal knowledge relating to the basis for same.

INTERROGATORY NO. 20: Please describe in full and complete detail the basis for your response to interrogatory no. 19.

RESPONSE: Objection. The Estate did not draft the Eagle Water Company's protest and therefore lacks personal knowledge relating to the basis for same.

INTERROGATORY NO. 21: If you deny any of the City's Requests for Admission, for each denial please describe the basis for the denial.

RESPONSE: Object to this interrogatory as overly broad, vague, and unduly burdensome. Without waiving these objections, the explanations for such denials are set forth in the responses to the requests for admissions.

RESPONSE TO ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Please admit that the Department's approval of the City's application would not injure the Chase Estate's water rights.

RESPONSE: Deny. See Response to Interrogatory No. 3.

REQUEST FOR ADMISSION NO. 2: Please admit that there presently is no power supply actually transmitting power to the small irrigation well.

RESPONSE: Deny. A portable generator has been used for the small irrigation well. See Response to Interrogatory No. 14.

REQUEST FOR ADMISSION NO. 3: Please admit that there presently is no pump currently installed that is capable of producing the amount of water claimed for the small irrigation well, water right no. 63-5229.

RESPONSE: Deny. The pump installed will produce the amount of water claimed.

REQUEST FOR ADMISSION NO. 4: Please admit that there has been no pump installed capable of producing the amount of water claimed for the small irrigation well, water right no. 63-5229, for at least the five (5) years immediately preceding the date you filed your claim to the small irrigation water right in the Snake River Basin Adjudication.

RESPONSE: Deny. The pump installed has been capable of producing the claimed amount.

REQUEST FOR ADMISSION NO. 5: Please admit that there has been no power supply transmitting power to the small irrigation well for at least the five (5) years immediately preceding the date you filed your claim to the small irrigation water right in the Snake River Basin Adjudication.

RESPONSE: Admit that water right no. 63-5229 is a supplemental water right that is supplemental to surface water right no. 63-5227. Admit that during the mid-1980's, beginning in approximately 1984, and continuing through a portion of the 1990's that the surface water right was sufficient to irrigate the place of use and therefore there was no need to incur the power expense associated with operating the supplemental well, and thus during that time period, there was no need to transmit power to the small irrigation well. Deny the remainder.

REQUEST FOR ADMISSION NO. 6: Please admit that you did not use the small irrigation well to divert water right no. 63-5229 for at least the five (5) years

immediately preceding the date you filed your claim to the small irrigation water right in the Snake River Basin Adjudication.

RESPONSE: See Response to Request for Admission No. 5.

REQUEST FOR ADMISSION NO. 7: Please admit that the Estate claims a surface water right, water right no. 63-5227, for the same place and purpose of use as water right no. 63-5229.

RESPONSE: Admit that 63-5227 and 63-5229 have the same place of use. Deny purposes are identical. This information can be obtained by review of the notices of claim. The Applicant may review the Estate's non-privileged documents, including the notices of claim for these water rights, by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

REQUEST FOR ADMISSION NO. 8: Please admit that the claimed surface water right, no. 63-5227, is supplemental to the Estate's claimed groundwater right, 63-5229.

RESPONSE: Deny. See Response to Request for Admission no. 5.

REQUEST FOR ADMISSION NO. 9: Please admit that the Estate claims a surface water right for the same place of use as the big irrigation well water right no. 63-8663.

RESPONSE: Deny. The Estate's only surface water right is 63-5227. However, the Estate owns shares in Farmer's Union Canal Company which it uses on the same place of use as 63-8663.

REQUEST FOR ADMISSION NO. 10: Please admit that the groundwater right no. 63-8663 for the big irrigation well is supplemental to the surface water right.

RESPONSE: Object to the form of the question because it is misleading in that it refers to an undefined surface right. Without waiving the objection, admit that 63-8663 is a supplemental water right. Deny the remainder.

RESPONSE TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce a curriculum vitae for each expert you intend to call as a witness.

RESPONSE: The Applicant may review the Estate's non-privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

REQUEST FOR PRODUCTION NO. 2: Please produce each and every document or item you intend to introduce as evidence at the hearing on this matter.

RESPONSE: Objection is made to this request on the basis that it seeks attorney work product. Witnesses and exhibits will be disclosed pursuant to I.R.C.P. 16 and/or the pretrial order. Without waiving the objection, the Applicant may review the Estate's non-privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

REQUEST FOR PRODUCTION NO. 3: Please produce a well log for each well identified as a point of diversion for each of the Estate's water rights. If the Estate does not have a well log for any point of diversion, please describe for each well: the method used to drill the well, how the well was constructed, all well test data, and aquifer material characteristics (lithographic information).

RESPONSE: The Applicant may review the Estate's non-privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622. Also see Response to Interrogatory No. 14.

REQUEST FOR PRODUCTION NO. 4: Please produce all pumping records for each well identified in your response to interrogatory no. 14.

RESPONSE: The Applicant may review the Estate's non-privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

REQUEST FOR PRODUCTION NO. 5: Please produce all maintenance reports and maintenance bills for each well and diversion you identified in your response to interrogatory no. 14.

RESPONSE: The Estate is still trying to locate such documents and to the extent any may exist and be located, the Applicant may review such documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

REQUEST FOR PRODUCTION NO. 6: Please produce all power supply bills for the wells you identified in your response to interrogatory no. 14.

RESPONSE: Currently there is no separate meter for any of the wells except the large irrigation well, which is currently used by a lessee who pays the power bills for same. Prior to the mid-1980s there was a separate meter for the small irrigation well. To the extent the Applicant wishes to obtain power records from Idaho Power Company, the Estate will execute the necessary consent to allow the Applicant to obtain such records.

REQUEST FOR PRODUCTION NO. 7: Please produce copies of all reports, memoranda, analyses or other correspondence related to the City's application prepared by the Estate, Dave Shaw or in cooperation.

RESPONSE: Objection is made to this request on the basis that it seeks attorney work product and confidential attorney-client communications. The request is also overly broad, vague, and unduly burdensome. Without waiving the objection, the Applicant may review the Estate's non-privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents that form the basis for your responses to interrogatory nos. 6 - 21.

RESPONSE: Objection is made to this request on the basis that it seeks attorney work product and confidential attorney-client communications. The request is also overly broad, vague, and unduly burdensome. Without waiving the objection, the Applicant may review the Estate's non-privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

REQUEST FOR PRODUCTION NO. 9: Please produce any documents relied upon by your experts for any opinion rendered by him/her related to the Chase Estate's protest of the City's application.

RESPONSE: The Applicant may review the Estate's non-privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

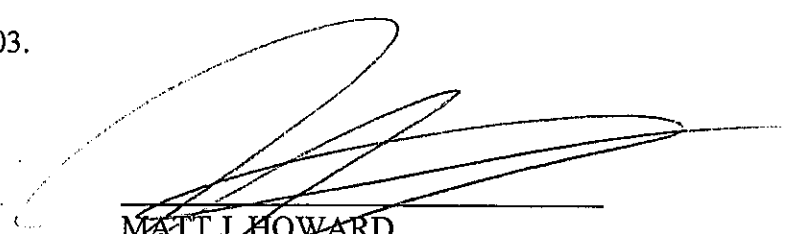
REQUEST FOR PRODUCTION NO. 10: Please produce any report, test result, or other document or information that you contend supports the Chase Estate's protest to the City's proposal.

RESPONSE: Objection is made to this request on the basis that it seeks attorney work product and confidential attorney-client communications. The request is also overly broad, vague, and unduly burdensome. Without waiving the objection, the Applicant may review the Estate's non-privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

REQUEST FOR PRODUCTION NO. 11: If you denied any of the City's requests for admission, please produce all the evidence for each individual denial that you contend supports your denial.

RESPONSE: Objection is made to this request on the basis that it seeks attorney work product and confidential attorney-client communications. The request is also overly broad, vague, and unduly burdensome. Without waiving the objection, the Applicant may review the Estate's non-privileged documents by prior appointment at 2125 S. Sumpter Way, Boise, Idaho, by calling the Estate's attorney at (208) 333-0622.

DATED this 18 day of March, 2003.



MATT J. HOWARD

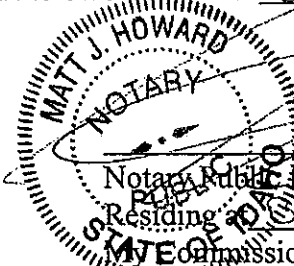
VERIFICATION

STATE OF IDAHO)
)ss.
County of Ada)

The Estate of Eleanor I. Chase, being first duly sworn upon oath, depose and say that it has read the foregoing document, knows the contents thereof, and states the same to be true and correct to the best of its knowledge.

Michael J. Chase
The Estate of Eleanor I. Chase
By: Michael J. Chase

SUBSCRIBED AND SWORN to before me this 8 day of March, 2003.

A circular notary seal for Matt J. Howard, Notary Public for Idaho. The seal contains the text "MATT J. HOWARD", "NOTARY PUBLIC", and "STATE OF IDAHO". A large, stylized signature is written over the seal.
Notary Public for Idaho
Residing at 1000 S. Chase, Idaho
My Commission Expires 2-7-06

CERTIFICATE OF SERVICE

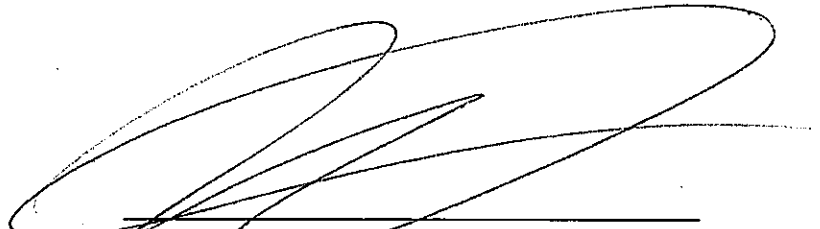
The undersigned certifies that on the 18 day of March 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) by the method indicated below:

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616
U.S. Mail

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616
U.S. Mail

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616
Facsimile

Bruce Smith, Esq.
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702
Facsimile



MATT J. HOWARD

RECEIVED

MAR 17 2003

WATER RESOURCES
WESTERN REGION

BRUCE M. SMITH, ISB # 3425
TAMMY A. ZOKAN, ISB # 5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
225 North 9th, Suite 420
Boise, Idaho 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorney for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF
APPLICATION FOR PERMIT NO. 63-12448
IN THE NAME OF THE CITY OF EAGLE

) THE CITY OF EAGLE'S RESPONSE TO
) THE EAGLE WATER COMPANY, INC.'S
) FIRST SET OF INTERROGATORIES,
) REQUESTS FOR PRODUCTION OF
) DOCUMENTS NOS. 16-19
)
)
)

THE CITY OF EAGLE BY AND THROUGH ITS ATTORNEY, MOORE SMITH
BUXTON & TURCKE, CHARTERED, HEREBY respond to the following interrogatories and
requests for production of documents nos. 16-19, by the Eagle Water Company, Inc. ("Eagle
Water Company"). As a general objection, the City objects to providing any response or
producing any documents protected by the attorney client or work product privileges.

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, however
obtained, including hearsay which is available to you and including information known by or in
the possession of yourself, your attorney(s), investigator(s), expert(s), employee(s), or agent(s)
retained by you or your attorney, or appearing in your records, and not merely information

APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS NOS.
16-19 TO THE CITY OF EAGLE - Page 1

known of your own personal knowledge.

If you cannot answer the following interrogatories 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 and detailing what you did in attempting to secure the unknown information.

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.

The entire discovery herein is deemed continuing. If after responding to these interrogatories, you acquire any documents requested herein, or any information related to any interrogatories or documents requested herein which is not reflected by one of the answers, you must file a supplemental discovery response. Such supplementation is requested herein in addition to any supplementation required by the Idaho Rules of Civil Procedure.

THE FOLLOWING DEFINITIONS APPLY TO THESE DISCOVERY REQUESTS:

1. "*Application*" means the Application for Amendment of Permit No. 63-12448 in the Name of The City of Eagle.
2. "*Document or Documents*" means all writing of any kind, including the original and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise including without limitation correspondence,

memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort of conversations, bulletins, printed matter, computer printouts, teletypes, telecopy, invoices, work sheets, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representation of any kind including without limitations, photographs, charts, graphs, microfiche, microfilm, videotapes, recording, motion pictures and electronic, mechanical, or electrical records or representation of any kind including without limitation, tapes, cassette discs, recordings.

3. "*Eagle Water's Water Rights*" means the water rights represented by SRBA water right claim nos. 63-7368; 63-7618; and 63-9245.

4. "*Fact*" or "*Facts*" mean all circumstances, events, evidence, information, including statements or testimony made by, or knowledge of, any person(s), pertaining to or touching upon the item or matter in question.

5. "*Issues*" means the issues set forth in the Notice of Hearing dated January 10, 2003, which are as follows:

- A. Will other water rights be injured by the amendment?
- B. Will the requested change constitute an enlargement in the use of the original right?
- C. Will the proposed change conflict with the local public interest?
- D. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

6. "*Person*" includes any natural person, partnership, corporation, joint venture, unincorporated association, governmental entity (or agency or other subdivision thereof), quasi-public entity or other form of entity or combination thereof.

7. "*You and Your*" means the City of Eagle.

INTERROGATORIES

INTERROGATORY NO. 1 Excluding IDWR personnel and the Protestants, please identify every person known to you who has knowledge or information concerning any of the facts related to (a) the Application and/or (b) the Issues. For each person identified, describe the

substance of the knowledge or information held by that person and provide that person's name, job title, address, day-time phone number, and relationship to you.

RESPONSE TO INTERROGATORY NO. 1: The City objects to this interrogatory because it is ambiguous, vague, overbroad and overly burdensome. Notwithstanding the City's objection, to the extent the City understands this request, the City is aware of the following individuals who may have knowledge or information related to the City's application:

- (1) Mayor
City Council
Eagle City Hall
P.O. Box 1520
Eagle, Idaho 83616
(208) 939-6813
- (2) Vern Brewer
City Project Manager/Engineer Liaison
Holladay Engineering Co.
P.O. Box 235
Payette, Idaho 83661
(208) 642-3304
- (3) Bill Strowd, P.G.
Former Employee of
Holladay Engineering Co.
1509 Dearborn
Caldwell, Idaho 83605
(208) 454-1051
(Mr. Strowd is a Rule 26(b) (4) (B) expert.)
- (4) Terry Scanlan, P.E., P.G.
Scanlan Engineering
600 East River Park Lane, Suite 105
Boise, Idaho 83706
(208) 383-4140
- (5) The Eagle Water Company and their representatives (hereinafter referred to as the "Protestants" or the "Eagle Water Company")
C/O Molly O'Leary, Esq.
Richardson & O'Leary PLLC

99 East State Street, Suite 200
Eagle, Idaho 83616
(208) 938-7900

The City may identify and disclose additional individuals with knowledge or information concerning this case as this case progresses.

INTERROGATORY NO.2: Identify each person you expect to call as an expert witness at any hearing or trial in the above-captioned case. For each person, state (a) the subject matter on which the expert is expected to testify, (b) the substance of the opinions to which the expert is expected to testify, and (c) the underlying facts and data upon which the expert opinions are based.

RESPONSE TO INTERROGATORY NO. 2: The City anticipates calling Mr. Terry M. Scanlan, P.E., P.G., as an expert witness in this case. The City may identify and disclose additional expert witnesses as this case progresses and thus, reserves the right to call additional experts at hearing. Mr. Scanlan may testify regarding his analysis of the groundwater conditions in the vicinity of the proposed well and his opinion that the City's proposal would result in minimal impact on the aquifer and neighboring wells. Mr. Scanlan's opinions and expected testimony are based upon Idaho Department of Water Resources records available to the public and the following reports: Ground-water Conditions in the Dry Creek Area, Eagle, Idaho, prepared by IDWR (1991); Results of the 30-Day Pumping Test and Aquifer Analysis, prepared by CH2M Hill (1991); and Aquifer Test Floating Feather Well, prepared by Scanlan Engineering of Boise. See response to requests for production nos. 1-15.

INTERROGATORY NO. 3: Identify every person you may call as a witness at any hearing or trial in the above-captioned case. For each person identified, describe the specific factual matters as to which that person will testify and describe the substance of that person's

testimony. For each person identified, provide that person's name, job title, address, day-time phone number, and relationship to you.

RESPONSE TO INTERROGATORY NO. 3: Please see the City's response to interrogatory nos. 1-2. These witnesses may testify generally regarding the diversion of water by the City of Eagle as described in the City's application. The City may identify and disclose additional witnesses as this case proceeds, and therefore, reserves the right to call additional witnesses at hearing.

INTERROGATORY NO. 4: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not injure Eagle Water's Water Rights? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 4: Yes. The City's claim is based upon Idaho water law, the analysis and reports described in its response to interrogatory no. 2, and representations made by the Protestants. Multiple points of diversion, when operated in parallel, will exhibit less impact than a single point of diversion operating at the authorized withdrawal rate. See reports identified in response to interrogatory no. 2.

INTERROGATORY NO. 5: Do you claim that the Application, if approved, will not conflict with the local public interest? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 5: Yes. The City's claim is based upon Idaho water law and the analysis and reports described in its response to interrogatory no. 2. It is in the public's interest to develop a multiple-points-of-diversion well system.

INTERROGATORY NO. 6 Do you claim that the Application, if approved, will not be contrary to conservation of water resources within the state of Idaho? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 6: Yes. The City's claim is based upon Idaho water law and the analysis and reports described in its response to interrogatory no. 2. The City is not requesting an increase from its authorized withdrawal rate (cubic-feet-per-second) or total allowed volume (acre-feet) in this application. See reports identified in response to interrogatory no. 2.

INTERROGATORY NO. 7: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for Eagle Water's Water Rights? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 7: The City objects to this interrogatory because it is ambiguous and vague. Notwithstanding the City's objection, to the extent the City understands this interrogatory, the City's response is yes. Please see the City's response to interrogatory no. 4.

INTERROGATORY NO. 8: Do you claim that the Application, if approved, will not constitute an enlargement in the use of the original right? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 8: Yes. The City's claim is based upon Idaho water law and the analysis and reports described in its response to interrogatory nos. 2 and 6.

INTERROGATORY NO. 9: Please identify all water rights held by the City of Eagle, including all water rights that the City of Eagle holds an interest in, including interests that are legal, equitable, and/or contractual in nature.

RESPONSE TO INTERROGATORY NO. 9: The City objects to this interrogatory because it is overbroad, unduly burdensome, designed to harass, and requests information generally available to the public. Notwithstanding the City's objection, the following water rights held by the City is relevant to the City's application: water right no. 63-11413.

INTERROGATORY NO. 10: Please describe the City's business relationship with United Water Idaho ("United Water"). In particular, please describe:

- (a) what role United Water currently plays in the servicing of the City's customers;
- (b) what role United Water will play in the administration of the points of diversion that are the subject of the City's present Application; and
- (c) what role United Water will play in the distribution of the water proposed for diversion pursuant to the City's Application.

RESPONSE TO INTERROGATORY NO. 10: The City has a commercial/contractual relationship with the United Water Idaho (UWI) and with their operating division, United Water Operations (UWO). The City has an agreement with UWI for the provision of fire flow backup. The City has a separate "To and Through Agreement" that allows UWI to utilize the City's 12-inch main on Floating Feather Road. Operation under these agreements is discussed in the City's response to interrogatory no.

11. These agreements are a matter of public record.

- (a) UWO presently reads meters, makes service calls and repairs, and bills Eagle residents for water used from the City's system.**
- (b) None.**
- (c) UWO will operate the well, read meters, perform routine maintenance on the well, make necessary repairs to the well, and report to the City in accordance with contract terms set forth by the City.**

INTERROGATORY NO. 11: Please describe the manner in which the City's water diversion and/or distribution system is connected to United Water facilities. In particular, please describe, in detail, the nature of United Water's access to the City's water diversion and/or distribution system.

RESPONSE TO INTERROGATORY NO. 11: The City objects to this interrogatory because it is not understood what the Eagle Water Company means by the City's "water diversion" or "distribution system." Notwithstanding the City's objection, the City's Lexington Hills well is connected to United Water Idaho (UWI) pipes at two points.

It is also not clear what the Eagle Water Company means by "access" to the City's diversion or distribution system. As a good faith response, UWI can get into the well house and get to the valves that control flows.

INTERROGATORY NO. 12: Please describe the intended place of use for the water proposed for diversion pursuant to the City's Application.

RESPONSE TO INTERROGATORY NO. 12: The City of Eagle's Municipal Service Area.

INTERROGATORY NO. 13: Please describe, in detail, what, if any, system the City has in place to ensure that water it diverts pursuant to the water rights identified in response to Interrogatory No. 9 is not used outside the City's service area, either directly or through co-mingling with United Water's water.

RESPONSE TO INTERROGATORY NO. 13: The water diverted from the City's wells is equal to the volume delivered to the City's service area. This is confirmed by means of metering.

INTERROGATORY NO. 14: Please describe, in detail, what, if any, system the City will have in place to ensure that water it diverts pursuant to the City's Application will not be used outside the City's service area, either directly or through co-mingling with United Water's water.

RESPONSE TO INTERROGATORY NO. 14: See response to interrogatory no. 13.

REQUESTS FOR PRODUCTION

REQUEST NO. 16: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 10.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: The City objects to this request because it is ambiguous and because it is not calculated to lead to admissible evidence. Notwithstanding the City's objection, please see the August 1, 1997 Agreement to Provide Supplemental Water for Fire Flows and the December 2, 1997 Agreement.

REQUEST NO. 17: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 11.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: See response to request for production no. 16.

REQUEST NO. 18: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 13.

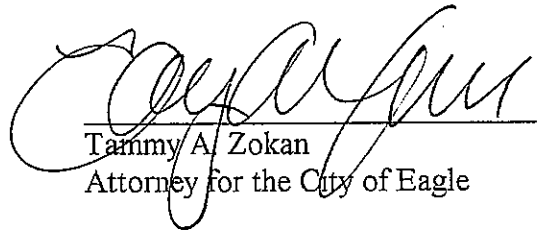
RESPONSE TO REQUEST FOR PRODUCTION NO. 18: The City objects to this request because it is ambiguous and because it is not calculated to lead to admissible evidence. Notwithstanding the City's objection, please see the August 1, 1997 Agreement to Provide Supplemental Water for Fire Flows and the December 2, 1997 Agreement, and the United Water Operations Metering Reports dated February 2001 – February 13, 2003.

REQUEST NO. 19: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 14.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: See response to request for production no. 18.

DATED this 13 day of March, 2003.

Lynne Sedlacek, Councilwoman
City of Eagle



Tammy A. Zokan
Attorney for the City of Eagle

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: See response to request for production no. 16.

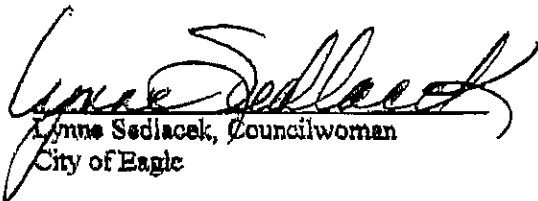
REQUEST NO. 18: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 13.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: The City objects to this request because it is ambiguous and because it is not calculated to lead to admissible evidence. Notwithstanding the City's objection, please see the August 1, 1997 Agreement to Provide Supplemental Water for Fire Flows and the December 2, 1997 Agreement, and the United Water Operations Metering Reports dated February 2001 - February 13, 2003.

REQUEST NO. 19: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 14.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: See response to request for production no. 18.

DATED this ____ day of March, 2003.


Lynne Sedlacek, Councilwoman
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14 day of March, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S RESPONSE TO THE EAGLE WATER COMPANY'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR AND PRODUCTION 16-19 TO THE CITY via U.S. Mail Postage pre-paid, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, Idaho 83616

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, Idaho 83616

Jim Burton
1896 N. Eagle Rd.
Eagle, Idaho 83616

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706


TAMMY A. ZOKAN

RECEIVED & FILED
CITY OF EAGLE

AGREEMENT TO PROVIDE SUPPLEMENTAL WATER FOR FIRE FLOWS JUL 14 1997

This Agreement to Provide Supplemental Water for Fire Flows (this "Agreement"), is effective this first day of August, 1997 by and between THE CITY OF EAGLE CITY, a municipal corporation whose address is 310 East State Street, Eagle, Idaho 83616, and UNITED WATER IDAHO INC., an Idaho corporation ("United Water"), whose address is P.O. Box 7488, Boise, Idaho 83709.

