

PERRY L. WOODARD
PO BOX 85
HAMER, ID 83425

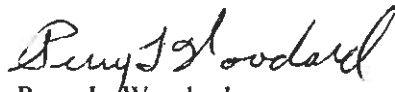
September 2, 2008

Ernie Carlson
Idaho department of Water Resources
900 N. Skyline Drive, Ste A
Idaho Falls, ID 83402
RE: Request for Discovery – Mud Lake Water Users, Inc. Application for Transfer No. 73951

Dear Ernie Carlson,

Enclosed please find discovery requests in regards to the above referenced Application of Transfer regarding Mud Lake Water Users, Inc. As you may recall, I protested the above application and we attended a pre-hearing conference on this matter. As you may recall from that meeting, Mud Lake Water Users has entered into an agreement with the United States Fish & Wildlife Service that the pump at issue will not be authorized for diversion if the water level measured at Ray's Lake Bridge drops below 13.4. I stated at that time, that it was a mistake and United States Fish & Wildlife Service would regret it. If you are interested in settling this matter, remove the pump and stop pumping when you close the head gates. Otherwise, we request you respond to the enclosed discovery requests and provide us information for which you are relying upon for your application. If you have any questions or concerns, please feel free to contact me at your convenience.

Sincerely,


Perry L. Woodard

Enclosure

RECEIVED
SEP 04 2008

Department of Water Resources
Eastern Region

Perry L. Woodard

2180 East 1900 North
PO Box 85
Hamer, ID 83425

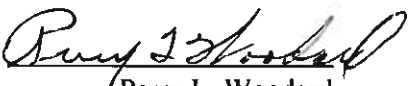
**BEFORE THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 73951 (in the name of
Mud Lake Water Users, Inc.**

**NOTICE OF SERVICE - PERRY L.
WOODARD'S FIRST REQUESTS FOR
ADMISSION, INTERROGATORIES, AND
REQUEST FOR PRODUCTION TO
ERNIE CARLSON, IDAHO DEPT OF
WATER RESOURCES**

NOTICE IS HEREBY GIVEN THAT Perry L. Woodard served a copy of Perry L. Woodard's Requests for Admissions, Interrogatories, and Request for Production of Documents to Ernie Carlson, Idaho Department of Water Resources, together with the Notice of Service, on the party listed below:

DATED this 2nd day of September, 2008


Perry L. Woodard

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage on the 2nd day of September, 2008

DOCUMENT SERVED: Notice of Service

ATTORNEYS AND OR INDIVIDUALS SERVED:

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

{ ~~4~~ First Class Mail

Ernie Carlson
Idaho Department of Water Resources
900 N. Skyline Drive, Ste A
Idaho Falls, ID 83402

{ ~~4~~ First Class Mail

Robert L. Harris, Esq.
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
PO Box 50130
Idaho Falls, ID 83405
Attorney for Mud Lake Water Users, Inc

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Barbara Scott- Brier
U.S. Department of the Interior
Office of the Regional Solicitor
805 S.W. Broadway, Suite 600
Portland, OR 97205

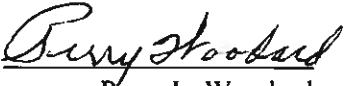
{ ~~4~~ First Class Mail

Lyle Shupe
2296 East 1940 North
Hamer, ID 83425

{ ~~4~~ First Class Mail

Sid Ashcraft
2504 N. Lennox
Mesa, AZ 85207

{ ~~4~~ First Class Mail


Perry L. Woodard

**Perry L. Woodard
2180 East 1900 North
PO Box 85
Hamer, ID 83425**

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

**IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 73951 (in the name of
Mud Lake Water Users, Inc.**

**PERRY L. WOODARD'S FIRST
REQUESTS FOR INTERROGATORIES,
AND REQUEST FOR PRODUCTION OF
DOCUMENTS TO MUD LAKE WATER
USERS, INC.**

**TO: MUDLAKE WATER USERS, INC
ROBERT L. HARRIS, ESQ, ATTORNEY**

YOU WILL PLEASE TAKE NOTICE that Perry L. Woodard requires Mud Lake Water Users, Inc to answer the following discovery requests within thirty (30) days from the date of service herein, pursuant to Rules 33(a) and 34 of the Idaho Rules of Civil Procedures.

DEFINITIONS AND INSTRUCTIONS

In answering these discovery requests, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your own personal knowledge.

If you cannot answer the discovery requests in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

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. If you object to answering any portion of any of the following discovery requests based on a claim of privilege or work product, please so state by providing a complete description of the basis for the privilege upon which you base your objection.

Prior to answering these discovery requests, note the following definitions:

