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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Idaho Power Company

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

IN THE MATTER OF LICENSED WATER)
RIGHT NO. 3-7018 IN THE) **IDAHO POWER COMPANY'S**
NAME OF IDAHO POWER COMPANY) **FIRST SET OF DISCOVERY**
_____) **REQUESTS**

Idaho Power Company ("Idaho Power"), by and through its undersigned attorneys, hereby submits its First Set of Discovery Requests to State of Idaho in this action, to be answered by the Idaho Department of Water Resources "IDWR" in accordance with the Idaho Rules of Civil Procedure.

Your responses to these Discovery Requests are due thirty (30) calendar days after service in accordance with the Idaho Rules of Civil Procedure and IDAPA 37.01.01.

I. INSTRUCTIONS

1. The following definitions apply to each of these Discovery Requests:

a. **Communication.** The term "communication" means any contact between two or more persons, including but not limited to, (a) written contact by such means as electronic mail, letter, memoranda, telegrams, telex, or by any document, and (b) oral contact by means such as face-to-face meetings and telephone conversations.

b. **Document.** The term "document" is defined to be synonymous in meaning and equal in scope to the usage of the term in I.R.C.P. Rule 34(a), including, without limitation, electronic or computerized data compilations and other information stored in electronic form, which should be produced in the form of a CD or DVD disk. A draft or non-identical copy is a separate document within the meaning of this term.

c. **Identify (with respect to persons).** When referring to a person, "to identify" means to give, to the extent known, the person's full name, present or last known address, present or last known telephone number, and when referring to a natural person, the person's present or last known place of employment and title. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requests requesting the identification of that person.

d. **Identify (with respect to documents).** When referring to documents, "to identify" means to give, to the extent known, the (i) type of document (e.g., letter, memorandum, email); (ii) the general subject matter; (iii) the date of the document; and (iv) the author(s), addressee(s) and recipient(s).

e. **IDWR** means the Idaho Department of Water Resources.

f. **Person.** The term "person" is defined as any natural person or any business, legal or governmental entity or association.

g. **Relating to.** The term "relating to" means concerning, touching, referring or having reference to, or in any manner whatsoever, whether directly or indirectly.

2. The following rules of construction apply to each of these Discovery Requests:

a. **All/Each.** The terms "all" and "each" shall be construed as all and each.

b. **And/Or.** The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Discovery Requests all responses that might otherwise be construed to be outside the scope of the Discovery Requests.

c. **Singular/Plural.** The use of the singular form of any word includes the plural and vice versa.

3. If you consider the content of any communication or document responsive to these Discovery Requests to be privileged or not otherwise subject to discovery in these proceedings, you are required to provide a complete privilege log for these communications or documents.

4. Each Discovery Request shall be answered fully in writing, unless it is objected to, in which event the objecting party shall state the reasons for objection and shall answer to the extent the Discovery Request is not objectionable. If an objection is made, the reasons for that objection shall be stated with specificity.

5. Your answer to each Discovery Request must be as complete and straightforward as the information reasonably available to you permits. If a Discovery Request cannot be answered completely, answer to the greatest extent possible.

6. If you do not have enough personal knowledge to answer a Discovery Request, please state so specifically. You must make a reasonable and good faith effort to answer each Discovery Request by asking other persons who may have knowledge of the issue, unless the information is reasonably available to you.

7. With respect to Interrogatories: Each Interrogatory shall be answered fully in writing and under oath. The answers are to be signed and verified by the person making them, and the objections signed by the attorney making them.

8. With respect to Requests for Production: You are required to produce all documents in your possession, custody, or control. If you are unable to produce any document(s), state the reasons you are unable to produce the document(s) with as much specificity as possible. Please produce all documents for inspection either as they are kept in the usual course of business or organize and label them to correspond with the categories in the Requests for Production and related Requests for Admission.

9. These Discovery Requests are continuing and require supplemental responses up to the date of Hearing in accordance with I.R.C.P. 26(e). If any response is determined to be incomplete or incorrect, you have a continuing duty to supplement or change answers previously submitted.

INTERROGATORIES

Interrogatory No. 1: Please identify each and every person who contributed to the drafting, review and approval of the elements and conditions enumerated in the water license no. 03-07018.

Interrogatory No. 2: For each person identified in Interrogatory No. 1, please identify the element(s) and/or condition(s) of water right no. 03-07018 said person authored, reviewed or contributed to.

Interrogatory No. 3: Please identify the hydrologic basis for the inclusion of the condition no. 3 to water right no. 03-07018.

Interrogatory No. 4: Please identify the legal and/or administrative basis for the inclusion of condition no. 3 to water right no. 03-07018.

Interrogatory No. 5: Please identify the date that the beneficial use examination as required under IPAPA 37.03.02 was completed.

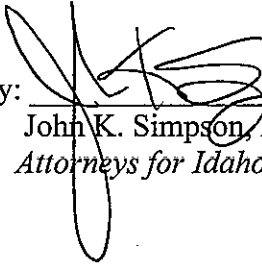
REQUEST FOR PRODUCTION

Request For Production No. 1: Please produce the complete file(s) for Water Right Application 03-07018 retained or in the possession of IDWR and/or person(s) identified, including, but not limited to all communications, analysis, draft permits, and license.

Request For Production No. 2: Please produce all documents or materials, not already produced, which the IDWR and/or responding party, referenced, reviewed, or in any way relied upon to answer the above submitted Interrogatories set forth above.

Dated this 25th of July, 2008.

BARKER ROSHOLT & SIMPSON LLP

By: 

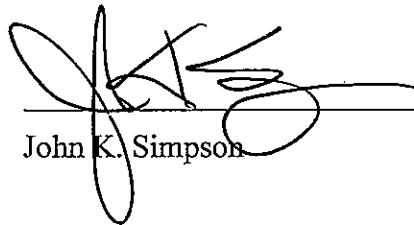
John K. Simpson, ISB No. 4242
Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 2007, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

BY HAND DELIVERY

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098



John K. Simpson