RECITALS:

- A. United Water provides domestic, commercial, and fire flow water in the Eagle, Idaho area and is a public utility within the meaning of the Idaho Public Utility law.
- B. Eagle desires to obtain an additional source of water, including for fire protection purposes, to serve Eagle.
- C. United Water is willing and able to make quantities available to Eagle during each month of the year for the term hereof, as provided further herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, to be kept and performed by the parties, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, it is mutually agreed as follows to wit:

1. Provision of Water. United Water agrees to provide to City additional water and supplemental fire flow as hereinafter set forth. Said flow shall be provided on August 1, 1997 or within a reasonable time after approval by the Idaho Public Utilities Commission ("IPUC") of such provision by United Water. Water for fire flow shall not be less than One Thousand Five Hundred (1,500) gallons per minute measured at the hydrant nearest to the point of diversion of such water flow from United Water to City. United Water shall provide such flow by tying to City's water system at United Water's Floating Feather Well.
2. Payment. City will pay, as billed monthly, for actual flow through the meter, at the metered tariff rates then allowed to United Water by the IPUC for such provision.
3. Assistance by City. City agrees to use its best efforts to aid and assist United Water in obtaining IPUC approval, as required or as helpful for such approval or to speed such approval. The parties acknowledge that City cannot force said entities to provide such consents, and the only requirement hereof is that City reasonably use its best efforts to such end.
4. Term. The term of this Agreement shall be for one year from and after the date above written, during which term this Agreement may not be terminated by either party. Thereafter, the Agreement shall be deemed automatically extended for successive one-year periods unless terminated as herein provided. Eagle may terminate this Agreement by providing written notice of intention to so terminate at least twelve months prior to the proposed termination. United Water may terminate this Agreement by providing written notice of intention to so terminate at least twelve months prior to the proposed termination.
5. Interruptions. United Water shall use reasonable care and diligence to prevent interruptions and fluctuations in delivering the water provided for in this Agreement. Both parties agree that they will make no claim against each other for damages in the event United Water is unable to deliver water because of the need to make repairs for breaks or leaks or other repairs to its facilities, or because of other causes beyond its control. United Water agrees that any necessary repairs or maintenance shall be scheduled so as to minimize disruption to Eagle. Further, if repairs or maintenance are necessary, United Water will provide to Eagle reasonable advance notice of the need to make repairs and shall complete said repairs or maintenance in a timely and workmanlike manner.

6. Indemnity: Each of the parties hereto agrees to indemnify and hold harmless the other party from and against all actions, suits, proceedings, judgments, costs and expenses relating to any claims arising in connection with the subject matter hereof prior to the execution of this Agreement.

7. Notices: All notices required or desired to be given under this Agreement shall be in writing and delivered personally or sent by facsimile or by first class United States mail, postage prepaid addressed as follows:

If to Eagle:

310 East State Street
Eagle, Idaho 83616
208/939-6813
208/939-6827 (facsimile)
Attn: City Clerk

If to United Water:

United Water Idaho Inc.
P.O. Box 7488
Boise, Idaho 83709
208/362-1704
208/362-3858 (facsimile)

8. Miscellaneous:

- a. Enforcement. The failure on the part of any party to enforce its rights as to any provision of the Agreement shall not be construed as a waiver of such party or parties rights to enforce such provision in the future.
- b. Assignment. This Agreement, and the terms hereof, are binding on the parties named herein, their heirs, successors, and assigns. This Agreement shall not be assigned without the written consent of the other parties hereto not to be unreasonably withheld; provided however, that if the business of United Water is taken over by or transferred to a successor company, such shall not be deemed an assignment hereunder. United Water agrees to give Eagle prompt written notice of any such change in ownership.
- c. Entire Agreement. This Agreement contains the entire agreement between the parties hereto in connection with the transactions contemplated herein and supersedes all previous or contemporaneous communications, representations or agreements. This Agreement may be modified only by written amendment signed by all parties.
- d. Severability. If any section, subsection, sentence, clause, phrase or portion of this Agreement is for any reason held invalid, preempted or unconstitutional by any court or by any Federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of this Agreement, and such holding shall not affect the validity of the remaining portions hereof.
- e. Application of Law. This Agreement is subject to all applicable laws of the State of Idaho.
- f. Survival. The terms, representations, provisions, covenants, agreements and indemnities shall remain binding upon and for the parties hereto until fully observed, kept or performed.

- g. Authority. The parties hereto represent and confirm that they have the authority to execute this Agreement on their behalf and on behalf of the other persons named herein, although those persons may not have executed this Agreement.
- i. Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original, but all together shall constitute one and the same Agreement.

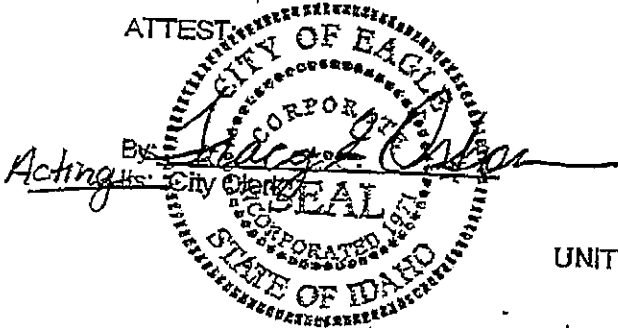
IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first above written.

CITY OF EAGLE CITY

By: _____
Its: Mayor

[Signature]

ATTEST:



UNITED WATER IDAHO INC.

By: _____
Its: VICE PRES.

[Signature]

AGREEMENT

This Agreement is made this 2nd day of December 1997, by and between the City of Eagle, an Idaho municipal corporation (herein called "City"), and United Water Idaho Inc., an Idaho corporation (herein called "UWID").

RECITALS

- A. City is the owner of a municipal, domestic water transmission and distribution system in the City of Eagle (hereinafter called the "System"). The geographical boundaries of the System are shown on Exhibit A, attached hereto and made a part hereof, which geographical boundaries of the System may be amended by the City from time to time.
- B. UWID is engaged in the business of owning, operating and managing a potable water systems, and delivering potable water. UWID owns and operates a potable water reservoir commonly known as the Hidden Hollow reservoir (the "Reservoir").
- C. City desires to have UWID provide such emergency back-up water to City and UWID desires to provide emergency back-up water to City.
- D. Conveyance of emergency back-up water to City from the Reservoir will require that UWID convey potable water to and through the System. City desires to have UWID convey such emergency back up water to City from the Reservoir to and through the System.

NOW, THEREFORE, in consideration of the recitals above which are incorporated below, the mutual terms, conditions, covenants and agreements contained herein, the parties hereto agree as follows:

- 1. In consideration of conveyance of emergency back-up water to City from the Reservoir, City hereby grants to UWID, and to its successors and assigns, the exclusive right and privilege, for a period of thirty (30) years from the first day following the hereof, to convey potable water to and through the System, all subject to the terms and conditions hereinafter specified.
- 2. The System shall be constructed and at all times maintained in good order and condition and in accordance with standard engineering practices and all applicable safety codes and lawful governmental regulations, including all applicable local, state, and federal regulations.
- 3. UWID shall at all times indemnify and hold City, its officers, employees and agent, harmless from any and all expenses or liability arising from or by reason of any negligent act or omission of UWID, its agents or employees, in conveying water to and through the System.
- 4. Before UWID shall have any rights hereunder, UWID shall file with City Clerk a certificate of insurance evidencing general liability insurance which covers claims for bodily injury, property damage and personal injury. Such insurance shall have minimum limits of \$1,000,000 per occurrence. City of Eagle shall be named as an additional named insured under UWID's insurance policy. Should the minimum limits of insurance as set forth herein be increased above \$1,000,000, pursuant to the Idaho Tort Claims Act (Idaho Code Section 6-901, et. seq.) or any similar legislation, UWID shall, upon City's request, be required to provide City with a new certificate of insurance evidencing such higher limits.
- 5. This Agreement shall at all times be subject to all rules, regulations and orders that may be lawfully prescribed by the IPUC or by any other governmental authority now or hereafter having jurisdiction over such matters.

6. City and UWID acknowledge that delivery of water other than water controlled by City and/or UWID is undesirable and agree that City shall not grant a permit, license or other agreement for the use of the System to another water service provider during the term of this Agreement.

7. In the event of an amendment to the laws, rules or regulations of City, the State of Idaho, or the IPUC applicable to this Agreement, or for periodic review of any section of this Agreement, the terms of this Agreement and the rights and privileges hereby conferred may be changed, altered, amended, or modified upon mutual agreement between City and UWID to carrying out the intent of this Agreement. In all cases, sixty (60) days notice shall be required on the part of City or UWID to reopen the Agreement pursuant to this section.

8. Sale, assignment, lease or other transfer of this Agreement by UWID may occur only subsequent to notification to City. Sale of the System by City shall be subject to the terms of this Agreement.

9. GENERAL PROVISIONS.

a. All notices, demands, requests, and other communications under this Agreement shall be in writing and shall be deemed properly served or delivered, if delivered by hand to the party to whose attention it is directed, or when sent, three (3) days after deposit in the U.S. mail, postage prepaid, by registered or certified mail, return receipt requested, or if sent by facsimile to the party to whose attention it is directed, addressed as follows:

If to City: The City of Eagle
 Attn: Mayor
 City Hall
 310 E. State Street
 Eagle, ID 83616
 (208) 939-6813
 (208) 939-6827(facsimile)

If to UWID: United Water Idaho Inc.
 Attn: President
 8248 W. Victory Road
 Boise, Idaho 83707
 (208) 362-1704
 (208) 362-3858 (facsimile)

or at such other address or to such other party which any party entitled to receive notice hereunder designates to the other in writing as provided above.

b. Upon reasonable request by City, UWID shall send a representative to any particular meeting of City's Council and shall provide City with quarterly reports of activities in connection with conveying water to and through the System.

c. The failure on the part of either party to enforce its rights as to any provision of the Agreement shall not be construed as a waiver of its rights to enforce such provision in the future.

d. If any party shall fail to perform such party's obligation(s) contemplated herein for any reason, one or more of the other parties may pursue any and all remedies at law or equity; provided, however, all parties affected by any default agree to attempt to mediate a settlement in good faith prior to initiating litigation. In the event litigation is filed, the prevailing party or parties shall be entitled to an award of reasonable costs and attorneys' fees.

e. If any section, subsection, sentence, clause, phrase or portion of the Agreement is for any reason held invalid, preempted or unconstitutional by any Federal or State court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of the Agreement, and such holding shall not affect the validity of the remaining portions hereof.

f. The Agreement is subject to all applicable laws of the State of Idaho and ordinances of City.

g. The terms, representations, provisions, covenants, agreements and indemnities shall remain binding upon and for the parties hereto until fully observed, kept or performed.

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement as of the date first above written.

CITY OF EAGLE, an Idaho municipal corporation

By: _____

Richard Yzaguirre, Mayor

ATTEST:

By: _____

City Clerk

UNITED WATER IDAHO INC., an Idaho corporation

By: _____

William C. Linam, President



EXHIBIT A

Geographical Boundaries City of Eagle Water System

Commencing at the section corner common to Sections 4, 5, 8 and 9, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, the REAL POINT OF BEGINNING;

thence easterly along the section line common to Sections 4, 3, 9 and 10 approximately 2 miles to the section corner common to Sections 2, 3, 10 and 11, Township 4 North, Range 1 East, Boise Meridian, said point being the centerline of State Highway 55;

thence northwesterly along said centerline of State Highway 55 approximately 3/4 mile to a point on the north line of the south half of the north half of said Section 3, Township 4 North, Range 1 East, Boise Meridian;

thence westerly along said north line of the south half of the north half of Section 3, approximately 3/4 mile to the common north-south section line of Sections 3 and 4, Township 4 North, Range 1 East, Boise Meridian;

thence southerly along said north-south section line of Sections 3 and 4 approximately 1/4 mile to the 1/4 corner common to said Sections 3 and 4, Township 4 North, Range 1 East, Boise Meridian;

thence westerly along the east - west half section line of said Section 4 approximately 1/8 mile to the centerline of Dry Creek;

thence southwestery along said centerline of Dry Creek approximately 5/8 mile to the west line of the east half of the west half of said Section 4, Township 4 North, Range 1 East, Boise Meridian;

thence southerly along said west line of the east half of the west half of Section 4 approximately 3/8 mile to the north line of the south half of the south half of said Section 4, Township 4 North, Range 1 East, Boise Meridian;

thence westerly along said north line of the south half of the south half of Section 4 approximately 1/4 mile to the common north - south section line of said Sections 4 and 5, Township 4 North, Range 1 East, Boise Meridian;

thence southerly along said north - south section line of Sections 4 and 5 approximately 1/4 mile to the section corner common to Sections 4, 5, 8 and 9, Township 4 North, Range 1 East, Boise Meridian, the REAL POINT OF BEGINNING;

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter

RECEIVED & FILED
CITY OF EAGLE

FEB 13 2003

File: _____
Route to: File

Account # 550030

Date 2-12-03

Meter Reading 730462 Gallons

Previous Reading 705458 Gallons

Difference 25004 Gallons

Divide 7.48 3343 CCF

Balance Forward \$ 67.16

Rate 0.72/100 CCF \$ 24.07

Customer Charge \$ 20.82

BILL AMOUNT \$ 112.05

BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr. 9601 W State St
Eagle, ID 83616 Ste 203
Boise, ID 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

2

2

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

RECEIVED & FILED
CITY OF EAGLE

JAN 21 2003

File: _____
Route to: _____

Lexington Hills - Pond
Master Meter

Account # 550030

Date 1-16-03

Meter Reading	<u>705458</u>	Gallons
Previous Reading	<u>657313</u>	Gallons
Difference	<u>48145</u>	Gallons
Divide 7.48	<u>6436</u>	CCF
Balance Forward	\$ <u>0</u>	
Rate 0.72/100 CCF	\$ <u>46.34</u>	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>67.16</u>	

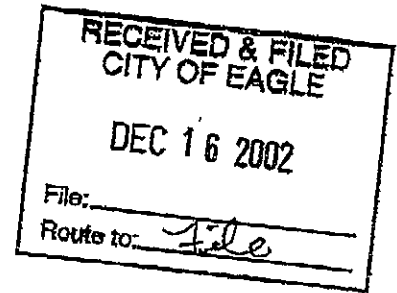
BILL TO: Lexington Hills Homeowners Association
~~1815 E. Stonybrook Dr.~~ 9601 W State St
Eagle, ID 83616 Ste 203
Boise, Id 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 554030

Date 12/12/02

Meter Reading 657,313 Gallons

Previous Reading 619,456 Gallons

Difference 37,857 Gallons

Divide 7.48 5,061 CCF

Balance Forward \$ 0

Rate 0.72/100 CCF \$ 36.44

Customer Charge \$ 20.82

BILL AMOUNT \$ 57.26

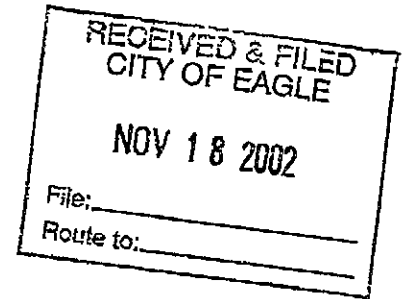
BILL TO: Lexington Hills Homeowners Association
~~1815 E. Stonybrook Dr.~~ 9601 W State St
Eagle, ID 83616 Apt 203
Boise, Id 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 11-14-02

Meter Reading	<u>619,456</u>	Gallons
Previous Reading	<u>532,197</u>	Gallons
Difference	<u>87,259</u>	Gallons
Divide 7.48	<u>11,666</u>	CCF
Balance Forward	\$ <u>0</u>	
Rate 0.72/100 CCF	\$ <u>84.00</u>	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>104.82</u>	

BILL TO: Lexington Hills Homeowners Association
~~1815 E. Stonybrook Dr.~~ 9601 W State St
Eagle, ID 83616 Apt 203
Boise, Id 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

RECEIVED & FILED
CITY OF EAGLE

OCT 16 2002

File: _____

Route to: _____

Lexington Hills - Pond
Master Meter

Account # 550030

Date 10-14-02

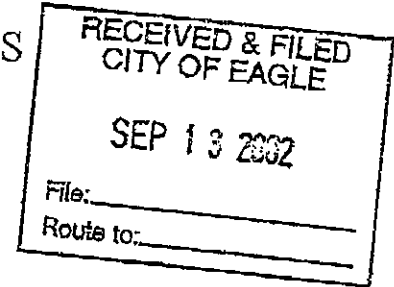
Meter Reading	<u>532197</u>	Gallons
Previous Reading	<u>520371</u>	Gallons
Difference	<u>11826</u>	Gallons
Divide 7.48	<u>1518</u>	CCF
Balance Forward	\$ <u>0</u>	
Rate 0.72/100 CCF	\$ <u>11.38</u>	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>32.20</u>	

BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr. *9601 W State St*
Eagle, ID 83616 *Ste 203*
Boise, Id 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304



Lexington Hills - Pond
Master Meter

Account # 550030
Date 9-12-02

Meter Reading	<u>520371</u>	Gallons
Previous Reading	<u>520371</u>	Gallons
Difference	<u>- 0 -</u>	Gallons
Divide 7.48		CCF
Balance Forward	\$ _____	
Rate 0.72/100 CCF	\$ _____	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>20.82</u>	

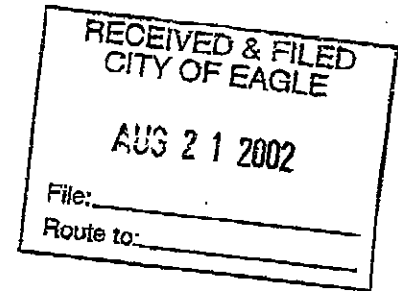
BILL TO: Lexington Hills Homeowners Association
~~1815 E. Stonybrook Dr.~~ 9601 W State St
Eagle, ID 83616 Ste 203
Boise, Id 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 8-14-02

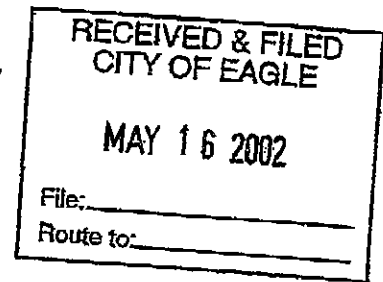
Meter Reading	<u>520371</u>	Gallons
Previous Reading	<u>520371</u>	Gallons
Difference	<u>- 0 -</u>	Gallons
Divide 7.48	_____	CCF
Balance Forward	\$ <u>- 0 -</u>	
Rate 0.72/100 CCF	\$ _____	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>20.82</u>	

BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr. *9601 W State St*
Eagle, ID 83616 *Apt 203*
Boise, Id 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304



Lexington Hills - Pond
Master Meter

Account # 550030

Date 5-15-02

Meter Reading 520371 Gallons

Previous Reading 520371 Gallons

Difference - 0 - Gallons

Divide 7.48 CCF

Balance Forward \$ 180.44

Rate 0.72/100 CCF \$ _____

Customer Charge \$ 20.82

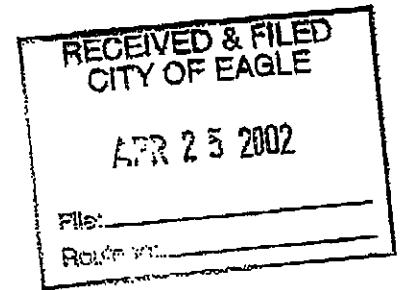
BILL AMOUNT \$ 201.26

BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304



Lexington Hills - Pond
Master Meter

Account # 550030

Date 4-24-02

Meter Reading 520371 Gallons

Previous Reading 419431 Gallons

Difference 100940 Gallons

Divide 7.48 13494 CCF

Balance Forward \$ 62.46 Jan Feb Mar customer charge

Rate 0.72/100 CCF \$ 97.16

Customer Charge \$ 20.82

BILL AMOUNT \$ 180.44

BILL TO: Lexington Hills Homeowners Association
340 W State St
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter

RECEIVED & FILED
CITY OF EAGLE

DEC 19 2001

File: _____
Route to: _____

Account # 550030

Date 12-18-01

Meter Reading 419431 Gallons

Previous Reading 372404 Gallons

Difference 47027 Gallons

Divide 7.48 6287 CCF

Balance Forward \$ 20.82 New cust. chg

Rate 0.72/100 CCF \$ 45.27

Customer Charge \$ 20.82

BILL AMOUNT \$ 86.91

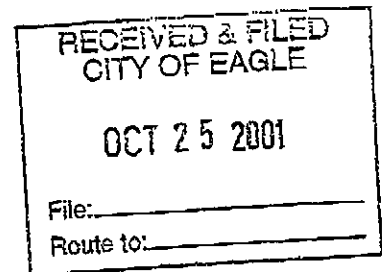
BILL TO: Lexington Hills Homeowners Association
340 W State St 1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 10-23-01

Meter Reading 372404 Gallons

Previous Reading 350876 Gallons

Difference 21528 Gallons

Divide 7.48 2878 CCF

Balance Forward \$ 20.82 *Sept customer charge*

Rate 0.72/100 CCF \$ 20.72

Customer Charge \$ 20.82

BILL AMOUNT \$ 62.36

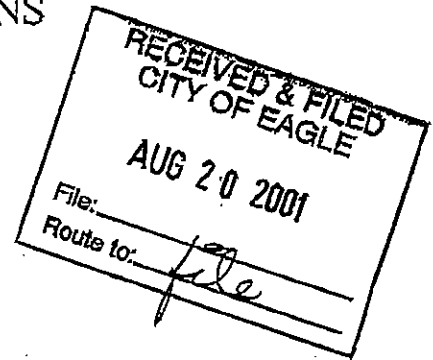
BILL TO: Lexington Hills Homeowners Association
340 W Stett ~~1815 E. Stonybrook Dr.~~
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 8-17-01

Meter Reading	<u>350876</u>	Gallons
Previous Reading	<u>350876</u>	Gallons
Difference	<u>0</u>	Gallons
Divide 7.48		CCF
Balance Forward	\$ <u>120.55</u>	
Rate 0.72/100 CCF	\$	
Customer Charge	\$ <u>62.46</u>	
BILL AMOUNT	\$ <u>183.01</u>	

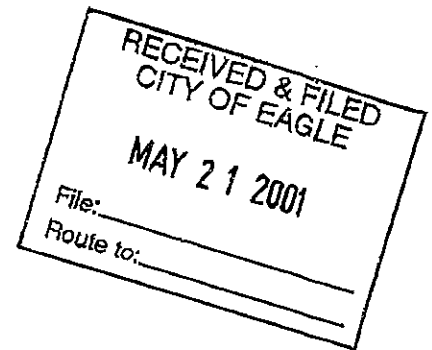
BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 5-16-01

Meter Reading	<u>350876</u>	Gallons
Previous Reading	<u>290525</u>	Gallons
Difference	<u>60351</u>	Gallons
Divide 7.48	<u>8068</u>	CCF
Balance Forward	\$ <u>0</u>	
Rate 0.72/100 CCF	\$ <u>58.09</u>	
Customer Charge	\$ <u>62.46</u>	
BILL AMOUNT	\$ <u>120.55</u>	

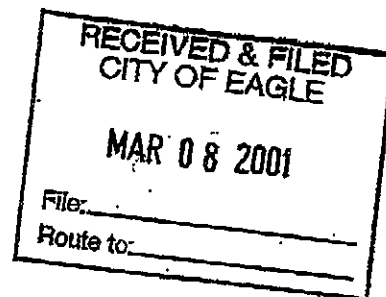
BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 2-16-01

Meter Reading	<u>290525</u>	Gallons
Previous Reading	<u>272960</u>	Gallons
Difference	<u>17565</u>	Gallons
Divide 7.48	<u>2348</u>	CCF
Balance Forward	\$ <u>0</u>	
Rate 0.72/100 CCF	\$ <u>16.91</u>	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>37.73</u>	

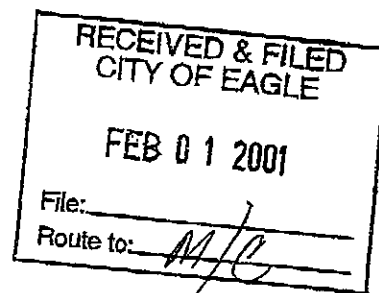
BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 1-24-01

Meter Reading	<u>272960</u>	Gallons
Previous Reading	<u>229196</u>	Gallons
Difference	<u>43764</u>	Gallons
Divide 7.48	<u>5850</u>	CCF
Balance Forward	\$ <u>60.78</u>	
Rate 0.72/100 CCF	\$ <u>42.13</u>	
Customer Charge	\$ <u>41.64</u>	
BILL AMOUNT	\$ <u>144.55</u>	

BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 477
Eagle, ID 83616

RECEIVED

MAR 17 2003

Department of Water Resources

BRUCE M. SMITH, ISB # 3425
TAMMY A. ZOKAN, ISB # 5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
225 North 9th, Suite 420
Boise, Idaho 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorney for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF }
APPLICATION FOR PERMIT NO. 63-12448 } THE CITY OF EAGLE'S RESPONSE TO
IN THE NAME OF THE CITY OF EAGLE } THE EAGLE WATER COMPANY, INC.'S
FIRST SET OF INTERROGATORIES,
REQUESTS FOR PRODUCTION OF
DOCUMENTS NOS. 16-19

THE CITY OF EAGLE BY AND THROUGH ITS ATTORNEY, MOORE SMITH
BUXTON & TURCKE, CHARTERED, HEREBY respond to the following interrogatories and
requests for production of documents nos. 16-19, by the Eagle Water Company, Inc. ("Eagle
Water Company"). As a general objection, the City objects to providing any response or
producing any documents protected by the attorney client or work product privileges.