1. "You" refers to Mud Lake Water Users, Inc., as well as each of its employees, agents, representatives (including insurance carriers), investigators and attorneys.
2. As stated herein MLWU refers to Mud Lake Water Users, Inc.
3. "And" includes "or" and "and/or"
4. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the allegations set forth in the pleadings in this matter.
5. The term "document" or "documents" shall mean any kind of written, typed, printed, graphic, photographic, videotaped or computer-generated matter of any kind or nature, however produced or reproduced, including all marginal notations, drafts, duplicates, and carbon copies thereof, whether in your control or not, in the possession of you or your counsel. If a document exists in body a paper or "hard copy," as well as electronically, then a request to produce such documents shall be deemed to be a request to both the hard copy and the electronic copy of the document.
6. The term "electronic documents" shall mean any and all digital or electronic files, however stored, including, but not limited to, local or remote computer hard disk drive, floppy disc, CD-ROM, tape drive, zip disk, flash or thumb drive, or any other electronic storage format or medium. Additionally, requests for production of electronic documents means production of such documents or computer files in their native format.
7. The term "identify" when used with respect to documents, or the description or identification of a document, shall be deemed to request the nature and subject matter of the documents; the date thereof; the title or name thereof, the name, address and job title or job capacity of the person who prepared the document or who has knowledge of it; and the name, address, job title or job capacity of the recipients(s) thereof.
8. The term "identify" when used with respect to a person shall be deemed to request the persons' full name, job title, last known business and residence addresses, and telephone numbers.
9. "Communicate" or "communication" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face-to-face, by telephone, mail, e-mail, personal delivery, or otherwise.
10. The term "identify" when used with respect to oral communications shall be deemed to request whether said communication was in person or by telephone, and identification of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication, and when such communication took place.

11. "Evidencing" or "relating to" means consisting of summarizing, describing, referring to or mentioning.
12. Whenever the plural appears, the word shall include the singular, and vice versa.
13. All pronouns denoting gender which are in the masculine form shall be interpreted in light of the gender of the individual which the pronoun describes and vice versa.
14. Where knowledge or information in possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship and from whom you are capable of deriving information documents, or materials.
15. Each discovery request shall be accorded a separate answer, and each subpart of a discovery request shall be accorded a separate answer.
16. PURSUANT TO RULE 26(e) OF THE IDAHO RULES OF CIVIL PROCEDURE, THESE DISCOVERY REQUESTS ARE CONTINUING IN NATURE, SO AS TO REQUIRE YOU TO FILE SUPPLEMENTARY ANSWERS IN A REASONABLE MANNER.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify yourself (the person responding to these discovery requests).

INTERROGATORY NO. 2: Please identify each and every person with whom you consulted in preparing these responses.

INTERROGATORY NO. 3: Please identify each and every witness you intend to call (or may call) at the hearing in this matter. With respect to each of the witnesses so identified, please identify the person as a fact or expert witness, and state the subject matter and general substance of the facts and opinions to which he or she is expected to testify.

INTERROGATORY NO. 4: Please identify each and every consultant or expert who has been consulted in connection with this proceeding or who has been employed or retained or engaged by you in connection with this matter or with the preparation of the application for new permit. With respect to each of the persons so identified, please indicate the nature and purpose of their work as it relates to this proceeding, and indicate whether the person is expected to be called a witness.

INTERROGATORY NO. 5: Please identify and describe each exhibit that you intend to introduce or utilize at the time of the hearing in the above action.

INTERROGATORY NO. 6: Please describe in full and complete detail, including the opinions or any expert or applicant representative, the basis for your contention that MLWU has a point of diversion and a legal water right.

INTERROGATORY NO. 7: Please identify any tests you have done to characterize the aquifer or to identify or estimate impacts from the proposed transfer to ground or surface water rights in the Mud Lake area.

INTERROGATORY NO. 8: Please identify each and every water right you own. With respect to each right, state the nature, type and extent of ownership interest you have. Also identify the extent of water diverted under such rights for the past five (5) years.

INTERROGATORY NO. 9: Please describe and quantify the hydrologic impact on your water right that is likely to result if the addition of a point of diversion was approved.

INTERROGATORY NO. 10: Please describe in full and complete detail, including the opinions or any expert or applicant representative, the basis for your contention that the proposed addition of a point of diversion would be in the public's best interest and not be an enlargement of your water right.

INTERROGATORY NO. 11: If your response to any of the Requests for Admission Numbers 1 through 4 was other than an unqualified admission, then for each such Request of Admission, please state with specificity each and every reason, fact, or opinion of which you are aware that prevents your unqualified admission.

REQUEST FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit that MLWU has no point of diversion at this point.

REQUEST FOR ADMISSION NO. 2: Please admit that MLWU has no legal water right to Camas Creek water when it will not flow into Mud Lake.

REQUEST FOR ADMISSION NO. 3: Please admit that when MLWU head gate leaks, that it needs to be fixed.

REQUEST FOR ADMISSION NO. 4: Please admit that MLWU and United States Fish and Wildlife Services have no authority to negotiate the State of Idaho's water.

REQUEST FOR PRODUCTIONS

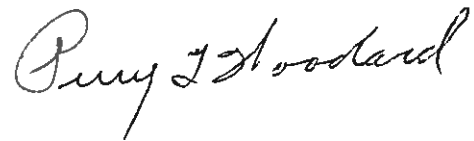
REQUEST FOR PRODUCTION NO. 1: Please produce each and every document or item you may introduce as evidence at the hearing on this matter.

REQUEST FOR PRODUCTION NO. 2: Please produce each and every document that supports or was relied upon in preparing your response.

REQUEST FOR PRODUCTION NO. 3: Please produce any and all technical reports or analysis, including but not limited to spreadsheets, Easter Snake Plain Aquifer model runs or analysis of response of response functions, regarding the transfer.

REQUEST FOR PRODUCTION NO. 4: Please produce any report, test result, or other document or information that you contend supports your protest.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents referred to in your Responses to Requests for Admissions and Answers to Interrogatories, and all documents you referenced to provide Response to Request for Production and Answers to Interrogatories.

A handwritten signature in black ink, reading "Perry L. Woodard". The signature is written in a cursive, flowing style with a large initial 'P'.