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, however
obtained, including hearsay which is available to you and including information known by or in
the possession of yourself, your attorney(s), investigator(s), expert(s), employee(s), or agent(s)
retained by you or your attorney, or appearing in your records, and not merely information

**APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS NOS.
16-19 TO THE CITY OF EAGLE - Page 1**

known of your own personal knowledge.

If you cannot answer the following interrogatories 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 and detailing what you did in attempting to secure the unknown information.

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.

The entire discovery herein is deemed continuing. If after responding to these interrogatories, you acquire any documents requested herein, or any information related to any interrogatories or documents requested herein which is not reflected by one of the answers, you must file a supplemental discovery response. Such supplementation is requested herein in addition to any supplementation required by the Idaho Rules of Civil Procedure.

THE FOLLOWING DEFINITIONS APPLY TO THESE DISCOVERY REQUESTS:

1. "*Application*" means the Application for Amendment of Permit No. 63-12448 in the Name of The City of Eagle.
2. "*Document or Documents*" means all writing of any kind, including the original and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise including without limitation correspondence,

memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort of conversations, bulletins, printed matter, computer printouts, teletypes, telecopy, invoices, work sheets, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representation of any kind including without limitations, photographs, charts, graphs, microfiche, microfilm, videotapes, recording, motion pictures and electronic, mechanical, or electrical records or representation of any kind including without limitation, tapes, cassette discs, recordings.

3. "*Eagle Water's Water Rights*" means the water rights represented by SRBA water right claim nos. 63-7368; 63-7618; and 63-9245.

4. "*Fact*" or "*Facts*" mean all circumstances, events, evidence, information, including statements or testimony made by, or knowledge of, any person(s), pertaining to or touching upon the item or matter in question.

5. "*Issues*" means the issues set forth in the Notice of Hearing dated January 10, 2003, which are as follows:

- A. Will other water rights be injured by the amendment?
- B. Will the requested change constitute an enlargement in the use of the original right?
- C. Will the proposed change conflict with the local public interest?
- D. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

6. "*Person*" includes any natural person, partnership, corporation, joint venture, unincorporated association, governmental entity (or agency or other subdivision thereof), quasi-public entity or other form of entity or combination thereof.

7. "*You and Your*" means the City of Eagle.

INTERROGATORIES

INTERROGATORY NO. 1 Excluding IDWR personnel and the Protestants, please identify every person known to you who has knowledge or information concerning any of the facts related to (a) the Application and/or (b) the Issues. For each person identified, describe the

substance of the knowledge or information held by that person and provide that person's name, job title, address, day-time phone number, and relationship to you.

RESPONSE TO INTERROGATORY NO. 1: The City objects to this interrogatory because it is ambiguous, vague, overbroad and overly burdensome. Notwithstanding the City's objection, to the extent the City understands this request, the City is aware of the following individuals who may have knowledge or information related to the City's application:

- (1) Mayor
City Council
Eagle City Hall
P.O. Box 1520
Eagle, Idaho 83616
(208) 939-6813
- (2) Vern Brewer
City Project Manager/Engineer Liaison
Holladay Engineering Co.
P.O. Box 235
Payette, Idaho 83661
(208) 642-3304
- (3) Bill Strowd, P.G.
Former Employee of
Holladay Engineering Co.
1509 Dearborn
Caldwell, Idaho 83605
(208) 454-1051
(Mr. Strowd is a Rule 26(b) (4) (B) expert.)
- (4) Terry Scanlan, P.E., P.G.
Scanlan Engineering
600 East River Park Lane, Suite 105
Boise, Idaho 83706
(208) 383-4140
- (5) The Eagle Water Company and their representatives (hereinafter referred to as the "Protestants" or the "Eagle Water Company")
C/O Molly O'Leary, Esq.
Richardson & O'Leary PLLC

99 East State Street, Suite 200
Eagle, Idaho 83616
(208) 938-7900

The City may identify and disclose additional individuals with knowledge or information concerning this case as this case progresses.

INTERROGATORY NO.2: Identify each person you expect to call as an expert witness at any hearing or trial in the above-captioned case. For each person, state (a) the subject matter on which the expert is expected to testify, (b) the substance of the opinions to which the expert is expected to testify, and (c) the underlying facts and data upon which the expert opinions are based.

RESPONSE TO INTERROGATORY NO. 2: The City anticipates calling Mr. Terry M. Scanlan, P.E., P.G., as an expert witness in this case. The City may identify and disclose additional expert witnesses as this case progresses and thus, reserves the right to call additional experts at hearing. Mr. Scanlan may testify regarding his analysis of the groundwater conditions in the vicinity of the proposed well and his opinion that the City's proposal would result in minimal impact on the aquifer and neighboring wells. Mr. Scanlan's opinions and expected testimony are based upon Idaho Department of Water Resources records available to the public and the following reports: Ground-water Conditions in the Dry Creek Area, Eagle, Idaho, prepared by IDWR (1991); Results of the 30-Day Pumping Test and Aquifer Analysis, prepared by CH2M Hill (1991); and Aquifer Test Floating Feather Well, prepared by Scanlan Engineering of Boise. See response to requests for production nos. 1-15.

INTERROGATORY NO. 3: Identify every person you may call as a witness at any hearing or trial in the above-captioned case. For each person identified, describe the specific factual matters as to which that person will testify and describe the substance of that person's

testimony. For each person identified, provide that person's name, job title, address, day-time phone number, and relationship to you.

RESPONSE TO INTERROGATORY NO. 3: Please see the City's response to interrogatory nos. 1-2. These witnesses may testify generally regarding the diversion of water by the City of Eagle as described in the City's application. The City may identify and disclose additional witnesses as this case proceeds, and therefore, reserves the right to call additional witnesses at hearing.

INTERROGATORY NO. 4: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not injure Eagle Water's Water Rights? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 4: Yes. The City's claim is based upon Idaho water law, the analysis and reports described in its response to interrogatory no. 2, and representations made by the Protestants. Multiple points of diversion, when operated in parallel, will exhibit less impact than a single point of diversion operating at the authorized withdrawal rate. See reports identified in response to interrogatory no. 2.

INTERROGATORY NO. 5: Do you claim that the Application, if approved, will not conflict with the local public interest? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 5: Yes. The City's claim is based upon Idaho water law and the analysis and reports described in its response to interrogatory no. 2. It is in the public's interest to develop a multiple-points-of-diversion well system.

INTERROGATORY NO. 6 Do you claim that the Application, if approved, will not be contrary to conservation of water resources within the state of Idaho? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 6: Yes. The City's claim is based upon Idaho water law and the analysis and reports described in its response to interrogatory no. 2. The City is not requesting an increase from its authorized withdrawal rate (cubic-feet-per-second) or total allowed volume (acre-feet) in this application. See reports identified in response to interrogatory no. 2.

INTERROGATORY NO. 7: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for Eagle Water's Water Rights? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 7: The City objects to this interrogatory because it is ambiguous and vague. Notwithstanding the City's objection, to the extent the City understands this interrogatory, the City's response is yes. Please see the City's response to interrogatory no. 4.

INTERROGATORY NO. 8: Do you claim that the Application, if approved, will not constitute an enlargement in the use of the original right? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 8: Yes. The City's claim is based upon Idaho water law and the analysis and reports described in its response to interrogatory nos. 2 and 6.

INTERROGATORY NO. 9: Please identify all water rights held by the City of Eagle, including all water rights that the City of Eagle holds an interest in, including interests that are legal, equitable, and/or contractual in nature.

RESPONSE TO INTERROGATORY NO. 9: The City objects to this interrogatory because it is overbroad, unduly burdensome, designed to harass, and requests information generally available to the public. Notwithstanding the City's objection, the following water rights held by the City is relevant to the City's application: water right no. 63-11413.

INTERROGATORY NO. 10: Please describe the City's business relationship with United Water Idaho ("United Water"). In particular, please describe:

- (a) what role United Water currently plays in the servicing of the City's customers;
- (b) what role United Water will play in the administration of the points of diversion that are the subject of the City's present Application; and
- (c) what role United Water will play in the distribution of the water proposed for diversion pursuant to the City's Application.

RESPONSE TO INTERROGATORY NO. 10: The City has a commercial/contractual relationship with the United Water Idaho (UWI) and with their operating division, United Water Operations (UWO). The City has an agreement with UWI for the provision of fire flow backup. The City has a separate "To and Through Agreement" that allows UWI to utilize the City's 12-inch main on Floating Feather Road. Operation under these agreements is discussed in the City's response to interrogatory no.

APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS NOS. 16-19 TO THE CITY OF EAGLE - Page 8

11. These agreements are a matter of public record.

- (a) UWO presently reads meters, makes service calls and repairs, and bills Eagle residents for water used from the City's system.**
- (b) None.**
- (c) UWO will operate the well, read meters, perform routine maintenance on the well, make necessary repairs to the well, and report to the City in accordance with contract terms set forth by the City.**

INTERROGATORY NO. 11: Please describe the manner in which the City's water diversion and/or distribution system is connected to United Water facilities. In particular, please describe, in detail, the nature of United Water's access to the City's water diversion and/or distribution system.

RESPONSE TO INTERROGATORY NO. 11: The City objects to this interrogatory because it is not understood what the Eagle Water Company means by the City's "water diversion" or "distribution system." Notwithstanding the City's objection, the City's Lexington Hills well is connected to United Water Idaho (UWI) pipes at two points.

It is also not clear what the Eagle Water Company means by "access" to the City's diversion or distribution system. As a good faith response, UWI can get into the well house and get to the valves that control flows.

INTERROGATORY NO. 12: Please describe the intended place of use for the water proposed for diversion pursuant to the City's Application.

RESPONSE TO INTERROGATORY NO. 12: The City of Eagle's Municipal Service Area.

APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS NOS. 16-19 TO THE CITY OF EAGLE - Page 9

INTERROGATORY NO. 13: Please describe, in detail, what, if any, system the City has in place to ensure that water it diverts pursuant to the water rights identified in response to Interrogatory No. 9 is not used outside the City's service area, either directly or through co-mingling with United Water's water.

RESPONSE TO INTERROGATORY NO. 13: The water diverted from the City's wells is equal to the volume delivered to the City's service area. This is confirmed by means of metering.

INTERROGATORY NO. 14: Please describe, in detail, what, if any, system the City will have in place to ensure that water it diverts pursuant to the City's Application will not be used outside the City's service area, either directly or through co-mingling with United Water's water.

RESPONSE TO INTERROGATORY NO. 14: See response to interrogatory no. 13.

REQUESTS FOR PRODUCTION

REQUEST NO. 16: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 10.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: The City objects to this request because it is ambiguous and because it is not calculated to lead to admissible evidence. Notwithstanding the City's objection, please see the August 1, 1997 Agreement to Provide Supplemental Water for Fire Flows and the December 2, 1997 Agreement.

REQUEST NO. 17: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 11.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: See response to request for production no. 16.

REQUEST NO. 18: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 13.

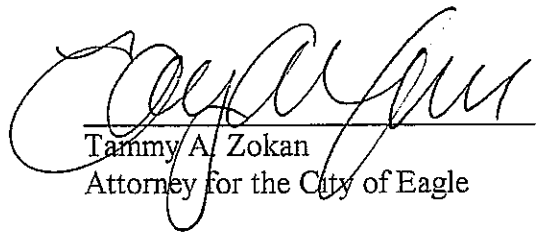
RESPONSE TO REQUEST FOR PRODUCTION NO. 18: The City objects to this request because it is ambiguous and because it is not calculated to lead to admissible evidence. Notwithstanding the City's objection, please see the August 1, 1997 Agreement to Provide Supplemental Water for Fire Flows and the December 2, 1997 Agreement, and the United Water Operations Metering Reports dated February 2001 – February 13, 2003.

REQUEST NO. 19: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 14.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: See response to request for production no. 18.

DATED this 13 day of March, 2003.

Lynne Sedlacek, Councilwoman
City of Eagle



Tammy A. Zokan
Attorney for the City of Eagle

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: See response to request for production no. 16.

REQUEST NO. 18: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 13.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: The City objects to this request because it is ambiguous and because it is not calculated to lead to admissible evidence. Notwithstanding the City's objection, please see the August 1, 1997 Agreement to Provide Supplemental Water for Fire Flows and the December 2, 1997 Agreement, and the United Water Operations Metering Reports dated February 2001 - February 13, 2003.

REQUEST NO. 19: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 14.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: See response to request for production no. 18.

DATED this ____ day of March, 2003.


Lynne Sedlacek, Councilwoman
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14 day of March, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S RESPONSE TO THE EAGLE WATER COMPANY'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR AND PRODUCTION 16-19 TO THE CITY via U.S. Mail Postage pre-paid, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, Idaho 83616

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, Idaho 83616

Jim Burton
1896 N. Eagle Rd.
Eagle, Idaho 83616

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706


TAMMY A. ZOKAN

RECEIVED & FILED
CITY OF EAGLE

JUL 14 1997

AGREEMENT TO PROVIDE SUPPLEMENTAL WATER FOR FIRE FLOWS

This Agreement to Provide Supplemental Water for Fire Flows (this "Agreement"), is effective this first day of August, 1997 by and between THE CITY OF EAGLE CITY, a municipal corporation whose address is 310 East State Street, Eagle, Idaho 83616, and UNITED WATER IDAHO INC., an Idaho corporation ("United Water"), whose address is P.O. Box 7488, Boise, Idaho 83709.

RECITALS:

A. United Water provides domestic, commercial, and fire flow water in the Eagle, Idaho area and is a public utility within the meaning of the Idaho Public Utility law.

B. Eagle desires to obtain an additional source of water, including for fire protection purposes, to serve Eagle.

C. United Water is willing and able to make quantities available to Eagle during each month of the year for the term hereof, as provided further herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, to be kept and performed by the parties, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, it is mutually agreed as follows to wit:

1. Provision of Water. United Water agrees to provide to City additional water and supplemental fire flow as hereinafter set forth. Said flow shall be provided on August 1, 1997 or within a reasonable time after approval by the Idaho Public Utilities Commission ("IPUC") of such provision by United Water. Water for fire flow shall not be less than One Thousand Five Hundred (1,500) gallons per minute measured at the hydrant nearest to the point of diversion of such water flow from United Water to City. United Water shall provide such flow by tying to City's water system at United Water's Floating Feather Well.
2. Payment. City will pay, as billed monthly, for actual flow through the meter, at the metered tariff rates then allowed to United Water by the IPUC for such provision.
3. Assistance by City. City agrees to use its best efforts to aid and assist United Water in obtaining IPUC approval, as required or as helpful for such approval or to speed such approval. The parties acknowledge that City cannot force said entities to provide such consents, and the only requirement hereof is that City reasonably use its best efforts to such end.
4. Term. The term of this Agreement shall be for one year from and after the date above written, during which term this Agreement may not be terminated by either party. Thereafter, the Agreement shall be deemed automatically extended for successive one-year periods unless terminated as herein provided. Eagle may terminate this Agreement by providing written notice of intention to so terminate at least twelve months prior to the proposed termination. United Water may terminate this Agreement by providing written notice of intention to so terminate at least twelve months prior to the proposed termination.
5. Interruptions. United Water shall use reasonable care and diligence to prevent interruptions and fluctuations in delivering the water provided for in this Agreement. Both parties agree that they will make no claim against each other for damages in the event United Water is unable to deliver water because of the need to make repairs for breaks or leaks or other repairs to its facilities, or because of other causes beyond its control. United Water agrees that any necessary repairs or maintenance shall be scheduled so as to minimize disruption to Eagle. Further, if repairs or maintenance are necessary, United Water will provide to Eagle reasonable advance notice of the need to make repairs and shall complete said repairs or maintenance in a timely and workmanlike manner.

6. Indemnity: Each of the parties hereto agrees to indemnify and hold harmless the other party from and against all actions, suits, proceedings, judgments, costs and expenses relating to any claims arising in connection with the subject matter hereof prior to the execution of this Agreement.

7. Notices: All notices required or desired to be given under this Agreement shall be in writing and delivered personally or sent by facsimile or by first class United States mail, postage prepaid addressed as follows:

If to Eagle:

310 East State Street
Eagle, Idaho 83616
208/939-6813
208/939-6827 (facsimile)
Attn: City Clerk

If to United Water:

United Water Idaho Inc.
P.O. Box 7488
Boise, Idaho 83709
208/362-1704
208/362-3858 (facsimile)

8. Miscellaneous:

- a. Enforcement. The failure on the part of any party to enforce its rights as to any provision of the Agreement shall not be construed as a waiver of such party or parties rights to enforce such provision in the future.
- b. Assignment. This Agreement, and the terms hereof, are binding on the parties named herein, their heirs, successors, and assigns. This Agreement shall not be assigned without the written consent of the other parties hereto not to be unreasonably withheld; provided however, that if the business of United Water is taken over by or transferred to a successor company, such shall not be deemed an assignment hereunder. United Water agrees to give Eagle prompt written notice of any such change in ownership.
- c. Entire Agreement. This Agreement contains the entire agreement between the parties hereto in connection with the transactions contemplated herein and supersedes all previous or contemporaneous communications, representations or agreements. This Agreement may be modified only by written amendment signed by all parties.
- d. Severability. If any section, subsection, sentence, clause, phrase or portion of this Agreement is for any reason held invalid, preempted or unconstitutional by any court or by any Federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of this Agreement, and such holding shall not affect the validity of the remaining portions hereof.
- e. Application of Law. This Agreement is subject to all applicable laws of the State of Idaho.
- f. Survival. The terms, representations, provisions, covenants, agreements and indemnities shall remain binding upon and for the parties hereto until fully observed, kept or performed.

- g. Authority. The parties hereto represent and confirm that they have the authority to execute this Agreement on their behalf and on behalf of the other persons named herein, although those persons may not have executed this Agreement.
- i. Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original, but all together shall constitute one and the same Agreement.

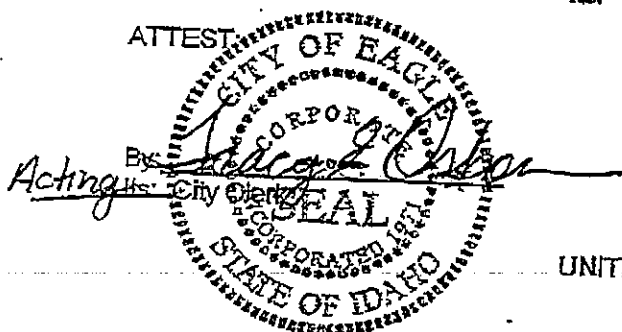
IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first above written.

CITY OF EAGLE CITY

By: _____
Its: Mayor

[Signature]

ATTEST:



UNITED WATER IDAHO INC.

By: _____
Its: VICE PRES.

[Signature]

AGREEMENT

This Agreement is made this 2nd day of December 1997, by and between the City of Eagle, an Idaho municipal corporation (herein called "City"), and United Water Idaho Inc., an Idaho corporation (herein called "UWID").

RECITALS

- A. City is the owner of a municipal, domestic water transmission and distribution system in the City of Eagle (hereinafter called the "System"). The geographical boundaries of the System are shown on Exhibit A, attached hereto and made a part hereof, which geographical boundaries of the System may be amended by the City from time to time.
- B. UWID is engaged in the business of owning, operating and managing a potable water systems, and delivering potable water. UWID owns and operates a potable water reservoir commonly known as the Hidden Hollow reservoir (the "Reservoir").
- C. City desires to have UWID provide such emergency back-up water to City and UWID desires to provide emergency back-up water to City.
- D. Conveyance of emergency back-up water to City from the Reservoir will require that UWID convey potable water to and through the System. City desires to have UWID convey such emergency back up water to City from the Reservoir to and through the System.

NOW, THEREFORE, in consideration of the recitals above which are incorporated below, the mutual terms, conditions, covenants and agreements contained herein, the parties hereto agree as follows:

- 1. In consideration of conveyance of emergency back-up water to City from the Reservoir, City hereby grants to UWID, and to its successors and assigns, the exclusive right and privilege, for a period of thirty (30) years from the first day following the hereof, to convey potable water to and through the System, all subject to the terms and conditions hereinafter specified.
- 2. The System shall be constructed and at all times maintained in good order and condition and in accordance with standard engineering practices and all applicable safety codes and lawful governmental regulations, including all applicable local, state, and federal regulations.
- 3. UWID shall at all times indemnify and hold City, its officers, employees and agent, harmless from any and all expenses or liability arising from or by reason of any negligent act or omission of UWID, its agents or employees, in conveying water to and through the System.
- 4. Before UWID shall have any rights hereunder, UWID shall file with City Clerk a certificate of insurance evidencing general liability insurance which covers claims for bodily injury, property damage and personal injury. Such insurance shall have minimum limits of \$1,000,000 per occurrence. City of Eagle shall be named as an additional named insured under UWID's insurance policy. Should the minimum limits of insurance as set forth herein be increased above \$1,000,000, pursuant to the Idaho Tort Claims Act (Idaho Code Section 6-901, et. seq.) or any similar legislation, UWID shall, upon City's request, be required to provide City with a new certificate of insurance evidencing such higher limits.
- 5. This Agreement shall at all times be subject to all rules, regulations and orders that may be lawfully prescribed by the IPUC or by any other governmental authority now or hereafter having jurisdiction over such matters.

6. City and UWID acknowledge that delivery of water other than water controlled by City and/or UWID is undesirable and agree that City shall not grant a permit, license or other agreement for the use of the System to another water service provider during the term of this Agreement.

7. In the event of an amendment to the laws, rules or regulations of City, the State of Idaho, or the IPUC applicable to this Agreement, or for periodic review of any section of this Agreement, the terms of this Agreement and the rights and privileges hereby conferred may be changed, altered, amended, or modified upon mutual agreement between City and UWID to carrying out the intent of this Agreement. In all cases, sixty (60) days notice shall be required on the part of City or UWID to reopen the Agreement pursuant to this section.

8. Sale, assignment, lease or other transfer of this Agreement by UWID may occur only subsequent to notification to City. Sale of the System by City shall be subject to the terms of this Agreement.

9. GENERAL PROVISIONS.

a. All notices, demands, requests, and other communications under this Agreement shall be in writing and shall be deemed properly served or delivered, if delivered by hand to the party to whose attention it is directed, or when sent, three (3) days after deposit in the U.S. mail, postage prepaid, by registered or certified mail, return receipt requested, or if sent by facsimile to the party to whose attention it is directed, addressed as follows:

If to City: The City of Eagle
 Attn: Mayor
 City Hall
 310 E. State Street
 Eagle, ID 83616
 (208) 939-6813
 (208) 939-6827(facsimile)

If to UWID: United Water Idaho Inc.
 Attn: President
 8248 W. Victory Road
 Boise, Idaho 83707
 (208) 362-1704
 (208) 362-3858 (facsimile)

or at such other address or to such other party which any party entitled to receive notice hereunder designates to the other in writing as provided above.

b. Upon reasonable request by City, UWID shall send a representative to any particular meeting of City's Council and shall provide City with quarterly reports of activities in connection with conveying water to and through the System.

c. The failure on the part of either party to enforce its rights as to any provision of the Agreement shall not be construed as a waiver of its rights to enforce such provision in the future.

d. If any party shall fail to perform such party's obligation(s) contemplated herein for any reason, one or more of the other parties may pursue any and all remedies at law or equity; provided, however, all parties affected by any default agree to attempt to mediate a settlement in good faith prior to initiating litigation. In the event litigation is filed, the prevailing party or parties shall be entitled to an award of reasonable costs and attorneys' fees.

e. If any section, subsection, sentence, clause, phrase or portion of the Agreement is for any reason held invalid, preempted or unconstitutional by any Federal or State court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of the Agreement, and such holding shall not affect the validity of the remaining portions hereof.

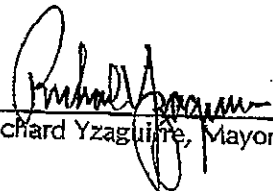
f. The Agreement is subject to all applicable laws of the State of Idaho and ordinances of City.

g. The terms, representations, provisions, covenants, agreements and indemnities shall remain binding upon and for the parties hereto until fully observed, kept or performed.

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement as of the date first above written.

CITY OF EAGLE, an Idaho municipal corporation

By:


Richard Yzaguirre, Mayor

ATTEST:

By:


City Clerk

UNITED WATER IDAHO INC., an Idaho corporation

By:

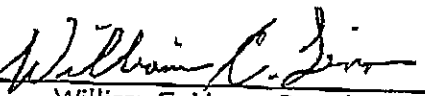

William C. Linam, President



EXHIBIT A

Geographical Boundaries City of Eagle Water System

Commencing at the section corner common to Sections 4, 5, 8 and 9, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, the REAL POINT OF BEGINNING;

thence easterly along the section line common to Sections 4, 3, 9 and 10 approximately 2 miles to the section corner common to Sections 2, 3, 10 and 11, Township 4 North, Range 1 East, Boise Meridian, said point being the centerline of State Highway 55;

thence northwesterly along said centerline of State Highway 55 approximately 3/4 mile to a point on the north line of the south half of the north half of said Section 3, Township 4 North, Range 1 East, Boise Meridian;

thence westerly along said north line of the south half of the north half of Section 3, approximately 3/4 mile to the common north-south section line of Sections 3 and 4, Township 4 North, Range 1 East, Boise Meridian;

thence southerly along said north-south section line of Sections 3 and 4 approximately 1/4 mile to the 1/4 corner common to said Sections 3 and 4, Township 4 North, Range 1 East, Boise Meridian;

thence westerly along the east - west half section line of said Section 4 approximately 1/8 mile to the centerline of Dry Creek;

thence southwesterly along said centerline of Dry Creek approximately 5/8 mile to the west line of the east half of the west half of said Section 4, Township 4 North, Range 1 East, Boise Meridian;

thence southerly along said west line of the east half of the west half of Section 4 approximately 3/8 mile to the north line of the south half of the south half of said Section 4, Township 4 North, Range 1 East, Boise Meridian;

thence westerly along said north line of the south half of the south half of Section 4 approximately 1/4 mile to the common north - south section line of said Sections 4 and 5, Township 4 North, Range 1 East, Boise Meridian;

thence southerly along said north - south section line of Sections 4 and 5 approximately 1/4 mile to the section corner common to Sections 4, 5, 8 and 9, Township 4 North, Range 1 East, Boise Meridian, the REAL POINT OF BEGINNING;

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter

RECEIVED & FILED
CITY OF EAGLE

FEB 13 2003

File: _____
Route to: File

Account # 550030
Date 2-12-03

Meter Reading	<u>730462</u>	Gallons
Previous Reading	<u>705458</u>	Gallons
Difference	<u>25004</u>	Gallons
Divide 7.48	<u>3343</u>	CCF
Balance Forward	\$ <u>67.16</u>	
Rate 0.72/100 CCF	\$ <u>24.07</u>	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>112.05</u>	

BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr. 9601 W State St
Eagle, ID 83616 Ste 203
Boise, ID 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter

RECEIVED & FILED
CITY OF EAGLE

JAN 21 2003

File: _____
Route to: _____

Account # 550030

Date 1-16-03

Meter Reading	<u>705458</u>	Gallons
Previous Reading	<u>657313</u>	Gallons
Difference	<u>48145</u>	Gallons
Divide 7.48	<u>6436</u>	CCF
Balance Forward	\$ <u>0</u>	
Rate 0.72/100 CCF	\$ <u>46.34</u>	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>67.16</u>	

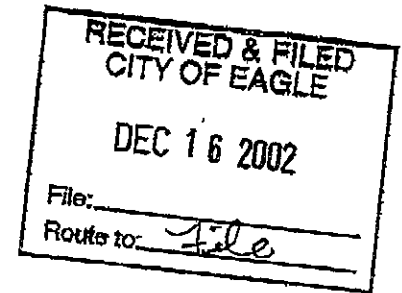
BILL TO: Lexington Hills Homeowners Association
~~1815 E. Stonybrook Dr.~~ 9601 W State St
Eagle, ID 83616 Ste 203
Boise, ID 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 556030

Date 12/12/02

Meter Reading 657,313 Gallons

Previous Reading 619,456 Gallons

Difference 37,857 Gallons

Divide 7.48 5,061 CCF

Balance Forward \$ 0

Rate 0.72/100 CCF \$ 36.44

Customer Charge \$ 20.82

BILL AMOUNT \$ 57.26

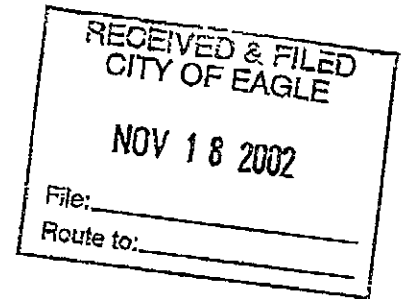
BILL TO: Lexington Hills Homeowners Association
~~1815 E. Stonybrook Dr.~~ 9601 W State St
Eagle, ID 83616 Ste 203
Boise, ID 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 11-14-02

Meter Reading 619,456 Gallons

Previous Reading 532,197 Gallons

Difference 87,259 Gallons

Divide 7.48 11,666 CCF

Balance Forward \$ 0

Rate 0.72/100 CCF \$ 84.00

Customer Charge \$ 20.82

BILL AMOUNT \$ 104.82

BILL TO: Lexington Hills Homeowners Association
~~1815 E. Stonybrook Dr.~~ 9601 W State St
Eagle, ID 83616 Ste 203
Boise, Id 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

RECEIVED & FILED CITY OF EAGLE
OCT 16 2002
File: _____
Route to: _____

Lexington Hills - Pond
Master Meter

Account # 550030

Date 10-14-02

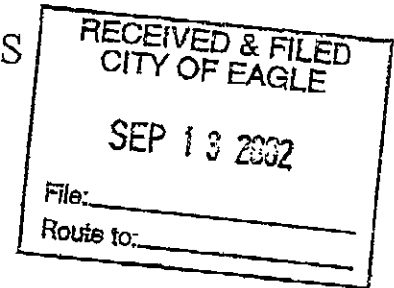
Meter Reading	<u>532197</u>	Gallons
Previous Reading	<u>520371</u>	Gallons
Difference	<u>11826</u>	Gallons
Divide 7.48	<u>1518</u>	CCF
Balance Forward	\$ <u>0</u>	
Rate 0.72/100 CCF	\$ <u>11.38</u>	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>32.20</u>	

BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr. 9601 W State St
Eagle, ID 83616 Ste 203
Boise, Id 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304



Lexington Hills - Pond
Master Meter

Account # 550030
Date 9-12-02

Meter Reading	<u>520371</u>	Gallons
Previous Reading	<u>520371</u>	Gallons
Difference	<u>- 0 -</u>	Gallons
Divide 7.48		CCF
Balance Forward	\$ _____	
Rate 0.72/100 CCF	\$ _____	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>20.82</u>	

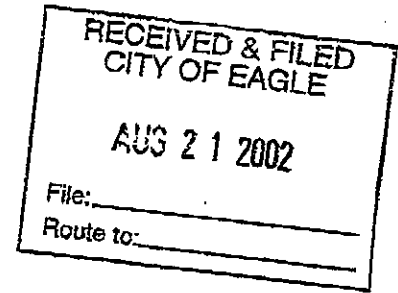
BILL TO: Lexington Hills Homeowners Association
~~1815 E. Stonybrook Dr.~~ 9601 W State St
Eagle, ID 83616 Ste 203
Boise, Id 83703

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 8-14-02

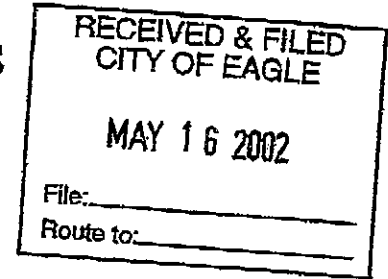
Meter Reading	<u>520371</u>	Gallons
Previous Reading	<u>520371</u>	Gallons
Difference	<u>- 0 -</u>	Gallons
Divide 7.48	_____	CCF
Balance Forward	\$ <u>- 0 -</u>	
Rate 0.72/100 CCF	\$ _____	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>20.82</u>	

BILL TO: Lexington Hills Homeowners Association
~~1815 E. Stonybrook Dr.~~ 9601 W State St
 Eagle, ID 83616 Ste 203
Boise, Id 83703

COPY TO: City of Eagle
 Box 1520
 Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304



Lexington Hills - Pond
Master Meter

Account # 550030

Date 5-15-02

Meter Reading 520371 Gallons

Previous Reading 520371 Gallons

Difference - 0 - Gallons

Divide 7.48 CCF

Balance Forward \$ 180.44

Rate 0.72/100 CCF \$

Customer Charge \$ 20.82

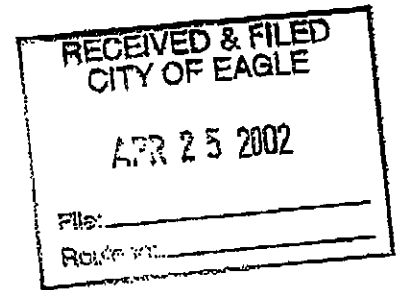
BILL AMOUNT \$ 201.26

BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304



Lexington Hills - Pond
Master Meter

Account # 550030

Date 4-24-02

Meter Reading 520371 Gallons

Previous Reading 419431 Gallons

Difference 100940 Gallons

Divide 7.48 13484 CCF

Balance Forward \$ 62.46 Jan Feb Mar customer charge

Rate 0.72/100 CCF \$ 97.16

Customer Charge \$ 20.82

BILL AMOUNT \$ 180.44

BILL TO: Lexington Hills Homeowners Association
340 W State St
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter

RECEIVED & FILED
CITY OF EAGLE

DEC 19 2001

File: _____
Route to: _____

Account # 550030

Date 12-18-01

Meter Reading 419431 Gallons

Previous Reading 372404 Gallons

Difference 47027 Gallons

Divide 7.48 6287 CCF

Balance Forward \$ 20.82 New cust. chg

Rate 0.72/100 CCF \$ 45.27

Customer Charge \$ 20.82

BILL AMOUNT \$ 86.91

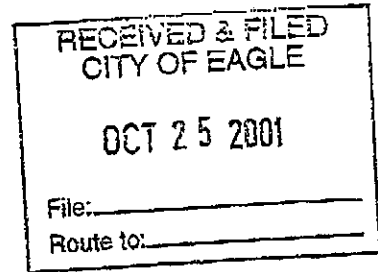
BILL TO: Lexington Hills Homeowners Association
340 W State St 1815 E. Storybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 10-23-01

Meter Reading	<u>372404</u>	Gallons
Previous Reading	<u>350876</u>	Gallons
Difference	<u>21528</u>	Gallons
Divide 7.48	<u>2878</u>	CCF
Balance Forward	\$ <u>20.82</u>	Sept customer charge
Rate 0.72/100 CCF	\$ <u>20.72</u>	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>62.36</u>	

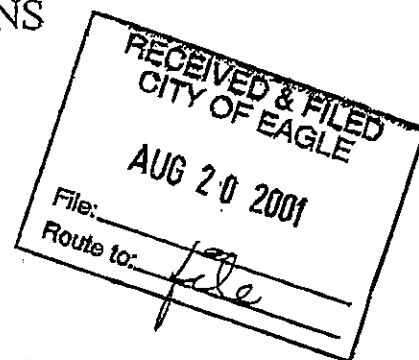
BILL TO: Lexington Hills Homeowners Association
~~1815 E. Stonybrook Dr.~~
340 W ~~Stee~~ Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 8-17-01

Meter Reading	<u>350876</u>	Gallons
Previous Reading	<u>350876</u>	Gallons
Difference	<u>0</u>	Gallons
Divide 7.48		CCF
Balance Forward	\$ <u>120.55</u>	
Rate 0.72/100 CCF	\$	
Customer Charge	\$ <u>62.46</u>	
BILL AMOUNT	\$ <u>183.01</u>	

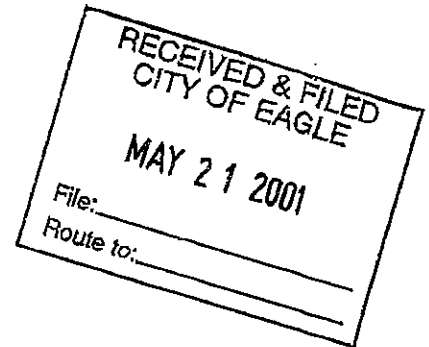
BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 5-16-01

Meter Reading	<u>350876</u>	Gallons
Previous Reading	<u>290525</u>	Gallons
Difference	<u>60351</u>	Gallons
Divide 7.48	<u>8068</u>	CCF
Balance Forward	\$ <u>0</u>	
Rate 0.72/100 CCF	\$ <u>58.09</u>	
Customer Charge	\$ <u>62.46</u>	
BILL AMOUNT	\$ <u>120.55</u>	

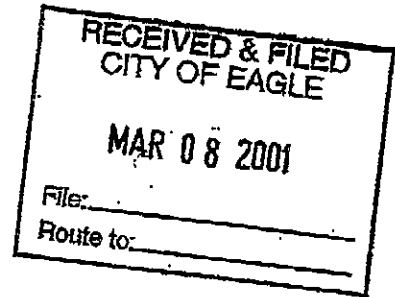
BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 2-16-01

Meter Reading	<u>290525</u>	Gallons
Previous Reading	<u>272960</u>	Gallons
Difference	<u>17565</u>	Gallons
Divide 7.48	<u>2348</u>	CCF
Balance Forward	\$ <u>0</u>	
Rate 0.72/100 CCF	\$ <u>16.91</u>	
Customer Charge	\$ <u>20.82</u>	
BILL AMOUNT	\$ <u>37.73</u>	

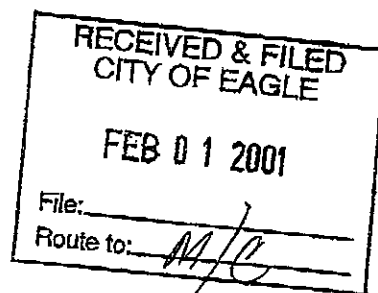
BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 1520
Eagle, ID 83616

UNITED WATER OPERATIONS

8248 W. Victory Road
Boise Idaho 83709
208-362-7304

Lexington Hills - Pond
Master Meter



Account # 550030

Date 1-24-01

Meter Reading	<u>272960</u>	Gallons
Previous Reading	<u>229196</u>	Gallons
Difference	<u>43764</u>	Gallons
Divide 7.48	<u>5850</u>	CCF
Balance Forward	\$ <u>60.78</u>	
Rate 0.72/100 CCF	\$ <u>42.13</u>	
Customer Charge	\$ <u>41.64</u>	
BILL AMOUNT	\$ <u>144.55</u>	

BILL TO: Lexington Hills Homeowners Association
1815 E. Stonybrook Dr.
Eagle, ID 83616

COPY TO: City of Eagle
Box 477
Eagle, ID 83616

BRUCE M. SMITH, ISB # 3425
TAMMY A. ZOKAN, ISB # 5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
225 North 9th, Suite 420
Boise, Idaho 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED
MAR 12 2003
Department of Water Resources

Attorney for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF) THE CITY OF EAGLE'S SECOND
APPLICATION FOR PERMIT NO. 63-12448) SUPPLEMENTAL RESPONSE TO THE
IN THE NAME OF THE CITY OF EAGLE) ESTATE'S FIRST SET OF
) INTERROGATORIES, REQUESTS FOR
) PRODUCTION OF DOCUMENTS, AND
) REQUESTS FOR ADMISSIONS
)
_____)

THE CITY OF EAGLE BY AND THROUGH ITS ATTORNEY, BRUCE M. SMITH
HEREBY provides its second supplemental response to the interrogatories, requests for
production of documents, and requests for admissions by the Chase Estate, dated February 5,
2003. As a general objection, the City objects to providing any response or producing any
documents protected by the attorney client or work product privileges.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 1:
Attached please find (1) Ground-water Conditions in the Dry Creek Area, Eagle, Idaho,
report prepared by IDWR (1991); (2) Results of the 30-Day Pumping Test and Aquifer
Analysis, report prepared by CH2M Hill (1991); and (3) Aquifer test Floating Feather
Well, report prepared by Scanlan Engineering of Boise.

REQUEST NO. 2: Please produce all documents that contain information or facts relating to the factual basis for the allegations and statements set forth in the Application.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 2: The City objects to this interrogatory because it is overbroad, unduly burdensome, designed to harass, and requests information generally available to the public. Notwithstanding the City's objection, see supplemental response to request for production no. 1.

REQUEST NO. 3: Please produce copies of all documents used, relied on, or reviewed in the preparation of your response to the interrogatories and admissions contained herein.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 3: See supplemental response to request for production no. 1.

REQUEST NO. 4: Please produce copies of all documents that you may offer as exhibits at any hearing or trial in this case.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Exhibits for hearing have not yet been identified, however the City does anticipate offering the documents identified in the supplemental response to production no. 1 at any trial or hearing in this case.

REQUEST NO. 5: Please produce copies of all City Council minutes, transcripts, memoranda, and related documents that relate to the Application.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 5: The City objects to this Request because it is overbroad, unduly burdensome and requests the production of privileged information. Notwithstanding the City's objection, see supplemental response to request for production no. 1.

REQUEST NO.6: Please produce all documents that contain information or facts relating to the Issues.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 6: The City objects to this Request because it is ambiguous, vague, overbroad and overly burdensome and requests the production of privileged information. Notwithstanding the City's objection, to the extent the City understands this request, see supplemental response to request for production no. 1.

REQUEST NO.7: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not injure other water rights? If so, please produce all documents that contain information or facts relating to your claim.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Yes, see supplemental response to request for production no. 1.

REQUEST NO.8: Do you claim that the Application, if approved, will not conflict with the local public interest? If so, please produce all documents that contain information or facts relating to your claim.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Yes, see supplemental response to request for production no. 1.

REQUEST NO.9: Do you claim that the Application, if approved, will not be contrary to conservation of water resources within the state of Idaho? If so, please produce all documents that contain information or facts relating to your claim.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Yes, see supplemental response to request for production no. 1.

REQUEST NO.10: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for the Estate Water Rights? If so, please produce all documents that contain information or facts relating to your claim.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 10: Yes, see supplemental response to request for production no. 1.

REQUEST NO.11: Do you claim that the Application, if approved, will not constitute an enlargement in the use of the original right? If so, please produce all documents that contain information or facts relating to your claim.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Yes, see supplemental response to request for production no. 1.

REQUEST NO.12: Please produce all documents, data, data summaries, reports, and/or scientific evidence that may be offered as evidence in conjunction with expert testimony in this case.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 12: See supplemental response to request for production no. 1.

REQUEST NO.13: Please produce all documents, data, data summaries, reports, and/or scientific evidence that your expert(s) may rely on to prepare the evidence that may be offered in this case.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 13: See supplemental response to request for production no. 1.

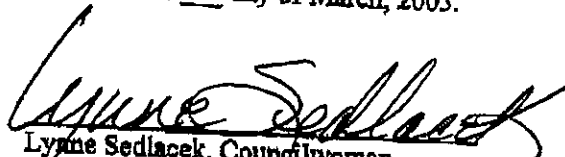
REQUEST NO.14: Please produce all documents, data, data summaries, reports, and/or scientific evidence that may be offered related to the issue of injury to other water rights.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 14: See supplemental response to request for production no. 1.

REQUEST NO. 15: Please produce all documents, data, data summaries, reports, and/or scientific evidence that may be offered related to the issue of enlargement of use.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 15: See supplemental response to request for production no. 1.

DATED this ___ day of March, 2003.


Lynne Sedlacek, Councilwoman
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

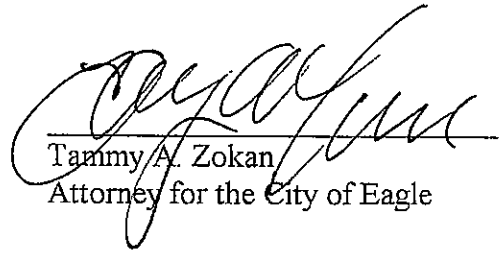
SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 14: See supplemental response to request for production no. 1.

REQUEST NO.15: Please produce all documents, data, data summaries, reports, and/or scientific evidence that may be offered related to the issue of enlargement of use.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 15: See supplemental response to request for production no. 1.

DATED this 11 day of March, 2003.

Lynne Sedlacek, Councilwoman
City of Eagle



Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

The undersigned certifies that on the 11 day of March 2003, a true and correct copy of the City's Second Supplemental Response to the Chase Protestants First Set of Interrogatories, Requests for Production and Requests for Admissions was sent to the following person(s) as indicated below:

IDWR State Office *Via U.S. Mail*
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

Jim Burton *Via U.S. Mail*
1896 N. Eagle. Rd.
Eagle, ID 83616

Weldon Fisher *Via U.S. Mail*
546 E. Beacon Light Rd.
Eagle, ID 83616

Molly O'Leary, Esq. *Via U.S. Mail*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Matt Howard, Esq. *Via U.S. Mail*
P.O. Box 190012
Boise, Idaho 83719



TAMMY A. ZOKAN

BRUCE M. SMITH, ISB # 3425
TAMMY A. ZOKAN, ISB # 5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
225 North 9th, Suite 420
Boise, Idaho 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorney for the City of Eagle

RECEIVED
MAR 12 2003
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF
APPLICATION FOR PERMIT NO. 63-12448
IN THE NAME OF THE CITY OF EAGLE

) THE CITY OF EAGLE'S RESPONSE TO
) THE EAGLE WATER COMPANY, INC.'S
) FIRST SET OF REQUESTS FOR
) PRODUCTION
)
)
)
)

THE CITY OF EAGLE BY and through its attorney, MOORE SMITH BUXTON & TURCKE, CHARTERED, hereby responds to the following requests for production nos. 1-15 by the Eagle Water Company, Inc. ("Eagle Water"). As a general objection, the City objects to providing any response or producing any documents protected by the attorney client or work product privileges.

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, however obtained, including hearsay which is available to you and including information known by or in the possession of yourself, your attorney(s), investigator(s), expert(s), employee(s), or agent(s)

retained by you or your attorney, or appearing in your records, and not merely information known of your own personal knowledge.

If you cannot answer the following interrogatories 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 and detailing what you did in attempting to secure the unknown information.

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.

The entire discovery herein is deemed continuing. If after responding to these interrogatories, you acquire any documents requested herein, or any information related to any interrogatories or documents requested herein which is not reflected by one of the answers, you must file a supplemental discovery response. Such supplementation is requested herein in addition to any supplementation required by the Idaho Rules of Civil Procedure.

THE FOLLOWING DEFINITIONS APPLY TO THESE DISCOVERY REQUESTS:

1. "*Application*" means the Application for Amendment of Permit No. 63-12448 in the Name of The City of Eagle.
2. "*Document or Documents*" means all writing of any kind, including the original and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise including without limitation correspondence,

memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort of conversations, bulletins, printed matter, computer printouts, teletypes, telecopy, invoices, work sheets, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representation of any kind including without limitations, photographs, charts, graphs, microfiche, microfilm, videotapes, recording, motion pictures and electronic, mechanical, or electrical records or representation of any kind including without limitation, tapes, cassette discs, recordings.

3. "*Eagle Water's Water Rights*" means the water rights represented by SRBA water right claim nos. 63-7368; 63-7618; and 63-9245.

4. "*Fact*" or "*Facts*" mean all circumstances, events, evidence, information, including statements or testimony made by, or knowledge of, any person(s), pertaining to or touching upon the item or matter in question.

5. "*Issues*" means the issues set forth in the Notice of Hearing dated January 10, 2003, which are as follows:

- A. Will other water rights be injured by the amendment?
- B. Will the requested change constitute an enlargement in the use of the original right?
- C. Will the proposed change conflict with the local public interest?
- D. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

6. "*Person*" includes any natural person, partnership, corporation, joint venture, unincorporated association, governmental entity (or agency or other subdivision thereof), quasi-public entity or other form of entity or combination thereof.

7. "*You and Your*" means the City of Eagle.

REQUESTS FOR PRODUCTION

REQUEST NO. 1: Please produce copies of all documents identified in your answers to the above interrogatories and the admissions set out below.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Attached please find (1)

Ground-water Conditions in the Dry Creek Area, Eagle, Idaho, report prepared by IDWR

**APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF
REQUESTS FOR ADMISSIONS TO THE CITY OF EAGLE - Page 3**

(1991); (2) Results of the 30-Day Pumping Test and Aquifer Analysis, report prepared by CH2M Hill (1991); and (3) Aquifer test Floating Feather Well, report prepared by Scanlan Engineering of Boise.

REQUEST NO. 2: Please produce copies of all documents that contain information or facts relating to the factual basis for the allegations and statements set forth in the Application.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: The City objects to this interrogatory because it is overbroad, unduly burdensome, designed to harass, and requests information generally available to the public. Notwithstanding the City's objection, see response to request for production no. 1.

REQUEST NO. 3: Please produce copies of all documents used, relied on, or reviewed in the preparation of your response to the interrogatories and admissions contained herein.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: See the response to request for production no. 1.

REQUEST NO. 4: Please produce copies of all documents that you may offer as exhibits at any hearing or trial in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Exhibits for hearing have not yet been identified, however the City does anticipate offering the documents identified in the response to production no. 1 at any trial or hearing in this case.

REQUEST NO. 5: Please produce copies of all Eagle City Council minutes, transcripts, memoranda, and related documents that relate to the Application.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: The City objects to this Request because it is overbroad, unduly burdensome and requests the production of privileged information. Notwithstanding the City's objection, see response to request for

production no. 1.

REQUEST NO. 6: Please produce copies of all documents that contain information or facts relating to the Issues.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: The City objects to this Request because it is ambiguous, vague, overbroad and overly burdensome and requests the production of privileged information. Notwithstanding the City's objection, to the extent the City understands this request, see response to request for production no. 1.

REQUEST NO. 7: If you claim that the diversion of ground water pursuant to the Application, if approved, will not injure Eagle Water's Water Rights, please produce copies of all documents that contain information or facts relating to such claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: See response to request for production no. 1.

REQUEST NO. 8: If you claim that the Application, if approved, will not conflict with the local public interest, please produce copies of all documents that contain information or facts relating to such claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: See response to request for production no. 1.

REQUEST NO. 9: If you claim that the Application, if approved, will not be contrary to conservation of water resources within the state of Idaho, please produce copies of all documents that contain information or facts relating to such claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: See response to request for production no. 1.

REQUEST NO. 10: If you claim that the diversion of ground water pursuant to the

Application, if approved, will not interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for the Eagle Water's Water Rights, please produce copies of all documents that contain information or facts relating to such claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: See response to request for production no. 1.

REQUEST NO. 11: If you claim that the Application, if approved, will not constitute an enlargement in the use of the original right, please produce copies of all documents that contain information or facts relating to such claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: See response to request for production no. 1.

REQUEST NO. 12: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that may be offered as evidence in conjunction with expert testimony in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: See response to request for production no. 1.

REQUEST NO. 13: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that your expert(s) may rely on to prepare the evidence that may be offered in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: See response to request for production no. 1.

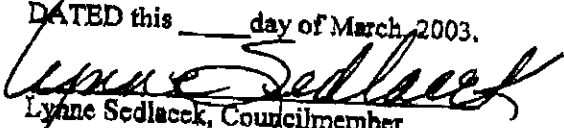
REQUEST NO. 14: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that may be offered as evidence related to the issue of injury to other water rights.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: See response to request for production no. 1.

REQUEST NO. 15: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that may be offered as evidence related to the issue of enlargement of use.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: See response to request for production no. 1.

DATED this _____ day of March, 2003.


Lynne Sedlacek, Councilmember
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of March, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S RESPONSE TO THE EAGLE WATER COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE CITY via U.S. Mail Postage pre-paid, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
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Weldon Fisher
546 E. Beacon Light Rd.
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Jim Burton
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Eagle, Idaho 83616

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

TAMMY A. ZOKAN

APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS TO THE CITY OF EAGLE - Page 7

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: See response to request for production no. 1.

REQUEST NO. 15: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that may be offered as evidence related to the issue of enlargement of use.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: See response to request for production no. 1.

DATED this 11 day of March, 2003.

Lynne Sedlacek, Councilmember
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

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I HEREBY CERTIFY that on the 11 day of March, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S RESPONSE TO THE EAGLE WATER COMPANY'S FIRST SET OF REQUESTS FOR PRODUCTION TO THE CITY via U.S. Mail Postage pre-paid, and addressed to the following:

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Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

TAMMY A. ZOKAN

RECEIVED

MAR 10 2003

Department of Water Resources

BRUCE M. SMITH, ISB # 3425
TAMMY A. ZOKAN, ISB # 5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
225 North 9th, Suite 420
Boise, Idaho 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorney for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF
APPLICATION FOR PERMIT NO. 63-12448
IN THE NAME OF THE CITY OF EAGLE

) THE CITY OF EAGLE'S RESPONSE TO
) THE EAGLE WATER COMPANY, INC.'S
) FIRST SET OF REQUESTS FOR
) ADMISSIONS

THE CITY OF EAGLE BY and through its attorney, MOORE SMITH BUXTON & TURCKE, CHARTERED, hereby responds to the following requests for admissions by the Eagle Water Company, Inc. ("Eagle Water"). As a general objection, the City objects to providing any response or producing any documents protected by the attorney client or work product privileges.

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, however obtained, including hearsay which is available to you and including information known by or in the possession of yourself, your attorney(s), investigator(s), expert(s), employee(s), or agent(s)

APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS TO THE CITY OF EAGLE - Page 1

retained by you or your attorney, or appearing in your records, and not merely information known of your own personal knowledge.

If you cannot answer the following interrogatories 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 and detailing what you did in attempting to secure the unknown information.

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.

The entire discovery herein is deemed continuing. If after responding to these interrogatories, you acquire any documents requested herein, or any information related to any interrogatories or documents requested herein which is not reflected by one of the answers, you must file a supplemental discovery response. Such supplementation is requested herein in addition to any supplementation required by the Idaho Rules of Civil Procedure.

THE FOLLOWING DEFINITIONS APPLY TO THESE DISCOVERY REQUESTS:

1. "*Application*" means the Application for Amendment of Permit No. 63-12448 in the Name of The City of Eagle.
2. "*Document or Documents*" means all writing of any kind, including the original and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise including without limitation correspondence,

memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort of conversations, bulletins, printed matter, computer printouts, teletypes, telecopy, invoices, work sheets, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representation of any kind including without limitations, photographs, charts, graphs, microfiche, microfilm, videotapes, recording, motion pictures and electronic, mechanical, or electrical records or representation of any kind including without limitation, tapes, cassette discs, recordings.

3. "*Eagle Water's Water Rights*" means the water rights represented by SRBA water right claim nos. 63-7368; 63-7618; and 63-9245.

4. "*Fact*" or "*Facts*" mean all circumstances, events, evidence, information, including statements or testimony made by, or knowledge of, any person(s), pertaining to or touching upon the item or matter in question.

5. "*Issues*" means the issues set forth in the Notice of Hearing dated January 10, 2003, which are as follows:

- A. Will other water rights be injured by the amendment?
- B. Will the requested change constitute an enlargement in the use of the original right?
- C. Will the proposed change conflict with the local public interest?
- D. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

6. "*Person*" includes any natural person, partnership, corporation, joint venture, unincorporated association, governmental entity (or agency or other subdivision thereof), quasi-public entity or other form of entity or combination thereof.

7. "*You and Your*" means the City of Eagle.

REQUESTS FOR ADMISSIONS

If your response to any of the Requests for Admission, below, is not an unqualified admission, for each such response please identify:

- (a) the number of the Request for Admission;
- (b) all facts, studies, analyses, opinions, or documents upon which you base your response;

- (c) the names, addresses, and telephone numbers of all individuals who have or may have knowledge of the facts upon which you base your response; and
- (d) all documents that support, evidence, or relate to your response.

REQUEST NO. 1: Please admit that the diversion of ground water pursuant to the Application, if approved, will injure Eagle Water's Water Rights.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Denied. Based on the representations by Eagle Water, including its protest, it does not appear that Eagle Water will not be able to exercise its water rights if the City's application is approved. It is not clear which water right Eagle Water is concerned may be injured, however, that is the subject of the City's existing discovery requests to Eagle Water. By definition, if the application is approved, Eagle Water's water rights will not be injured. Persons who may have knowledge of the City's response include Eagle Water representatives. The City is currently having its experts examine Eagle Water's vague allegations. Until Eagle Water identifies the injury it alleges, the City cannot further analyze their allegations. The City would refer Eagle Water to the 1991 IDWR report on groundwater in the Dry Creek area, the 1991 30 day pump test by CH2M Hill, and the aquifer test for the Floating Feather well by Scanlan Engineering.

REQUEST NO. 2: Please admit that the Application, if approved, will conflict with the local public interest.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Denied. The local people in the area will actually benefit from this application in that they will have access to a reliable and efficient municipal water system. By definition, if the application is approved, it will not conflict with local public interest. Persons with knowledge of the City's response include the City Council, Mayor and City Project Manager/Engineer Liaison.

APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS TO THE CITY OF EAGLE - Page 4

REQUEST NO. 3: Please admit that the Application, if approved, will be contrary to the conservation of water resources within the state of Idaho.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Denied. The City's application is only for the addition of a point of diversion. The amount of water is no more than originally requested. The well will be constructed in a professional manner, using quality materials and will be designed so as not to waste any water. By definition, if approved, the City's application will not be contrary to the conservation of water. Persons who are knowledgeable about the City's response include the City of Eagle Council and Mayor as well as the City's Project Manager/Engineer Liaison, and the representative of Eagle Water. Please see the documents referenced in Response to Request for Admission No. 1.

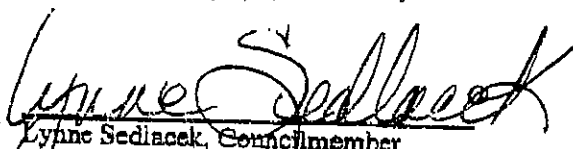
REQUEST NO. 4: Please admit that the diversion of ground water pursuant to the Application, if approved, will interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for Eagle Water's Water Rights.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Denied. This request is ambiguous and vague in that it contains compound questions. Furthermore, diminishment or interference with ground water levels is not necessarily an injury to water rights. By definition, if the application is approved there will be no injury to Eagle Water's water rights. Persons who may have information related to this request include Eagle Water representative and the City's expert, Terry Scanlan. Please see the documents listed in Response to Request for Admission No. 1.

REQUEST NO. 5: Please admit that the Application, if approved, will constitute an enlargement in the use of the original right.

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Denied. The City's application is for the original right. By definition, if approved, the application will not constitute an enlargement. The City's expert, Terry Scanlan, and the City's Project Manager/Engineer Liaison both are familiar with the facts of the application. Please refer to the City's application for amendment of permit.

DATED this ____ day of March, 2003.


Lynne Sedlacek, Councilmember
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of March, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S RESPONSE TO THE EAGLE WATER COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE CITY via U.S. Mail Postage pre-paid, and addressed to the following:

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Boise, Idaho 83705

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P.O. Box 190012
Boise, Idaho 83719

Molly O'Leary
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P.O. Box 1849
Eagle, Idaho 83616

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Jim Burton
1896 N. Eagle Rd.
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Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

TAMMY A. ZOKAN

APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF
REQUESTS FOR ADMISSIONS TO THE CITY OF EAGLE - Page 6

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Denied. The City's application is for the original right. By definition, if approved, the application will not constitute an enlargement. The City's expert, Terry Scanlan, and the City's Project Manager/Engineer Liaison both are familiar with the facts of the application. Please refer to the City's application for amendment of permit.

DATED this 7 day of March, 2003.

Lynne Sedlacek, Councilmember
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

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MOORE SMITH BUXTON & TURCKE, CHARTERED
225 North 9th, Suite 420
Boise, Idaho 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorney for the City of Eagle

RECEIVED
MAR 07 2003
WATER RESOURCES
WESTERN REGION

RECEIVED
MAR 14 2003

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF	)	THE CITY OF EAGLE'S RESPONSE TO
APPLICATION FOR PERMIT NO. 63-12448	)	THE EAGLE WATER COMPANY, INC.'S
IN THE NAME OF THE CITY OF EAGLE	)	FIRST SET OF REQUESTS FOR
	)	ADMISSIONS
	)	
	)	
	)	

THE CITY OF EAGLE BY and through its attorney, MOORE SMITH BUXTON & TURCKE, CHARTERED, hereby responds to the following requests for admissions by the Eagle Water Company, Inc. ("Eagle Water"). As a general objection, the City objects to providing any response or producing any documents protected by the attorney client or work product privileges.

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, however obtained, including hearsay which is available to you and including information known by or in the possession of yourself, your attorney(s), investigator(s), expert(s), employee(s), or agent(s)

retained by you or your attorney, or appearing in your records, and not merely information known of your own personal knowledge.

If you cannot answer the following interrogatories 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 and detailing what you did in attempting to secure the unknown information.

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.

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memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort of conversations, bulletins, printed matter, computer printouts, teletypes, telecopy, invoices, work sheets, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representation of any kind including without limitations, photographs, charts, graphs, microfiche, microfilm, videotapes, recording, motion pictures and electronic, mechanical, or electrical records or representation of any kind including without limitation, tapes, cassette discs, recordings.

3. "*Eagle Water's Water Rights*" means the water rights represented by SRBA water right claim nos. 63-7368; 63-7618; and 63-9245.

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A. Will other water rights be injured by the amendment?

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C. Will the proposed change conflict with the local public interest?

D. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

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7. "*You and Your*" means the City of Eagle.

REQUESTS FOR ADMISSIONS

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(a) the number of the Request for Admission;

(b) all facts, studies, analyses, opinions, or documents upon which you base your response;

(c) the names, addresses, and telephone numbers of all individuals who have or may have knowledge of the facts upon which you base your response; and

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REQUEST NO. 1: Please admit that the diversion of ground water pursuant to the Application, if approved, will injure Eagle Water's Water Rights.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Denied. Based on the representations by Eagle Water, including its protest, it does not appear that Eagle Water will not be able to exercise its water rights if the City's application is approved. It is not clear which water right Eagle Water is concerned may be injured, however, that is the subject of the City's existing discovery requests to Eagle Water. By definition, if the application is approved, Eagle Water's water rights will not be injured. Persons who may have knowledge of the City's response include Eagle Water representatives. The City is currently having its experts examine Eagle Water's vague allegations. Until Eagle Water identifies the injury it alleges, the City cannot further analyze their allegations. The City would refer Eagle Water to the 1991 IDWR report on groundwater in the Dry Creek area, the 1991 30 day pump test by CH2M Hill, and the aquifer test for the Floating Feather well by Scanlan Engineering.

REQUEST NO. 2: Please admit that the Application, if approved, will conflict with the local public interest.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Denied. The local people in the area will actually benefit from this application in that they will have access to a reliable and efficient municipal water system. By definition, if the application is approved, it will not conflict with local public interest. Persons with knowledge of the City's response include the City Council, Mayor and City Project Manager/Engineer Liaison.

APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS TO THE CITY OF EAGLE - Page 4

REQUEST NO. 3: Please admit that the Application, if approved, will be contrary to the conservation of water resources within the state of Idaho.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Denied. The City's application is only for the addition of a point of diversion. The amount of water is no more than originally requested. The well will be constructed in a professional manner, using quality materials and will be designed so as not to waste any water. By definition, if approved, the City's application will not be contrary to the conservation of water. Persons who are knowledgeable about the City's response include the City of Eagle Council and Mayor as well as the City's Project Manager/Engineer Liaison, and the representative of Eagle Water. Please see the documents referenced in Response to Request for Admission No. 1.

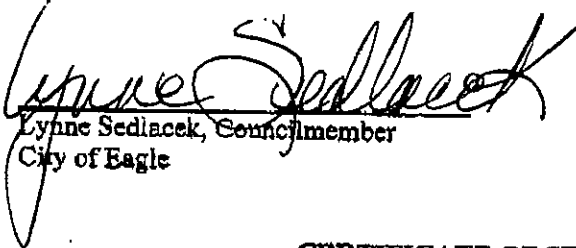
REQUEST NO. 4: Please admit that the diversion of ground water pursuant to the Application, if approved, will interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for Eagle Water's Water Rights.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Denied. This request is ambiguous and vague in that it contains compound questions. Furthermore, diminishment or interference with ground water levels is not necessarily an injury to water rights. By definition, if the application is approved there will be no injury to Eagle Water's water rights. Persons who may have information related to this request include Eagle Water representative and the City's expert, Terry Scanlan. Please see the documents listed in Response to Request for Admission No. 1.

REQUEST NO. 5: Please admit that the Application, if approved, will constitute an enlargement in the use of the original right.

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Denied. The City's application is for the original right. By definition, if approved, the application will not constitute an enlargement. The City's expert, Terry Scaulan, and the City's Project Manager/Engineer Liaison both are familiar with the facts of the application. Please refer to the City's application for amendment of permit.

DATED this ____ day of March, 2003.


Lynne Sedlacek, Councilmember
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of March, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S RESPONSE TO THE EAGLE WATER COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE CITY via U.S. Mail Postage pre-paid, and addressed to the following:

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TAMMY A. ZOKAN

APPLICANT'S RESPONSE TO EAGLE WATER COMPANY'S FIRST SET OF REQUESTS FOR ADMISSIONS TO THE CITY OF EAGLE - Page 6

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Denied. The City's application is for the original right. By definition, if approved, the application will not constitute an enlargement. The City's expert, Terry Scanlan, and the City's Project Manager/Engineer Liaison both are familiar with the facts of the application. Please refer to the City's application for amendment of permit.

DATED this 7 day of March, 2003.

Lynne Sedlacek, Councilmember
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

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IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

TAMMY A. ZOKAN

MAR - 3 2003

Department of Water Resources

BRUCE M. SMITH, ISB # 3425
 TAMMY A. ZOKAN, ISB # 5450
 MOORE SMITH BUXTON & TURCKE, CHARTERED
 225 North 9th, Suite 420
 Boise, Idaho 83702
 Telephone: (208) 331-1800
 Facsimile: (208) 331-1202

Attorney for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF	)	THE CITY OF EAGLE'S FIRST
APPLICATION FOR PERMIT NO. 63-12448	)	SUPPLEMENTAL RESPONSE TO THE
IN THE NAME OF THE CITY OF EAGLE	)	ESTATE'S FIRST SET OF
	)	INTERROGATORIES, REQUESTS FOR
	)	PRODUCTION OF DOCUMENTS, AND
	)	REQUESTS FOR ADMISSIONS
	)	
	)	

THE CITY OF EAGLE BY AND THROUGH ITS ATTORNEY, BRUCE M. SMITH
 HEREBY provides its first supplemental response to the interrogatories, requests for production
 of documents, and requests for admissions by the Chase Estate, dated February 5, 2003. As a
 general objection, the City objects to providing any response or producing any documents
 protected by the attorney client privilege or work product.

INTERROGATORIES

INTERROGATORY NO. 1: Excluding IDWR personnel and the protestants, please
 identify every person known to you who has knowledge or information concerning any of the
 facts related to (a) the Application and/or (b) the Issues. For each person identified, describe the

substance of the knowledge or information held by that person and provide that person's name, job title, address, day-time phone number, and relationship to you.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1: The City objects to this interrogatory because it is ambiguous, vague, overbroad and overly burdensome. Notwithstanding the City's objection, to the extent the City understands this request, the City is aware of the following individuals who may have knowledge or information related to the City's application:

- (1) Mayor
City Council
Eagle City Hall
P.O. Box 1520
Eagle, Idaho 83616
(208) 939-6813
- (2) Vern Brewer
City Project Manager/Engineer Liaison
Holladay Engineering Co.
P.O. Box 235
Payette, Idaho 83661
(208) 642-3304
- (3) Bill Strowd, P.G.
Former Employee of
Holladay Engineering Co.
1509 Dearborn
Caldwell, Idaho 83605
(208) 454-1051
- (4) Terry Scanlan, P.E., P.G.
Scanlan Engineering
600 East River Park Lane, Suite 105
Boise, Idaho 83706
(208) 383-4140

- (5) The Chase Estate and their representatives (hereinafter referred to as the "Protestants" or the "Estate")
C/O law Office of Matt Howard
P.O. Box 190012
Boise, Idaho 83719
(208) 333-0622

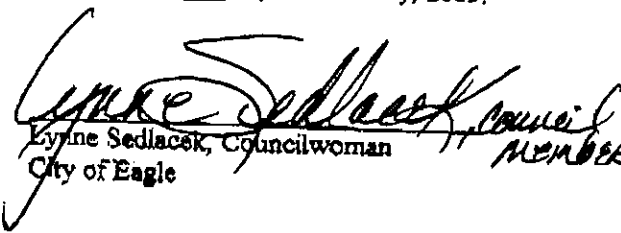
The City may identify and disclose additional individuals with knowledge or information concerning this case as this case progresses.

INTERROGATORY NO. 2: Identify each person you expect to call as an expert witness at any hearing or trial in the above-captioned case. For each person, state (a) the subject matter on which the expert is expected to testify, (b) the substance of the opinions to which the expert is expected to testify, and (c) the underlying facts and data upon which the expert opinions are based.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2: The City

anticipates calling Mr. Terry M. Scanlan, P.E., P.G., as an expert witness in this case. The City may identify and disclose additional expert witnesses as this case progresses and thus, reserves the right to call additional experts at hearing. Mr. Scanlan may testify regarding his analysis of the groundwater conditions in the vicinity of the proposed well and his opinion that the City's proposal would result in minimal impact on the aquifer and neighboring wells. Mr. Scanlan's opinions and expected testimony are based upon Idaho Department of Water Resources records available to the public and the following reports: Ground-water Conditions in the Dry Creek Area, Eagle, Idaho, prepared by IDWR (1991); Results of the 30-Day Pumping Test and Aquifer Analysis, prepared by CH2M Hill (1991); and Aquifer Test Floating Feather Well, prepared by Scanlan Engineering of Boise.

DATED this ____ day of February, 2003.


Lynne Sedlacek, Councilwoman
City of Eagle


Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

The undersigned certifies that on the ____ day of February 2003, a true and correct copy of the City's Response to the Chase Protestants First Set of Interrogatories, Requests for Production and Requests for Admissions was sent to the following person(s) as indicated below:

IDWR State Office *Via U.S. Mail*
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

Jim Burton *Via U.S. Mail*
1896 N. Eagle Rd.
Eagle, ID 83616

Weldon Fisher *Via U.S. Mail*
546 E. Beacon Light Rd.
Eagle, ID 83616

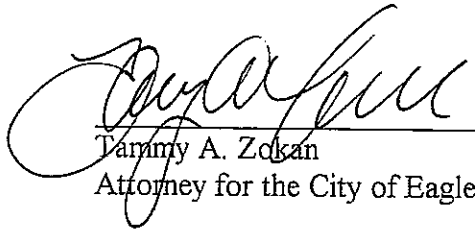
Molly O'Leary, Esq. *Via U.S. Mail*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Matt Howard, Esq. *Via U.S. Mail*
P.O. Box 190012
Boise, Idaho 83719

TAMMY A. ZOKAN

DATED this 27 day of February, 2003.

Lynne Sedlacek, Councilwoman
City of Eagle


Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

The undersigned certifies that on the 27 day of February 2003, a true and correct copy of the City's Response to the Chase Protestants First Set of Interrogatories, Requests for Production and Requests for Admissions was sent to the following person(s) as indicated below:

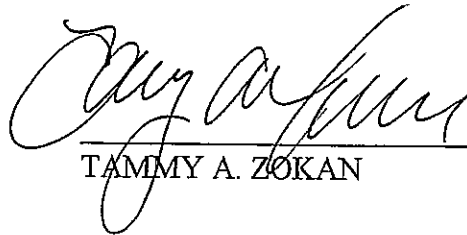
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546 E. Beacon Light Rd.
Eagle, ID 83616

Molly O'Leary, Esq. *Via U.S. Mail*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Matt Howard, Esq. *Via U.S. Mail*
P.O. Box 190012
Boise, Idaho 83719


TAMMY A. ZOKAN

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

FEB 24 2003

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	CITY OF EAGLE'S FIRST SET
	)	OF INTERROGATORIES,
CITY OF EAGLE, PETITIONER	)	REQUESTS FOR ADMISSIONS,
	)	AND REQUESTS FOR
APPLICATION FOR PERMIT NO. 63-12448	)	PRODUCTION TO THE EAGLE
	)	WATER COMPANY, INC.

The Applicant, the City of Eagle by and through its attorneys of record, MOORE SMITH BUXTON & TURCKE, CHARTERED, submits the following First Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to the Eagle Water Company, Inc.

I. INTERROGATORY INSTRUCTIONS

Pursuant to IRCP 33, the Interrogatories set forth below are to be answered within fifteen (15) days after service of these interrogatories, fully and separately in writing, under oath, and in accordance with the above cited rule. Answers to these interrogatories must include not only information in your personal knowledge and possession, but also any and all information available to you, including information in the possession of any of your agents, attorneys, or employees. If a claim of privilege is made as to any such

APPLICANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE EAGLE WATER COMPANY, INC.

information, you must specify the basis for the claim of privilege and describe the information claimed to be privileged.

The interrogatories are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

II. REQUESTS FOR PRODUCTION INSTRUCTIONS

Pursuant to IRCP 34, you are requested, within fifteen (15) days after service of these requests, to permit the inspection and copying of the documents and things requested below at the offices of Moore Smith Buxton & Turcke Chartered, 225 North 9th Street, Suite 420, Boise, Idaho or at such other time and place as the parties agree upon in writing.

As an alternative to producing documents for inspection and copying, copies of requested documents may be attached to your answers and responses and served within the same time period.

Your response must be based not only on documents and things in your personal possession, but also on any and all documents and things available to you, including those in the possession of any of your agents, attorneys, or employees.

Please identify to which request for production each document or group of documents you provide is responsive.

With respect to each document as herein defined which is required to be identified by these interrogatories or produced in the requests for production and which you presently contend you are not required to disclose because of any alleged "privilege" (which you are not presently prepared to waive), in lieu of the document identification called for above, please identify each such "privileged" document as follows: (1) give the **APPLICANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE EAGLE WATER COMPANY, INC.**

date of each such document; (2) identify each individual who was present when it was prepared; (3) identify each individual to whom a copy was sent; (4) identify each individual who has seen it; (5) identify each individual who has custody of it; (6) identify each and every document which refers to, discusses, analyzes or comments upon it, in whole or in part, or which contain any or all of its contents; and (7) state the nature of the privilege asserted (i.e., attorney-client, work-product, etc.).

These requests for production are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

III. REQUESTS FOR ADMISSIONS INSTRUCTIONS

Pursuant to IRCP 36, the Requests for Admissions set forth below are to be answered within fifteen (15) days after service of these requests for admissions, fully and separately in writing, under oath, and in accordance with the above-cited rule. If a claim of privilege is made as to any such information, you must specify the basis for the claim of privilege and describe the information claimed to be privileged.

The requests for admissions are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

IV. DEFINITIONS

The following definitions shall apply to these discovery requests:

1. "Afa" is acre feet per annum.
2. "And" and "and/or" and "or" shall each be deemed to refer to both their conjunctive and disjunctive meanings, being construed as necessary to bring within the scope of the discovery request all information and documents which would otherwise be construed as being outside the request.

3. "Any" shall mean "each and every" and "all" as well as "any one" and "all" shall mean "any and all."
4. "Cfs" is cubic feet per second.
5. "The City" is the City of Eagle, the applicant in this case.
6. "The City's proposal" is the addition of the diversion point described in the City's Application which is the subject of this contested case.
7. "Diversion works" or "associated diversion works" means any mechanism employed to supply water for any purpose of use.
8. "Document" or "documents" shall mean the original, all copies and drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records of data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: correspondence, notes, "e-mails", memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra- or inter-office communications, memoranda, reports, canceled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, telegrams, instructions, work assignments, messages (including reports, notes, and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge slips, working papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other documents filed or prepared in connection with any court or agency or other proceedings, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents.
9. "Eagle Water Company" means the Eagle Water Company, Inc. that is a protestant in this contested case.
10. "Identify" when used with respect to a document, item or thing means to provide the following information relating to such document, item or thing:

- (a) A general description thereof;
 - (b) Date it was written or created;
 - (c) Name and present or last known address of the person or persons who wrote or created it;
 - (d) Name and present or last known address of the person to whom it was sent;
 - (e) Name and present address of the custodian thereof; and
 - (f) Whether you have a copy, duplicate, reproduction, photostat, photograph, sample or exemplar thereof.
11. "Identify" when used with respect to a natural person requires that you provide the following information with respect to the person:
- (a) Name;
 - (b) Last known business address;
 - (c) Last known residence address;
 - (d) Last known telephone number; and
 - (e) Name of employer or business with whom the person was associated and the person's title and position at the time relevant to the identification.
12. "Identify" when used with respect to a person that is not a natural person means, to the extent applicable, to provide the same information required as though the entity were a natural person, and also provide the additional information regarding a description of the nature of the entity (e.g., partnership, corporation, limited liability company, etc.).
13. "Injury" means interference with the ability to use one's water right and/or otherwise have a negative impact on one's interests.
14. "IDWR" is the State of Idaho, Department of Water Resources.
15. "Maintenance" means to inspect, repair or conduct other service.
16. "Person" means any natural person, corporation, partnership, joint venture, limited liability company, proprietorship, governmental or business entity.
17. "Relate to" or "relating to" shall be deemed to mean and include the following terms: regards, describes, involves, compares, correlates, mentions, connected to, refers to, pertains to, contradicts, or compromises.
18. "You," "your," or "yours," means the Chase Estate including without limitation, all present and former agents, representatives, personnel, attorneys, consultants, experts, investigators, employees or other persons acting on its behalf.

V. INTERROGATORIES

INTERROGATORY NO. 1: Please identify each person who participated in responding to the City's interrogatories, requests for admissions and requests for production, and describe that person's role in doing so.

INTERROGATORY NO. 2: Please identify each and every person you intend to call as an expert witness in this matter and state:

- (a) The opinions the expert will or is expected to give, and his/her qualifications for rendering said opinion;
- (b) All facts, documents, data, or other information relied upon in forming his/her opinions.

INTERROGATORY NO. 3: Please identify each lay and/or fact witness you intend to call and the facts and/or opinion the witness will give and the person's qualifications for giving any opinion or factual testimony.

INTERROGATORY NO. 4: Please identify every document or item you intend to introduce as evidence at the hearing on this matter and identify the source of the document, the custodian of the document, and how you came to be in possession of such document or item.

INTERROGATORY NO. 5: Please identify all water right claims, licenses or permits which you contend allow the diversion and use by you of water within Sections 8 and 9 of Township 4 North, Range 1 East of the Boise Meridian.

INTERROGATORY NO. 6: For each water right claim, license or permit you identified in your response to interrogatory no. 5, please identify the water right claim, license or permit and each point of diversion associated therewith.

INTERROGATORY NO. 7: Please identify all pending applications for water rights in the name of the Eagle Water Company, Inc. or the Eagle Ranch Water Company, Inc.

INTERROGATORY NO. 8: Please identify each individual water right you allege would be injured by the City's proposal.

INTERROGATORY NO. 9: For each individual water right you identified in your response to interrogatory no. 8, please specifically describe the water right, including the priority date, the location of the diversion, the amount of the diversion, the amount of use, the place of use, the purpose of use, and the nature of the water right (i.e. permit, license, etc.).

INTERROGATORY NO. 10: For each individual water right you identified in your response to interrogatory no. 8, please specifically describe in full and complete detail, including the opinions of any expert, how the water right is allegedly injured by the City's proposal.

INTERROGATORY NO. 11: For each individual water right you identified in your response to interrogatory no. 8, please specifically describe how the water right is diverted, including a detailed description of any well and power supply and/or associated diversion works.

INTERROGATORY NO. 12: For each diversion of each individual water right you described in your response to interrogatory no. 8, please specifically describe the age and condition of the diversion, well and/or associated diversion works.

INTERROGATORY NO. 13: For each individual water right identified in your response to Interrogatory no. 8, please state on what date you filed a claim for each water right in the Snake River Basin Adjudication.

INTERROGATORY NO. 14: For each individual water right you identified in your response to interrogatory no. 8, please specifically describe how the water right was used during the ten (10) year period immediately preceding the date you filed your claim to each water right in the Snake River Basin Adjudication, including:

- (a) the amount of water pumped and used;
- (b) the place of use;
- (c) the purpose of use;
- (d) the permit/license number(s) associated with the well or other means of diversion;
- (e) its location and depth;
- (f) The static water level, pumping levels, well head pressure for each year.

INTERROGATORY NO. 15: For each water right you identified in your response to interrogatory no. 8, please state how long it is has been since you have diverted the water right and applied it to beneficial use.

INTERROGATORY NO. 16: Please describe in complete detail the basis for the Eagle Water Company's protest to the City's application.

INTERROGATORY NO. 17: Please advise whether the Eagle Water Company has any water lines that run outside of your Public Utility Commission certificated area.

INTERROGATORY NO. 18: Please identify any Eagle Water Company water lines that run outside of your Public Utility Commission certificated area in the vicinity of the point of diversion which is the subject of the City's application.

INTERROGATORY NO. 19: Please identify any future plans, studies, letters of commitments, contracts or verbal agreements by the Eagle Water Company to provide water service outside of the areas presently certificated by the Public Utility Commission.

INTERROGATORY NO. 20: If you deny any of the City's Requests for Admission, for each denial please describe the basis for the denial.

VI. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit that the Department's approval of the City's application would not injure the Eagle Water Company's water rights.

REQUEST FOR ADMISSION NO. 2: Please admit that the primary City of Eagle well, well no. 1, located in the Southwest ¼ of the Southwest ¼ of Section 3, Township 4 North, Range 1 East of the Boise Meridian, is, according to an IDWR published Open File Report upgradient of the points of diversion belonging to the Eagle Water Company.

REQUEST FOR ADMISSION NO. 3: Please admit that the City's application for an additional point of diversion, downgradient from the point of diversion for the City's well no. 1, shall distribute withdrawal impacts and thereby improve static water levels in the Eagle Water Company wells.

REQUEST FOR ADMISSION NO. 4: Please admit that on a public water system basis, multiple points of diversion provide a more reliable and stable water system less susceptible to catastrophic failure than a single well system.

REQUEST FOR ADMISSION NO. 5: Please admit that on a public water system basis, multiple points of diversion provide a broader safety net for the public in the event of vandalism or contamination of a single source point.

REQUEST FOR ADMISSION NO. 6: Please admit that the City is not by its proposal seeking to increase the volume of withdrawal or flow rate permitted under the City's existing water rights

REQUEST FOR ADMISSION NO. 7: Please admit that the Eagle Water Company has not had to modify its pump and motor assemblies due to declining water levels within a one mile radius of the point of diversion the City is seeking to add through its application.

REQUEST FOR ADMISSION NO. 8: Please admit that the Eagle Water Company has multiple points of diversions for its water rights.

REQUEST FOR ADMISSION NO. 9: Please admit that the Eagle Water Company is authorized to divert water right no. 63-9245 from two different points of diversion.

REQUEST FOR ADMISSION NO. 10: Please admit that the addition of the City's proposed point of diversion will not result in any change to water quality in the Eagle Water Company's water system.

VII. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce a curriculum vitae for each expert you intend to call as a witness.

REQUEST FOR PRODUCTION NO. 2: Please produce each and every document or item you intend to introduce as evidence at the hearing on this matter.

REQUEST FOR PRODUCTION NO. 3: Please produce all pumping records for each well identified in your response to interrogatory no. 11.

REQUEST FOR PRODUCTION NO. 4: Please produce all maintenance reports and maintenance bills for each well and diversion you identified in your response to interrogatory no. 11.

REQUEST FOR PRODUCTION NO. 5: Please produce all power supply bills for the wells you identified in your response to interrogatory no. 11.

REQUEST FOR PRODUCTION NO. 6: Please produce copies of all reports, memoranda, analyses or other correspondence related to the City's application prepared by the Eagle Water Company, Robert DeShazo, or in cooperation

REQUEST FOR PRODUCTION NO. 7: Please produce all documents that form the basis for your responses to interrogatory nos. 4 - 20.

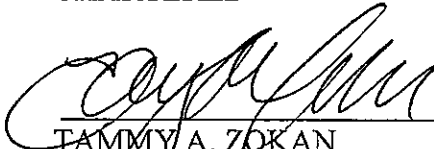
REQUEST FOR PRODUCTION NO. 8: Please produce any documents relied upon by your experts for any opinion rendered by him/her related to the Eagle Water Company's protest of the City's application.

REQUEST FOR PRODUCTION NO. 9: Please produce any report, test result, or other document or information that you contend supports the Eagle Water Company's protest to the City's proposal.

REQUEST FOR PRODUCTION NO. 10: If you denied any of the City's requests for admission, please produce all the evidence for each individual denial that you contend supports your denial.

DATED this 21 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of February, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE CHASE ESTATE via U.S. Mail Postage pre-paid, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

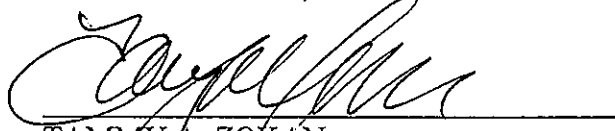
Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, Idaho 83616

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, Idaho 83616

Jim Burton
1896 N. Eagle Rd.
Eagle, Idaho 83616

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706



TAMMY A. ZOKAN

**APPLICANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR
ADMISSIONS AND PRODUCTION TO THE EAGLE WATER COMPANY, INC.**

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

FEB 24 2003

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	CITY OF EAGLE'S FIRST SET
	)	OF INTERROGATORIES,
CITY OF EAGLE, PETITIONER	)	REQUESTS FOR ADMISSIONS,
	)	AND REQUESTS FOR
APPLICATION FOR PERMIT NO. 63-12448	)	PRODUCTION TO THE CHASE
	)	ESTATE

The Applicant, the City of Eagle, by and through its attorneys of record, MOORE SMITH BUXTON & TURCKE, CHARTERED, submits the following First Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to the Chase Estate.

I. INTERROGATORY INSTRUCTIONS

Pursuant to IRCP 33, the Interrogatories set forth below are to be answered within fifteen (15) days after service of these interrogatories, fully and separately in writing, under oath, and in accordance with the above cited rule. Answers to these interrogatories must include not only information in your personal knowledge and possession, but also any and all information available to you, including information in the possession of any of your agents, attorneys, or employees. If a claim of privilege is made as to any such

information, you must specify the basis for the claim of privilege and describe the information claimed to be privileged.

The interrogatories are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

II. REQUESTS FOR PRODUCTION INSTRUCTIONS

Pursuant to IRCP 34, you are requested, within fifteen (15) days after service of these requests, to permit the inspection and copying of the documents and things requested below at the offices of Moore Smith Buxton & Turcke Chartered, 225 North 9th Street, Suite 420, Boise, Idaho or at such other time and place as the parties agree upon in writing.

As an alternative to producing documents for inspection and copying, copies of requested documents may be attached to your answers and responses and served within the same time period.

Your response must be based not only on documents and things in your personal possession, but also on any and all documents and things available to you, including those in the possession of any of your agents, attorneys, or employees.

Please identify to which request for production each document or group of documents you provide is responsive.

With respect to each document as herein defined which is required to be identified by these interrogatories or produced in the requests for production and which you presently contend you are not required to disclose because of any alleged "privilege" (which you are not presently prepared to waive), in lieu of the document identification called for above, please identify each such "privileged" document as follows: (1) give the

date of each such document; (2) identify each individual who was present when it was prepared; (3) identify each individual to whom a copy was sent; (4) identify each individual who has seen it; (5) identify each individual who has custody of it; (6) identify each and every document which refers to, discusses, analyzes or comments upon it, in whole or in part, or which contain any or all of its contents; and (7) state the nature of the privilege asserted (i.e., attorney-client, work-product, etc.).

These requests for production are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

III. REQUESTS FOR ADMISSIONS INSTRUCTIONS

Pursuant to IRCP 36, the Requests for Admissions set forth below are to be answered within fifteen (15) days after service of these requests for admissions, fully and separately in writing, under oath, and in accordance with the above-cited rule. If a claim of privilege is made as to any such information, you must specify the basis for the claim of privilege and describe the information claimed to be privileged.

The requests for admissions are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

IV. DEFINITIONS

The following definitions shall apply to these discovery requests:

1. "Afa" is acre feet per annum.
2. "And" and "and/or" and "or" shall each be deemed to refer to both their conjunctive and disjunctive meanings, being construed as necessary to bring within the scope of the discovery request all information and documents which would otherwise be construed as being outside the request.

3. "Any" shall mean "each and every" and "all" as well as "any one" and "all" shall mean "any and all."
4. "Big irrigation well" means the Estate's claimed point of diversion for water right no. 63-8663.
5. "The Chase Estate" or "Estate" is the Chase Estate, a protestant in this matter.
6. "The Chase Estate water rights" or "the Estate water rights" means the water rights identified as "Estate Water Rights" by the Estate in definition no. 3 of the *Estate's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions Upon the City of Eagle*, specifically water right nos. 63-5224, 63-5225, 63-5226, 63-5229, 63-8663, 63-15820 and 63-18731.
7. "Cfs" is cubic feet per second.
8. "The City" is the City of Eagle, the applicant in this case.
9. "The City's proposal" is the addition of the diversion point described in the City's Application which is the subject of this contested case.
10. "Dairy well" means the Estate's claimed point of diversion for water right nos. 63-5226 (stockwater and commercial) and 63-15820 (domestic).
11. "Diversion works" or "associated diversion works" means any mechanism employed to supply water for any purpose of use.
12. "Document" or "documents" shall mean the original, all copies and drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records of data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: correspondence, notes, "e-mails", memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra- or inter-office communications, memoranda, reports, canceled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, telegrams, instructions, work assignments, messages (including reports, notes, and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge slips, working papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other documents filed or

prepared in connection with any court or agency or other proceedings, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents.

13. "Identify" when used with respect to a document, item or thing means to provide the following information relating to such document, item or thing:

- (a) A general description thereof;
- (b) Date it was written or created;
- (c) Name and present or last known address of the person or persons who wrote or created it;
- (d) Name and present or last known address of the person to whom it was sent;
- (e) Name and present address of the custodian thereof; and
- (f) Whether you have a copy, duplicate, reproduction, photostat, photograph, sample or exemplar thereof.

14. "Identify" when used with respect to a natural person requires that you provide the following information with respect to the person:

- (a) Name;
- (b) Last known business address;
- (c) Last known residence address;
- (d) Last known telephone number; and
- (e) Name of employer or business with whom the person was associated and the person's title and position at the time relevant to the identification.

15. "Identify" when used with respect to a person that is not a natural person means, to the extent applicable, to provide the same information required as though the entity were a natural person, and also provide the additional information regarding a description of the nature of the entity (e.g., partnership, corporation, limited liability company, etc.).

16. "Injury" means interference with the ability to use one's water right and/or otherwise have a negative impact on one's interests.

17. "IDWR" is the State of Idaho, Department of Water Resources.

18. "Maintenance" means to inspect, repair or conduct other service.

19. "Person" means any natural person, corporation, partnership, joint venture, limited liability company, proprietorship, governmental or business entity.
20. "Primary water right" means the principal water right. See definition of "supplemental water right."
21. "Relate to" or "relating to" shall be deemed to mean and include the following terms: regards, describes, involves, compares, correlates, mentions, connected to, refers to, pertains to, contradicts, or compromises.
22. "Small irrigation well" means the Estate's claimed point of diversion for water right no. 63-5229.
23. "Supplemental water right" means a water right that is ancillary or a backup supply to the primary water right. See definition of "primary water right."
24. "You," "your," or "yours," means the Chase Estate including without limitation, all present and former agents, representatives, personnel, attorneys, consultants, experts, investigators, employees or other persons acting on its behalf.

V. INTERROGATORIES

INTERROGATORY NO. 1: Please identify each person who participated in responding to the City's interrogatories, requests for admissions and requests for production, and describe that person's role in doing so.

INTERROGATORY NO. 2: Please state when the Estate's attorney, Matt Howard, was hired to represent you in your protest to the City's application.

INTERROGATORY NO. 3: Please identify each and every person you intend to call as an expert witness in this matter and state:

- (a) The opinions the expert will or is expected to give, and his/her qualifications for rendering said opinion;
- (b) All facts, documents, data, or other information relied upon in forming his/her opinions.

INTERROGATORY NO. 4: For each expert identified in your response to interrogatory no. 3, or for each expert you have consulted regarding the City's application, please state when the expert was hired by the Estate.

INTERROGATORY NO. 5: Please identify each lay and/or fact witness you intend to call and the facts and/or opinion the witness will give and the person's qualifications for giving any opinion or factual testimony.

INTERROGATORY NO. 6: Please identify every document or item you intend to introduce as evidence at the hearing on this matter and identify the source of the document, the custodian of the document, and how you came to be in possession of such document or item.

INTERROGATORY NO. 7: Please identify all water right claims, licenses or permits which you contend allow the diversion and use by you of water at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, consisting of 120 acres.

INTERROGATORY NO. 8: Please identify the current legal owner of the property located at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, consisting of 120 acres.

INTERROGATORY NO. 9: If any portion(s) of the property located at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, is owned by a different owner(s), please specify each particular legal owner and the description of the portion of property owned by each.

INTERROGATORY NO. 10: Please any identify any pending contracts for sale of the property at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, consisting of 120 acres or any portion thereof.

INTERROGATORY NO. 11: Please identify each individual water right you allege is injured by the City's proposal.

INTERROGATORY NO. 12: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe the water right, including the priority date, the location of the diversion, the amount of the diversion, the amount of use, the place of use, the purpose of use, and the nature of the water right (i.e. permit, license, etc.).

INTERROGATORY NO. 13: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe in full and complete detail, including the opinions of any expert, how the water right is allegedly injured by the City's proposal.

INTERROGATORY NO. 14: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe how the water right is diverted, including a detailed description of any well and power supply and/or associated diversion works.

INTERROGATORY NO. 15: For each diversion of each individual water right you described in your response to interrogatory no. 14, please specifically describe the age and condition of the diversion, well and/or associated diversion works.

INTERROGATORY NO. 16: For each individual water right identified in your response to Interrogatory no. 11, please state on what date you filed a claim for each water right in the Snake River Basin Adjudication.

INTERROGATORY NO. 17: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe how the water right was used during the ten (10) year period immediately preceding the date you filed your claim to each water right in the Snake River Basin Adjudication, including:

- (a) the amount of water pumped and used;
- (b) the place of use;
- (c) the purpose of use;
- (d) the permit/license number(s) associated with the well or other means of diversion;
- (e) its location and depth;
- (f) The static water level, pumping levels, well head pressure for each year.

INTERROGATORY NO. 18: For each water right you identified in your response to interrogatory no. 11, please state how long it is has been since you have diverted the water right and applied it to beneficial use.

INTERROGATORY NO. 19: Please describe in full and complete detail the basis for the Eagle Water Company's protest to the City's application.

INTERROGATORY NO. 20: Please describe in full and complete detail the basis for your response to interrogatory no. 19.

INTERROGATORY NO. 21: If you deny any of the City's Requests for Admission, for each denial please describe the basis for the denial.

VI. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit that the Department's approval of the City's application would not injure the Chase Estate's water rights.

REQUEST FOR ADMISSION NO. 2: Please admit that there presently is no power supply actually transmitting power to the small irrigation well.

REQUEST FOR ADMISSION NO. 3: Please admit that there presently is no pump currently installed that is capable of producing the amount of water claimed for the small irrigation well, water right no. 63-5229.

REQUEST FOR ADMISSION NO. 4: Please admit that there has been no pump installed capable of producing the amount of water claimed for the small irrigation well, water right no. 63-5229, for at least the five (5) years immediately preceding the date you filed your claim to the small irrigation water right in the Snake River Basin Adjudication.

REQUEST FOR ADMISSION NO. 5: Please admit that there has been no power supply transmitting power to the small irrigation well for at least the five (5) years immediately preceding the date you filed your claim to the small irrigation water right in the Snake River Basin Adjudication.

REQUEST FOR ADMISSION NO. 6: Please admit that you did not use the small irrigation well to divert water right no. 63-5229 for at least the five (5) years immediately preceding the date you filed your claim to the small irrigation water right in the Snake River Basin Adjudication.

REQUEST FOR ADMISSION NO. 7: Please admit that the Estate claims a surface water right, water right no. 63-5227, for the same place and purpose of use as water right no. 63-5229.

REQUEST FOR ADMISSION NO. 8: Please admit that the claimed surface water right, no. 63-5227, is supplemental to the Estate's claimed groundwater right, 63-5229.

REQUEST FOR ADMISSION NO. 9: Please admit that the Estate claims a surface water right for the same place of use as the big irrigation well water right no. 63-8663.

REQUEST FOR ADMISSION NO. 10: Please admit that the groundwater right no. 63-8663 for the big irrigation well is supplemental to the surface water right.

VII. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce a curriculum vitae for each expert you intend to call as a witness.

REQUEST FOR PRODUCTION NO. 2: Please produce each and every document or item you intend to introduce as evidence at the hearing on this matter.

REQUEST FOR PRODUCTION NO. 3: Please produce a well log for each well identified as a point of diversion for each of the Estate's water rights. If the Estate does not have a well log for any point of diversion, please describe for each well: the method used to drill the well, how the well was constructed, all well test data, and aquifer material characteristics (lithographic information).

REQUEST FOR PRODUCTION NO. 4: Please produce all pumping records for each well identified in your response to interrogatory no. 14.

REQUEST FOR PRODUCTION NO. 5: Please produce all maintenance reports and maintenance bills for each well and diversion you identified in your response to interrogatory no. 14.

REQUEST FOR PRODUCTION NO. 6: Please produce all power supply bills for the wells you identified in your response to interrogatory no. 14.

REQUEST FOR PRODUCTION NO. 7: Please produce copies of all reports, memoranda, analyses or other correspondence related to the City's application prepared by the Estate, Dave Shaw or in cooperation.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents that form the basis for your responses to interrogatory nos. 6 - 21.

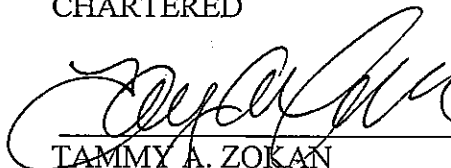
REQUEST FOR PRODUCTION NO. 9: Please produce any documents relied upon by your experts for any opinion rendered by him/her related to the Chase Estate's protest of the City's application.

REQUEST FOR PRODUCTION NO. 10: Please produce any report, test result, or other document or information that you contend supports the Chase Estate's protest to the City's proposal.

REQUEST FOR PRODUCTION NO. 11: If you denied any of the City's requests for admission, please produce all the evidence for each individual denial that you contend supports your denial.

DATED this 21 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of February, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE CHASE ESTATE via U.S. Mail Postage pre-paid, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, Idaho 83616

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, Idaho 83616

Jim Burton
1896 N. Eagle Rd.
Eagle, Idaho 83616

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706



TAMMY A. ZOKAN

obtained, including hearsay which is available to you and including information known by or in the possession of yourself, your attorney(s), investigator(s), expert(s), employee(s), or agent(s) retained by you or your attorney, or appearing in your records, and not merely information known of your own personal knowledge.

If you cannot answer the following interrogatories 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 and detailing what you did in attempting to secure the unknown information.

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.

The entire discovery herein is deemed continuing. If after responding to these interrogatories, you acquire any documents requested herein, or any information related to any interrogatories or documents requested herein which is not reflected by one of the answers, you must file a supplemental discovery response. Such supplementation is requested herein in addition to any supplementation required by the Idaho Rules of Civil Procedure.

THE FOLLOWING DEFINITIONS APPLY TO THESE DISCOVERY REQUESTS:

1. "*Application*" means the Application for Amendment of Permit No. 63-12448 in the

Name of The City of Eagle.

2. "*Document or Documents*" means all writing of any kind, including the original and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise including without limitation correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort of conversations, bulletins, printed matter, computer printouts, teletypes, telecopy, invoices, work sheets, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representation of any kind including without limitations, photographs, charts, graphs, microfiche, microfilm, videotapes, recording, motion pictures and electronic, mechanical, or electrical records or representation of any kind including without limitation, tapes, cassette discs, recordings.

3. "*Eagle Water's Water Rights*" means the water rights represented by SRBA water right claim nos. 63-7368; 63-7618; and 63-9245.

4. "*Fact*" or "*Facts*" mean all circumstances, events, evidence, information, including statements or testimony made by, or knowledge of, any person(s), pertaining to or touching upon the item or matter in question.

5. "*Issues*" means the issues set forth in the Notice of Hearing dated January 10, 2003, which are as follows:

- A. Will other water rights be injured by the amendment?
- B. Will the requested change constitute an enlargement in the use of the original right?
- C. Will the proposed change conflict with the local public interest?
- D. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

6. "*Person*" includes any natural person, partnership, corporation, joint venture, unincorporated association, governmental entity (or agency or other subdivision thereof), quasi-public entity or other form of entity or combination thereof.

7. "*You and Your*" means the City of Eagle.

INTERROGATORIES

INTERROGATORY NO. 1 Excluding IDWR personnel and the Protestants, please identify every person known to you who has knowledge or information concerning any of the facts related to (a) the Application and/or (b) the Issues. For each person identified, describe the substance of the knowledge or information held by that person and provide that person's name, job title, address, day-time phone number, and relationship to you.

INTERROGATORY NO.2: Identify each person you expect to call as an expert witness at any hearing or trial in the above-captioned case. For each person, state (a) the subject matter on which the expert is expected to testify, (b) the substance of the opinions to which the expert is expected to testify, and (c) the underlying facts and data upon which the expert opinions are based.

INTERROGATORY NO. 3: Identify every person you may call as a witness at any hearing or trial in the above-captioned case. For each person identified, describe the specific factual matters as to which that person will testify and describe the substance of that person's testimony. For each person identified, provide that person's name, job title, address, day-time phone number, and relationship to you.

INTERROGATORY NO. 4: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not injure Eagle Water's Water Rights? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

INTERROGATORY NO. 5: Do you claim that the Application, if approved, will not conflict with the local public interest? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

INTERROGATORY NO. 6 Do you claim that the Application, if approved, will not be contrary to conservation of water resources within the state of Idaho? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

INTERROGATORY NO.7: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for Eagle Water's Water Rights? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

INTERROGATORY NO. 8: Do you claim that the Application, if approved, will not constitute an enlargement in the use of the original right? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

INTERROGATORY NO. 9: Please identify all water rights held by the City of Eagle, including all water rights that the City of Eagle holds an interest in, including interests that are legal, equitable, and/or contractual in nature.

INTERROGATORY NO. 10: Please describe the City's business relationship with United Water Idaho ("United Water"). In particular, please describe:

- (a) what role United Water currently plays in the servicing of the City's customers;
- (b) what role United Water will play in the administration of the points of diversion that are the subject of the City's present Application; and
- (c) what role United Water will play in the distribution of the water proposed for diversion pursuant to the City's Application.

INTERROGATORY NO. 11: Please describe the manner in which the City's water

diversion and/or distribution system is connected to United Water facilities. In particular, please describe, in detail, the nature of United Water's access to the City's water diversion and/or distribution system.

INTERROGATORY NO. 12: Please describe the intended place of use for the water proposed for diversion pursuant to the City's Application.

INTERROGATORY NO. 13: Please describe, in detail, what, if any, system the City has in place to ensure that water it diverts pursuant to the water rights identified in response to Interrogatory No. 9 is not used outside the City's service area, either directly or through co-mingling with United Water's water.

INTERROGATORY NO. 14: Please describe, in detail, what, if any, system the City will have in place to ensure that water it diverts pursuant to the City's Application will not be used outside the City's service area, either directly or through co-mingling with United Water's water.

REQUESTS FOR PRODUCTION

REQUEST NO. 1: Please produce copies of all documents identified in your answers to the above interrogatories and the admissions set out below.

REQUEST NO. 2: Please produce copies of all documents that contain information or facts relating to the factual basis for the allegations and statements set forth in the Application.

REQUEST NO. 3: Please produce copies of all documents used, relied on, or reviewed in the preparation of your response to the interrogatories and admissions contained herein.

REQUEST NO. 4: Please produce copies of all documents that you may offer as exhibits at any hearing or trial in this case.

REQUEST NO. 5: Please produce copies of all Eagle City Council minutes, transcripts,

memoranda, and related documents that relate to the Application

REQUEST NO. 6: Please produce copies of all documents that contain information or facts relating to the Issues.

REQUEST NO. 7: If you claim that the diversion of ground water pursuant to the Application, if approved, will not injure Eagle Water's Water Rights, please produce copies of all documents that contain information or facts relating to such claim.

REQUEST NO. 8: If you claim that the Application, if approved, will not conflict with the local public interest, please produce copies of all documents that contain information or facts relating to such claim.

REQUEST NO. 9: If you claim that the Application, if approved, will not be contrary to conservation of water resources within the state of Idaho, please produce copies of all documents that contain information or facts relating to such claim.

REQUEST NO. 10: If you claim that the diversion of ground water pursuant to the Application, if approved, will not interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for the Eagle Water's Water Rights, please produce copies of all documents that contain information or facts relating to such claim.

REQUEST NO. 11: If you claim that the Application, if approved, will not constitute an enlargement in the use of the original right, please produce copies of all documents that contain information or facts relating to such claim.

REQUEST NO. 12: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that may be offered as evidence in conjunction with expert testimony in this case.

REQUEST NO. 13: Please produce copies of all documents, data, data summaries,

reports, and/or scientific evidence that your expert(s) may rely on to prepare the evidence that may be offered in this case.

REQUEST NO. 14: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that may be offered as evidence related to the issue of injury to other water rights.

REQUEST NO. 15: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that may be offered as evidence related to the issue of enlargement of use.

REQUEST NO. 16: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 10.

REQUEST NO. 17: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 11.

REQUEST NO. 18: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 13.

REQUEST NO. 19: Please produce copies of all documents, data, data summaries, reports, and/or scientific evidence that contain information or facts supporting your response to Interrogatory No. 14.

REQUESTS FOR ADMISSIONS

If your response to any of the Requests for Admission, below, is not an unqualified admission, for each such response please identify:

- (a) the number of the Request for Admission;
- (b) all facts, studies, analyses, opinions, or documents upon which you base your response;
- (c) the names, addresses, and telephone numbers of all individuals who have or may have knowledge of the facts upon which you base your response; and
- (d) all documents that support, evidence, or relate to your response.

REQUEST NO. 1: Please admit that the diversion of ground water pursuant to the Application, if approved, will injure Eagle Water's Water Rights.

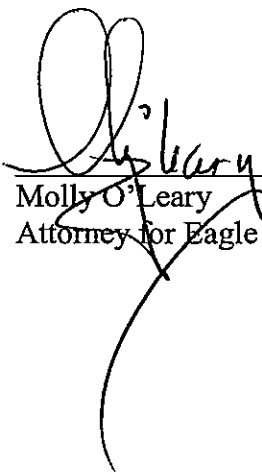
REQUEST NO. 2: Please admit that the Application, if approved, will conflict with the local public interest.

REQUEST NO. 3: Please admit that the Application, if approved, will be contrary to the conservation of water resources within the state of Idaho.

REQUEST NO. 4: Please admit that the diversion of ground water pursuant to the Application, if approved, will interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for Eagle Water's Water Rights.

REQUEST NO. 5: Please admit that the Application, if approved, will constitute an enlargement in the use of the original right.

DATED this 20th day of February, 2003.



Molly O'Leary
Attorney for Eagle Water Company, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on the 30th day of February 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) as indicated below:

Jim Burton
1896 N. Eagle Rd.
Eagle, ID 83616

Via U.S. Mail

Weldon Fisher
546 E. Beacon Light Rd.
Eagle ID 83616

Via U.S. Mail

Matt K. Howard, Esq.
Attorney at Law
P.O. Box 190012
Boise, ID 83719

Via Facsimile (208) 333.8409

Bruce Smith, Esq.
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702

Via Facsimile (208) 331.1202



Nina Curtis

RECEIVED
FEB 21 2003

Department of Water Resources

BRUCE M. SMITH, ISB # 3425
TAMMY A. ZOKAN, ISB # 5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
225 North 9th, Suite 420
Boise, Idaho 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorney for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF	)	THE CITY OF EAGLE'S RESPONSE TO
APPLICATION FOR PERMIT NO. 63-12448	)	THE ESTATE'S FIRST SET OF
IN THE NAME OF THE CITY OF EAGLE	)	INTERROGATORIES, REQUESTS FOR
	)	PRODUCTION OF DOCUMENTS, AND
	)	REQUESTS FOR ADMISSIONS
	)	
	)	
	)	
	)	
	)	

THE CITY OF EAGLE BY AND THROUGH ITS ATTORNEY, BRUCE M. SMITH
HEREBY respond to the following interrogatories, requests for production of documents, and
requests for admissions by the Chase Estate. As a general objection, the City objects to providing
any response or producing any documents protected by the attorney client privilege or work
product.

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, however
obtained, including hearsay which is available to you and including information known by or in
the possession of yourself, your attorney(s), investigator(s), expert(s), employee(s), or agent(s)

retained by you or your attorney, or appearing in your records, and not merely information known of your own personal knowledge.

If you cannot answer the following interrogatories 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 and detailing what you did in attempting to secure the unknown information.

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.

The entire discovery herein is deemed continuing. If after responding to these interrogatories, you acquire any documents requested herein, or any information related to any interrogatories or documents requested herein which is not reflected by one of the answers, you must file a supplemental discovery response. Such supplementation is requested herein in addition to any supplementation required by the Idaho Rules of Civil Procedure.

THE FOLLOWING DEFINITIONS APPLY TO THESE DISCOVERY REQUESTS:

1. "Application" means the Application for Amendment of Permit No. 63-12448 in the Name of The City of Eagle.

2. "Document or Documents" means all writing of any kind, including the original and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise including without limitation correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort of conversations, bulletins, printed matter, computer printouts, teletypes, telecopy, invoices, work sheets, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representation of any kind including without limitations, photographs, charts, graphs, microfiche, microfilm, videotapes, recording, motion pictures and electronic, mechanical, or electrical records or representation of any kind including without limitation, tapes, cassette discs, recordings.
3. "Estate Water Rights" means the water rights represented by SRBA water right claim nos. 63-5224, 63-5225, 63-5226, 63-5229, 63-8663, 63-15820, and 63-18731.
4. "Fact" or "Facts" mean all circumstances, events, evidence, information, including statements or testimony made by, or knowledge of any person(s), pertaining to or touching upon the item or matter in question.
5. "Issues" means the issues set forth in the Notice of Hearing dated January 10, 2003, which are as follows:
 - A. Will other water rights be injured by the amendment?
 - B. Will the change constitute an enlargement in the use of the original right?
 - C. Will the proposed change conflict with the local public interest?

D. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

6. "Person" includes any natural person, partnership, corporation, joint venture, unincorporated association, governmental entity (or agency or other subdivision thereof), quasi-public entity or other form of entity or combination thereof.
7. "You and Your" means the City of Eagle.

INTERROGATORIES

INTERROGATORY NO. 1: Excluding IDWR personnel and the protestants, please identify every person known to you who has knowledge or information concerning any of the facts related to (a) the Application and/or (b) the Issues. For each person identified, describe the substance of the knowledge or information held by that person and provide that person's name, job title, address, day-time phone number, and relationship to you.

RESPONSE TO INTERROGATORY NO. 1: The City objects to this interrogatory because it is ambiguous, vague, overbroad and overly burdensome. Notwithstanding the City's objection, to the extent the City understands this request, the City is aware of the following individuals who may have knowledge or information related to the City's application:

- (1) Mayor
City Council
Eagle City Hall
P.O. Box 1520
Eagle, Idaho 83616
(208) 939-6813
- (2) Vern Brewer
City Project Manager/Engineer Liaison
Holladay Engineering Co.
P.O. Box 235
Payette, Idaho 83661

(208) 642-3304

(3) Bill Strowd, P.G.
Former Employee of
Holladay Engineering Co.
1509 Dearborn
Caldwell, Idaho 83605
(208) 454-1051

(4) The Chase Estate and their representatives (hereinafter referred to as the
"Protestants" or the "Estate")
C/O law Office of Matt Howard
P.O. Box 190012
Boise, Idaho 83719
(208) 333-0622

The City may identify and disclose additional individuals with knowledge or information concerning this case as this case progresses.

INTERROGATORY NO. 2: Identify each person you expect to call as an expert witness at any hearing or trial in the above-captioned case. For each person, state (a) the subject matter on which the expert is expected to testify, (b) the substance of the opinions to which the expert is expected to testify, and (c) the underlying facts and data upon which the expert opinions are based.

RESPONSE TO INTERROGATORY NO. 2: The City anticipates calling Bill Strowd, P.G. as an expert witness in this case. The City may identify and disclose additional expert witnesses as this case progresses and thus, reserves the right to call additional experts at hearing. Mr. Strowd may testify regarding his analysis of the groundwater conditions in the vicinity of the proposed well and his opinion that the City's proposal would result in minimal impact on the aquifer and neighboring wells. Mr. Strowd's opinions and expected testimony are based upon Idaho Department of Water Resources records available to the public and the following reports: Ground-water Conditions in the Dry Creek Area, Eagle, Idaho, prepared by IDWR (1991); Results of the

30-Day Pumping Test and Aquifer Analysis, prepared by CH2M Hill (1991); and Aquifer test Floating Feather Well, prepared by Scanlan Engineering of Boise.

INTERROGATORY NO. 3: Identify every person you may call as a witness at any hearing or trial in the above-captioned case. For each person identified, describe the specific factual matters as to which that person will testify and describe the substance of that person's testimony. For each person identified, provide that person's name, job title, address, day-time phone number, and relationship to you.

RESPONSE TO INTERROGATORY NO. 3: Please see the City's response to interrogatory nos. 1-2. These witnesses may testify generally regarding the diversion of water by the City of Eagle as described in the City's application. The City may identify and disclose additional witnesses as this case proceeds, and therefore, reserves the right to call additional witnesses at hearing.

INTERROGATORY NO. 4: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not injure other water rights? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 4: Yes. The City's claim is based upon Idaho water law, the analysis and reports described in its response to interrogatory no. 2, and representations made by the Protestants.

INTERROGATORY NO. 5: Do you claim that the Application, if approved, will not conflict with the local public interest? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 5: Yes. The City's claim is based upon Idaho water law and the analysis and reports described in its response to interrogatory no. 2.

INTERROGATORY NO. 6: Do you claim that the Application, if approved, will not be contrary to conservation of water resources within the state of Idaho? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 6: Yes. The City's claim is based upon Idaho water law and the analysis and reports described in its response to interrogatory no. 2.

INTERROGATORY NO. 7: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for the Estate Water Rights? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 7: The City objects to this interrogatory because it is ambiguous and vague. Notwithstanding the City's objection, to the extent the City understands this interrogatory, the City's response is yes. Please see the City's response to interrogatory no. 4.

INTERROGATORY NO. 8: Do you claim that the Application, if approved, will not constitute an enlargement in the use of the original right? If so, please identify and describe each fact, study, analysis, opinion, and document that supports, negates, and/or relates to your claim.

RESPONSE TO INTERROGATORY NO. 8: Yes. The City's claim is based upon Idaho water law and the analysis and reports described in its response to interrogatory no. 2.

INTERROGATORY NO. 9: Please identify all water rights held by the City of Eagle, including all water rights that the City of Eagle holds an interest in, including interests that are legal, equitable, and/or contractual in nature.

RESPONSE TO INTERROGATORY NO. 9: The City objects to this interrogatory because it is overbroad, unduly burdensome, designed to harass, and requests information generally available to the public. Notwithstanding the City's objection, the following water rights held by the City are relevant to the City's application: water right nos. 63-12448 and 63-11413.

INTERROGATORY NO. 10: If your response to any of the requests for admissions, below, is not an unqualified admission, for each such request for admission state and identify: (a) the number of the request for admission, (b) all facts, studies, analyses, opinions, or documents upon which you base your response, (c) the names, addresses, and telephone numbers of all individuals who do or may have knowledge of the facts upon which you base your response, and (d) all documents that support, evidence, or relate to your response.

RESPONSE TO INTERROGATORY NO. 10: The City denies all of the Requests for Admission nos. 1-5. The support for the City's denials is described in the City's response to interrogatory nos. 1-4.

REQUESTS FOR PRODUCTION

REQUEST NO. 1: Please produce all documents identified in your answers to the above interrogatories and the admissions set out below.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: The Estate may review the City's non-privileged documents by prior appointment at 225 North 9th Street, Suite 420, Boise, Idaho 83702, by calling the City's attorney of record at (208) 331-1800.

REQUEST NO. 2: Please produce all documents that contain information or facts relating to the factual basis for the allegations and statements set forth in the Application.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: The City objects to this interrogatory because it is overbroad, unduly burdensome, designed to harass, and requests information generally available to the public. Notwithstanding the City's objection, see response to request for production no. 1.

REQUEST NO. 3: Please produce copies of all documents used, relied on, or reviewed in the preparation of your response to the interrogatories and admissions contained herein.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: See response to request for production no. 1.

REQUEST NO. 4: Please produce copies of all documents that you may offer as exhibits at any hearing or trial in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Exhibits for hearing have not yet been identified.

REQUEST NO. 5: Please produce copies of all City Council minutes, transcripts, memoranda, and related documents that relate to the Application.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: The City objects to this Request because it is overbroad, unduly burdensome and requests the production of privileged information. Notwithstanding the City's objection, see response to request for production no. 1.

REQUEST NO.6: Please produce all documents that contain information or facts relating to the Issues.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: The City objects to this Request because it is ambiguous, vague, overbroad and overly burdensome and requests the production of privileged information. Notwithstanding the City's objection, to the extent the City understands this request, see response to request for production no. 1.

REQUEST NO.7: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not injure other water rights? If so, please produce all documents that contain information or facts relating to your claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Yes, see response to request for production no. 1.

REQUEST NO.8: Do you claim that the Application, if approved, will not conflict with the local public interest? If so, please produce all documents that contain information or facts relating to your claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Yes, see response to request for production no. 1.

REQUEST NO.9: Do you claim that the Application, if approved, will not be contrary to conservation of water resources within the state of Idaho? If so, please produce all documents that contain information or facts relating to your claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Yes, see response to request for production no. 1.

REQUEST NO.10: Do you claim that the diversion of ground water pursuant to the Application, if approved, will not interfere with, reduce, and/or otherwise diminish the ground

water levels at the locations of the points of diversion for the Estate Water Rights? If so, please produce all documents that contain information or facts relating to your claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: Yes, see response to request for production no. 1.

REQUEST NO.11: Do you claim that the Application, if approved, will not constitute an enlargement in the use of the original right? If so, please produce all documents that contain information or facts relating to your claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Yes, see response to request for production no. 1.

REQUEST NO.12: Please produce all documents, data, data summaries, reports, and/or scientific evidence that may be offered as evidence in conjunction with expert testimony in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: See response to request for production no. 1.

REQUEST NO.13: Please produce all documents, data, data summaries, reports, and/or scientific evidence that your expert(s) may rely on to prepare the evidence that may be offered in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: See response to request for production no. 1.

REQUEST NO.14: Please produce all documents, data, data summaries, reports, and/or scientific evidence that may be offered related to the issue of injury to other water rights.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: See response to request for production no. 1.

REQUEST NO.15: Please produce all documents, data, data summaries, reports, and/or scientific evidence that may be offered related to the issue of enlargement of use.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: See response to request for production no. 1.

REQUESTS FOR ADMISSIONS

REQUEST NO.1: Please admit that the diversion of ground water pursuant to the Application, if approved, will injure the Estate Water Rights.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Denied.

REQUEST NO.2: Please admit that the Application, if approved, will conflict with the local public interest.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Denied.

REQUEST NO.3: Please admit that the Application, if approved, will be contrary to the conservation of water resources within the state of Idaho.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Denied.

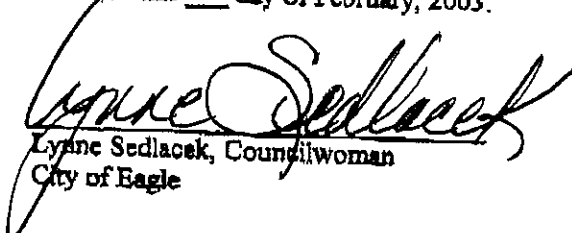
REQUEST NO.4: Please admit that the diversion of ground water pursuant to the Application, if approved, will interfere with, reduce, and/or otherwise diminish the ground water levels at the locations of the points of diversion for the Estate Water Rights.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: The City objects to this Request because it is ambiguous and vague. Notwithstanding the City's objection, to the extent the City understands this request, denied.

REQUEST NO.5: Please admit that the Application, if approved, will constitute an enlargement in the use of the original right.

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Denied.

DATED this ____ day of February, 2003.


Lynne Sedlacek, Councilwoman
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

The undersigned certifies that on the ____ day of February 2003, a true and correct copy of the City's Response to the Chase Protestants First Set of Interrogatories, Requests for Production and Requests for Admissions was sent to the following person(s) as indicated below:

IDWR State Office *Via U.S. Mail*
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

Jim Burton *Via U.S. Mail*
1896 N. Eagle Rd.
Eagle, ID 83616

Weldon Fisher *Via U.S. Mail*
546 E. Beacon Light Rd.
Eagle, ID 83616

Molly O'Leary, Esq. *Via U.S. Mail*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Matt Howard, Esq. *Via Hand-delivery*
P.O. Box 190012
Boise, Idaho 83719

TAMMY A. ZOKAN

DATED this 19 day of February, 2003.

Lynne Sedlacek, Councilwoman
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

The undersigned certifies that on the 19 ^{TAZ} day of February 2003, a true and correct copy of the City's Response to the Chase Protestants First Set of Interrogatories, Requests for Production and Requests for Admissions was sent to the following person(s) as indicated below:

IDWR State Office *Via U.S. Mail*
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Molly O'Leary, Esq. *Via U.S. Mail*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Matt Howard, Esq. *Via Hand-delivery* 02/19/03
P.O. Box 190012
Boise, Idaho 83719

TAMMY A. ZOKAN

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	CITY OF EAGLE'S FIRST SET
	)	OF INTERROGATORIES,
CITY OF EAGLE, PETITIONER	)	REQUESTS FOR ADMISSIONS,
	)	AND REQUESTS FOR
APPLICATION FOR PERMIT NO. 63-12448	)	PRODUCTION TO THE CHASE
	)	ESTATE

The Applicant, the City of Eagle, by and through its attorneys of record, MOORE SMITH BUXTON & TURCKE, CHARTERED, submits the following First Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to the Chase Estate.

I. INTERROGATORY INSTRUCTIONS

Pursuant to IRCP 33, the Interrogatories set forth below are to be answered within fifteen (15) days after service of these interrogatories, fully and separately in writing, under oath, and in accordance with the above cited rule. Answers to these interrogatories must include not only information in your personal knowledge and possession, but also any and all information available to you, including information in the possession of any of your agents, attorneys, or employees. If a claim of privilege is made as to any such

information, you must specify the basis for the claim of privilege and describe the information claimed to be privileged.

The interrogatories are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

II. REQUESTS FOR PRODUCTION INSTRUCTIONS

Pursuant to IRCP 34, you are requested, within fifteen (15) days after service of these requests, to permit the inspection and copying of the documents and things requested below at the offices of Moore Smith Buxton & Turcke Chartered, 225 North 9th Street, Suite 420, Boise, Idaho or at such other time and place as the parties agree upon in writing.

As an alternative to producing documents for inspection and copying, copies of requested documents may be attached to your answers and responses and served within the same time period.

Your response must be based not only on documents and things in your personal possession, but also on any and all documents and things available to you, including those in the possession of any of your agents, attorneys, or employees.

Please identify to which request for production each document or group of documents you provide is responsive.

With respect to each document as herein defined which is required to be identified by these interrogatories or produced in the requests for production and which you presently contend you are not required to disclose because of any alleged "privilege" (which you are not presently prepared to waive), in lieu of the document identification called for above, please identify each such "privileged" document as follows: (1) give the

date of each such document; (2) identify each individual who was present when it was prepared; (3) identify each individual to whom a copy was sent; (4) identify each individual who has seen it; (5) identify each individual who has custody of it; (6) identify each and every document which refers to, discusses, analyzes or comments upon it, in whole or in part, or which contain any or all of its contents; and (7) state the nature of the privilege asserted (i.e., attorney-client, work-product, etc.).

These requests for production are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

III. REQUESTS FOR ADMISSIONS INSTRUCTIONS

Pursuant to IRCP 36, the Requests for Admissions set forth below are to be answered within fifteen (15) days after service of these requests for admissions, fully and separately in writing, under oath, and in accordance with the above-cited rule. If a claim of privilege is made as to any such information, you must specify the basis for the claim of privilege and describe the information claimed to be privileged.

The requests for admissions are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

IV. DEFINITIONS

The following definitions shall apply to these discovery requests:

1. "Afa" is acre feet per annum.
2. "And" and "and/or" and "or" shall each be deemed to refer to both their conjunctive and disjunctive meanings, being construed as necessary to bring within the scope of the discovery request all information and documents which would otherwise be construed as being outside the request.

3. "Any" shall mean "each and every" and "all" as well as "any one" and "all" shall mean "any and all."
4. "Big irrigation well" means the Estate's claimed point of diversion for water right no. 63-8663.
5. "The Chase Estate" or "Estate" is the Chase Estate, a protestant in this matter.
6. "The Chase Estate water rights" or "the Estate water rights" means the water rights identified as "Estate Water Rights" by the Estate in definition no. 3 of the *Estate's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions Upon the City of Eagle*, specifically water right nos. 63-5224, 63-5225, 63-5226, 63-5229, 63-8663, 63-15820 and 63-18731.
7. "Cfs" is cubic feet per second.
8. "The City" is the City of Eagle, the applicant in this case.
9. "The City's proposal" is the addition of the diversion point described in the City's Application which is the subject of this contested case.
10. "Dairy well" means the Estate's claimed point of diversion for water right nos. 63-5226 (stockwater and commercial) and 63-15820 (domestic).
11. "Diversion works" or "associated diversion works" means any mechanism employed to supply water for any purpose of use.
12. "Document" or "documents" shall mean the original, all copies and drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records of data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: correspondence, notes, "e-mails", memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra- or inter-office communications, memoranda, reports, canceled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, telegrams, instructions, work assignments, messages (including reports, notes, and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge slips, working papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other documents filed or

prepared in connection with any court or agency or other proceedings, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents.

13. "Identify" when used with respect to a document, item or thing means to provide the following information relating to such document, item or thing:
 - (a) A general description thereof;
 - (b) Date it was written or created;
 - (c) Name and present or last known address of the person or persons who wrote or created it;
 - (d) Name and present or last known address of the person to whom it was sent;
 - (e) Name and present address of the custodian thereof; and
 - (f) Whether you have a copy, duplicate, reproduction, photostat, photograph, sample or exemplar thereof.
14. "Identify" when used with respect to a natural person requires that you provide the following information with respect to the person:
 - (a) Name;
 - (b) Last known business address;
 - (c) Last known residence address;
 - (d) Last known telephone number; and
 - (e) Name of employer or business with whom the person was associated and the person's title and position at the time relevant to the identification.
15. "Identify" when used with respect to a person that is not a natural person means, to the extent applicable, to provide the same information required as though the entity were a natural person, and also provide the additional information regarding a description of the nature of the entity (e.g., partnership, corporation, limited liability company, etc.).
16. "Injury" means interference with the ability to use one's water right and/or otherwise have a negative impact on one's interests.
17. "IDWR" is the State of Idaho, Department of Water Resources.
18. "Maintenance" means to inspect, repair or conduct other service.

19. "Person" means any natural person, corporation, partnership, joint venture, limited liability company, proprietorship, governmental or business entity.
20. "Primary water right" means the principal water right. See definition of "supplemental water right."
21. "Relate to" or "relating to" shall be deemed to mean and include the following terms: regards, describes, involves, compares, correlates, mentions, connected to, refers to, pertains to, contradicts, or compromises.
22. "Small irrigation well" means the Estate's claimed point of diversion for water right no. 63-5229.
23. "Supplemental water right" means a water right that is ancillary or a backup supply to the primary water right. See definition of "primary water right."
24. "You," "your," or "yours," means the Chase Estate including without limitation, all present and former agents, representatives, personnel, attorneys, consultants, experts, investigators, employees or other persons acting on its behalf.

V. INTERROGATORIES

INTERROGATORY NO. 1: Please identify each person who participated in responding to the City's interrogatories, requests for admissions and requests for production, and describe that person's role in doing so.

INTERROGATORY NO. 2: Please state when the Estate's attorney, Matt Howard, was hired to represent you in your protest to the City's application.

INTERROGATORY NO. 3: Please identify each and every person you intend to call as an expert witness in this matter and state:

- (a) The opinions the expert will or is expected to give, and his/her qualifications for rendering said opinion;
- (b) All facts, documents, data, or other information relied upon in forming his/her opinions.

INTERROGATORY NO. 4: For each expert identified in your response to interrogatory no. 3, or for each expert you have consulted regarding the City's application, please state when the expert was hired by the Estate.

INTERROGATORY NO. 5: Please identify each lay and/or fact witness you intend to call and the facts and/or opinion the witness will give and the person's qualifications for giving any opinion or factual testimony.

INTERROGATORY NO. 6: Please identify every document or item you intend to introduce as evidence at the hearing on this matter and identify the source of the document, the custodian of the document, and how you came to be in possession of such document or item.

INTERROGATORY NO. 7: Please identify all water right claims, licenses or permits which you contend allow the diversion and use by you of water at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, consisting of 120 acres.

INTERROGATORY NO. 8: Please identify the current legal owner of the property located at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, consisting of 120 acres.

INTERROGATORY NO. 9: If any portion(s) of the property located at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, is owned by a different owner(s), please specify each particular legal owner and the description of the portion of property owned by each.

INTERROGATORY NO. 10: Please any identify any pending contracts for sale of the property at the West Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 4 North, Range 1 East, Boise Meridian, consisting of 120 acres or any portion thereof.

INTERROGATORY NO. 11: Please identify each individual water right you allege is injured by the City's proposal.

INTERROGATORY NO. 12: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe the water right, including the priority date, the location of the diversion, the amount of the diversion, the amount of use, the place of use, the purpose of use, and the nature of the water right (i.e. permit, license, etc.).

INTERROGATORY NO. 13: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe in full and complete detail, including the opinions of any expert, how the water right is allegedly injured by the City's proposal.

INTERROGATORY NO. 14: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe how the water right is diverted, including a detailed description of any well and power supply and/or associated diversion works.

INTERROGATORY NO. 15: For each diversion of each individual water right you described in your response to interrogatory no. 14, please specifically describe the age and condition of the diversion, well and/or associated diversion works.

INTERROGATORY NO. 16: For each individual water right identified in your response to Interrogatory no. 11, please state on what date you filed a claim for each water right in the Snake River Basin Adjudication.

INTERROGATORY NO. 17: For each individual water right you identified in your response to interrogatory no. 11, please specifically describe how the water right was used during the ten (10) year period immediately preceding the date you filed your claim to each water right in the Snake River Basin Adjudication, including:

- (a) the amount of water pumped and used;
- (b) the place of use;
- (c) the purpose of use;
- (d) the permit/license number(s) associated with the well or other means of diversion;
- (e) its location and depth;
- (f) The static water level, pumping levels, well head pressure for each year.

INTERROGATORY NO. 18: For each water right you identified in your response to interrogatory no. 11, please state how long it is has been since you have diverted the water right and applied it to beneficial use.

INTERROGATORY NO. 19: Please describe in full and complete detail the basis for the Eagle Water Company's protest to the City's application.

INTERROGATORY NO. 20: Please describe in full and complete detail the basis for your response to interrogatory no. 19.

INTERROGATORY NO. 21: If you deny any of the City's Requests for Admission, for each denial please describe the basis for the denial.

VI. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit that the Department's approval of the City's application would not injure the Chase Estate's water rights.

REQUEST FOR ADMISSION NO. 2: Please admit that there presently is no power supply actually transmitting power to the small irrigation well.

REQUEST FOR ADMISSION NO. 3: Please admit that there presently is no pump currently installed that is capable of producing the amount of water claimed for the small irrigation well, water right no. 63-5229.

REQUEST FOR ADMISSION NO. 4: Please admit that there has been no pump installed capable of producing the amount of water claimed for the small irrigation well, water right no. 63-5229, for at least the five (5) years immediately preceding the date you filed your claim to the small irrigation water right in the Snake River Basin Adjudication.

REQUEST FOR ADMISSION NO. 5: Please admit that there has been no power supply transmitting power to the small irrigation well for at least the five (5) years immediately preceding the date you filed your claim to the small irrigation water right in the Snake River Basin Adjudication.

REQUEST FOR ADMISSION NO. 6: Please admit that you did not use the small irrigation well to divert water right no. 63-5229 for at least the five (5) years immediately preceding the date you filed your claim to the small irrigation water right in the Snake River Basin Adjudication.

REQUEST FOR ADMISSION NO. 7: Please admit that the Estate claims a surface water right, water right no. 63-5227, for the same place and purpose of use as water right no. 63-5229.

REQUEST FOR ADMISSION NO. 8: Please admit that the claimed surface water right, no. 63-5227, is supplemental to the Estate's claimed groundwater right, 63-5229.

REQUEST FOR ADMISSION NO. 9: Please admit that the Estate claims a surface water right for the same place of use as the big irrigation well water right no. 63-8663.

REQUEST FOR ADMISSION NO. 10: Please admit that the groundwater right no. 63-8663 for the big irrigation well is supplemental to the surface water right.

VII. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce a curriculum vitae for each expert you intend to call as a witness.

REQUEST FOR PRODUCTION NO. 2: Please produce each and every document or item you intend to introduce as evidence at the hearing on this matter.

REQUEST FOR PRODUCTION NO. 3: Please produce a well log for each well identified as a point of diversion for each of the Estate's water rights. If the Estate does not have a well log for any point of diversion, please describe for each well: the method used to drill the well, how the well was constructed, all well test data, and aquifer material characteristics (lithographic information).

REQUEST FOR PRODUCTION NO. 4: Please produce all pumping records for each well identified in your response to interrogatory no. 14.

REQUEST FOR PRODUCTION NO. 5: Please produce all maintenance reports and maintenance bills for each well and diversion you identified in your response to interrogatory no. 14.

REQUEST FOR PRODUCTION NO. 6: Please produce all power supply bills for the wells you identified in your response to interrogatory no. 14.

REQUEST FOR PRODUCTION NO. 7: Please produce copies of all reports, memoranda, analyses or other correspondence related to the City's application prepared by the Estate, Dave Shaw or in cooperation.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents that form the basis for your responses to interrogatory nos. 6 - 21.

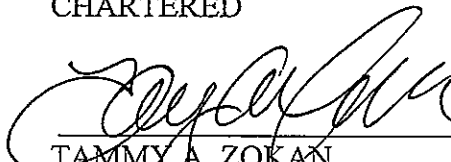
REQUEST FOR PRODUCTION NO. 9: Please produce any documents relied upon by your experts for any opinion rendered by him/her related to the Chase Estate's protest of the City's application.

REQUEST FOR PRODUCTION NO. 10: Please produce any report, test result, or other document or information that you contend supports the Chase Estate's protest to the City's proposal.

REQUEST FOR PRODUCTION NO. 11: If you denied any of the City's requests for admission, please produce all the evidence for each individual denial that you contend supports your denial.

DATED this 21 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of February, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE CHASE ESTATE via U.S. Mail Postage pre-paid, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

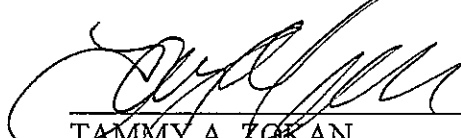
Matt Howard
2402 W. Jefferson
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Molly O'Leary
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P.O. Box 1849
Eagle, Idaho 83616

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Attorneys for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	CITY OF EAGLE'S FIRST SET
	)	OF INTERROGATORIES,
CITY OF EAGLE, PETITIONER	)	REQUESTS FOR ADMISSIONS,
	)	AND REQUESTS FOR
APPLICATION FOR PERMIT NO. 63-12448	)	PRODUCTION TO THE EAGLE
_____	)	WATER COMPANY, INC.

The Applicant, the City of Eagle by and through its attorneys of record, MOORE SMITH BUXTON & TURCKE, CHARTERED, submits the following First Set of Interrogatories, Requests for Admissions and Requests for Production of Documents to the Eagle Water Company, Inc.

I. INTERROGATORY INSTRUCTIONS

Pursuant to IRCP 33, the Interrogatories set forth below are to be answered within fifteen (15) days after service of these interrogatories, fully and separately in writing, under oath, and in accordance with the above cited rule. Answers to these interrogatories must include not only information in your personal knowledge and possession, but also any and all information available to you, including information in the possession of any of your agents, attorneys, or employees. If a claim of privilege is made as to any such

APPLICANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE EAGLE WATER COMPANY, INC.

information, you must specify the basis for the claim of privilege and describe the information claimed to be privileged.

The interrogatories are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

II. REQUESTS FOR PRODUCTION INSTRUCTIONS

Pursuant to IRCP 34, you are requested, within fifteen (15) days after service of these requests, to permit the inspection and copying of the documents and things requested below at the offices of Moore Smith Buxton & Turcke Chartered, 225 North 9th Street, Suite 420, Boise, Idaho or at such other time and place as the parties agree upon in writing.

As an alternative to producing documents for inspection and copying, copies of requested documents may be attached to your answers and responses and served within the same time period.

Your response must be based not only on documents and things in your personal possession, but also on any and all documents and things available to you, including those in the possession of any of your agents, attorneys, or employees.

Please identify to which request for production each document or group of documents you provide is responsive.

With respect to each document as herein defined which is required to be identified by these interrogatories or produced in the requests for production and which you presently contend you are not required to disclose because of any alleged "privilege" (which you are not presently prepared to waive), in lieu of the document identification called for above, please identify each such "privileged" document as follows: (1) give the **APPLICANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE EAGLE WATER COMPANY, INC.**

date of each such document; (2) identify each individual who was present when it was prepared; (3) identify each individual to whom a copy was sent; (4) identify each individual who has seen it; (5) identify each individual who has custody of it; (6) identify each and every document which refers to, discusses, analyzes or comments upon it, in whole or in part, or which contain any or all of its contents; and (7) state the nature of the privilege asserted (i.e., attorney-client, work-product, etc.).

These requests for production are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

III. REQUESTS FOR ADMISSIONS INSTRUCTIONS

Pursuant to IRCP 36, the Requests for Admissions set forth below are to be answered within fifteen (15) days after service of these requests for admissions, fully and separately in writing, under oath, and in accordance with the above-cited rule. If a claim of privilege is made as to any such information, you must specify the basis for the claim of privilege and describe the information claimed to be privileged.

The requests for admissions are continuing and your responses to them must be supplemented to the maximum extent authorized by law and the applicable rules.

IV. DEFINITIONS

The following definitions shall apply to these discovery requests:

1. "Afa" is acre feet per annum.
2. "And" and "and/or" and "or" shall each be deemed to refer to both their conjunctive and disjunctive meanings, being construed as necessary to bring within the scope of the discovery request all information and documents which would otherwise be construed as being outside the request.

**APPLICANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR
ADMISSIONS AND PRODUCTION TO THE EAGLE WATER COMPANY, INC.**

3. "Any" shall mean "each and every" and "all" as well as "any one" and "all" shall mean "any and all."
4. "Cfs" is cubic feet per second.
5. "The City" is the City of Eagle, the applicant in this case.
6. "The City's proposal" is the addition of the diversion point described in the City's Application which is the subject of this contested case.
7. "Diversion works" or "associated diversion works" means any mechanism employed to supply water for any purpose of use.
8. "Document" or "documents" shall mean the original, all copies and drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records of data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: correspondence, notes, "e-mails", memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra- or inter-office communications, memoranda, reports, canceled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, telegrams, instructions, work assignments, messages (including reports, notes, and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge slips, working papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other documents filed or prepared in connection with any court or agency or other proceedings, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents.
9. "Eagle Water Company" means the Eagle Water Company, Inc. that is a protestant in this contested case.
10. "Identify" when used with respect to a document, item or thing means to provide the following information relating to such document, item or thing:

**APPLICANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR
ADMISSIONS AND PRODUCTION TO THE EAGLE WATER COMPANY, INC.**

- (a) A general description thereof;
 - (b) Date it was written or created;
 - (c) Name and present or last known address of the person or persons who wrote or created it;
 - (d) Name and present or last known address of the person to whom it was sent;
 - (e) Name and present address of the custodian thereof; and
 - (f) Whether you have a copy, duplicate, reproduction, photostat, photograph, sample or exemplar thereof.
11. "Identify" when used with respect to a natural person requires that you provide the following information with respect to the person:
- (a) Name;
 - (b) Last known business address;
 - (c) Last known residence address;
 - (d) Last known telephone number; and
 - (e) Name of employer or business with whom the person was associated and the person's title and position at the time relevant to the identification.
12. "Identify" when used with respect to a person that is not a natural person means, to the extent applicable, to provide the same information required as though the entity were a natural person, and also provide the additional information regarding a description of the nature of the entity (e.g., partnership, corporation, limited liability company, etc.).
13. "Injury" means interference with the ability to use one's water right and/or otherwise have a negative impact on one's interests.
14. "IDWR" is the State of Idaho, Department of Water Resources.
15. "Maintenance" means to inspect, repair or conduct other service.
16. "Person" means any natural person, corporation, partnership, joint venture, limited liability company, proprietorship, governmental or business entity.
17. "Relate to" or "relating to" shall be deemed to mean and include the following terms: regards, describes, involves, compares, correlates, mentions, connected to, refers to, pertains to, contradicts, or compromises.
18. "You," "your," or "yours," means the Chase Estate including without limitation, all present and former agents, representatives, personnel, attorneys, consultants, experts, investigators, employees or other persons acting on its behalf.

V. INTERROGATORIES

INTERROGATORY NO. 1: Please identify each person who participated in responding to the City's interrogatories, requests for admissions and requests for production, and describe that person's role in doing so.

INTERROGATORY NO. 2: Please identify each and every person you intend to call as an expert witness in this matter and state:

- (a) The opinions the expert will or is expected to give, and his/her qualifications for rendering said opinion;
- (b) All facts, documents, data, or other information relied upon in forming his/her opinions.

INTERROGATORY NO. 3: Please identify each lay and/or fact witness you intend to call and the facts and/or opinion the witness will give and the person's qualifications for giving any opinion or factual testimony.

INTERROGATORY NO. 4: Please identify every document or item you intend to introduce as evidence at the hearing on this matter and identify the source of the document, the custodian of the document, and how you came to be in possession of such document or item.

INTERROGATORY NO. 5: Please identify all water right claims, licenses or permits which you contend allow the diversion and use by you of water within Sections 8 and 9 of Township 4 North, Range 1 East of the Boise Meridian.

INTERROGATORY NO. 6: For each water right claim, license or permit you identified in your response to interrogatory no. 5, please identify the water right claim, license or permit and each point of diversion associated therewith.

INTERROGATORY NO. 7: Please identify all pending applications for water rights in the name of the Eagle Water Company, Inc. or the Eagle Ranch Water Company, Inc.

INTERROGATORY NO. 8: Please identify each individual water right you allege would be injured by the City's proposal.

INTERROGATORY NO. 9: For each individual water right you identified in your response to interrogatory no. 8, please specifically describe the water right, including the priority date, the location of the diversion, the amount of the diversion, the amount of use, the place of use, the purpose of use, and the nature of the water right (i.e. permit, license, etc.).

INTERROGATORY NO. 10: For each individual water right you identified in your response to interrogatory no. 8, please specifically describe in full and complete detail, including the opinions of any expert, how the water right is allegedly injured by the City's proposal.

INTERROGATORY NO. 11: For each individual water right you identified in your response to interrogatory no. 8, please specifically describe how the water right is diverted, including a detailed description of any well and power supply and/or associated diversion works.

INTERROGATORY NO. 12: For each diversion of each individual water right you described in your response to interrogatory no. 8, please specifically describe the age and condition of the diversion, well and/or associated diversion works.

**APPLICANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR
ADMISSIONS AND PRODUCTION TO THE EAGLE WATER COMPANY, INC.**

INTERROGATORY NO. 13: For each individual water right identified in your response to Interrogatory no. 8, please state on what date you filed a claim for each water right in the Snake River Basin Adjudication.

INTERROGATORY NO. 14: For each individual water right you identified in your response to interrogatory no. 8, please specifically describe how the water right was used during the ten (10) year period immediately preceding the date you filed your claim to each water right in the Snake River Basin Adjudication, including:

- (a) the amount of water pumped and used;
- (b) the place of use;
- (c) the purpose of use;
- (d) the permit/license number(s) associated with the well or other means of diversion;
- (e) its location and depth;
- (f) The static water level, pumping levels, well head pressure for each year.

INTERROGATORY NO. 15: For each water right you identified in your response to interrogatory no. 8, please state how long it is has been since you have diverted the water right and applied it to beneficial use.

INTERROGATORY NO. 16: Please describe in complete detail the basis for the Eagle Water Company's protest to the City's application.

INTERROGATORY NO. 17: Please advise whether the Eagle Water Company has any water lines that run outside of your Public Utility Commission certificated area.

INTERROGATORY NO. 18: Please identify any Eagle Water Company water lines that run outside of your Public Utility Commission certificated area in the vicinity of the point of diversion which is the subject of the City's application.

INTERROGATORY NO. 19: Please identify any future plans, studies, letters of commitments, contracts or verbal agreements by the Eagle Water Company to provide water service outside of the areas presently certificated by the Public Utility Commission.

INTERROGATORY NO. 20: If you deny any of the City's Requests for Admission, for each denial please describe the basis for the denial.

VI. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit that the Department's approval of the City's application would not injure the Eagle Water Company's water rights.

REQUEST FOR ADMISSION NO. 2: Please admit that the primary City of Eagle well, well no. 1, located in the Southwest ¼ of the Southwest ¼ of Section 3, Township 4 North, Range 1 East of the Boise Meridian, is, according to an IDWR published Open File Report upgradient of the points of diversion belonging to the Eagle Water Company.

REQUEST FOR ADMISSION NO. 3: Please admit that the City's application for an additional point of diversion, downgradient from the point of diversion for the City's well no. 1, shall distribute withdrawal impacts and thereby improve static water levels in the Eagle Water Company wells.

APPLICANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE EAGLE WATER COMPANY, INC.

REQUEST FOR ADMISSION NO. 4: Please admit that on a public water system basis, multiple points of diversion provide a more reliable and stable water system less susceptible to catastrophic failure than a single well system.

REQUEST FOR ADMISSION NO. 5: Please admit that on a public water system basis, multiple points of diversion provide a broader safety net for the public in the event of vandalism or contamination of a single source point.

REQUEST FOR ADMISSION NO. 6: Please admit that the City is not by its proposal seeking to increase the volume of withdrawal or flow rate permitted under the City's existing water rights

REQUEST FOR ADMISSION NO. 7: Please admit that the Eagle Water Company has not had to modify its pump and motor assemblies due to declining water levels within a one mile radius of the point of diversion the City is seeking to add through its application.

REQUEST FOR ADMISSION NO. 8: Please admit that the Eagle Water Company has multiple points of diversions for its water rights.

REQUEST FOR ADMISSION NO. 9: Please admit that the Eagle Water Company is authorized to divert water right no. 63-9245 from two different points of diversion.

REQUEST FOR ADMISSION NO. 10: Please admit that the addition of the City's proposed point of diversion will not result in any change to water quality in the Eagle Water Company's water system.

VII. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce a curriculum vitae for each expert you intend to call as a witness.

REQUEST FOR PRODUCTION NO. 2: Please produce each and every document or item you intend to introduce as evidence at the hearing on this matter.

REQUEST FOR PRODUCTION NO. 3: Please produce all pumping records for each well identified in your response to interrogatory no. 11.

REQUEST FOR PRODUCTION NO. 4: Please produce all maintenance reports and maintenance bills for each well and diversion you identified in your response to interrogatory no. 11.

REQUEST FOR PRODUCTION NO. 5: Please produce all power supply bills for the wells you identified in your response to interrogatory no. 11.

REQUEST FOR PRODUCTION NO. 6: Please produce copies of all reports, memoranda, analyses or other correspondence related to the City's application prepared by the Eagle Water Company, Robert DeShazo, or in cooperation

REQUEST FOR PRODUCTION NO. 7: Please produce all documents that form the basis for your responses to interrogatory nos. 4 - 20.

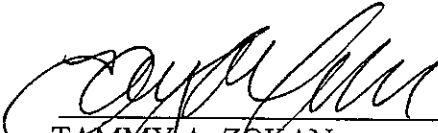
REQUEST FOR PRODUCTION NO. 8: Please produce any documents relied upon by your experts for any opinion rendered by him/her related to the Eagle Water Company's protest of the City's application.

REQUEST FOR PRODUCTION NO. 9: Please produce any report, test result, or other document or information that you contend supports the Eagle Water Company's protest to the City's proposal.

REQUEST FOR PRODUCTION NO. 10: If you denied any of the City's requests for admission, please produce all the evidence for each individual denial that you contend supports your denial.

DATED this 02/ day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of February, 2003 I caused to be served a true and correct copy of the foregoing CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS AND PRODUCTION TO THE CHASE ESTATE via U.S. Mail Postage pre-paid, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

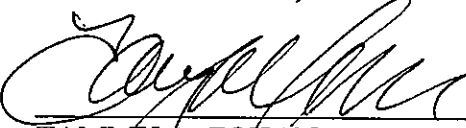
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ADMISSIONS AND PRODUCTION TO THE EAGLE WATER COMPANY, INC.**