

ORIGINAL

ROBERT E. WILLIAMS

IDAHO STATE BAR NO. 1693

FREDERICKSEN, WILLIAMS, MESERVY & LOTHSPEICH, LLP

Attorneys at Law

117 South Adams Street

P. O. Box 168

Jerome, Idaho 83338

Telephone: (208) 324-2303

Facsimile: (208) 324-3135

Attorney for Applicant Big Sky Farms

RECEIVED
JUN 21 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 72435

BIG SKY FARMS,

Applicants,

Dean T. Dimond, Harold S. Dimond,
Richard Bullers, Cyrus Bullers, James
Stewart, Brenda Herrmann, Dennis H.
Dimond, James Wyatt, Rita Ayers & Lee
Halper,

Protestants.

MOTION TO EXTEND TIME FOR
TAKING DEPOSITIONS

SOURCE: Ground water

County: Jerome

COMES NOW the Applicant, by and through its attorney of record Robert E. Williams, of the law firm Fredericksen, Williams, Meservy & Lothspeich, LLP, and moves the Hearing Officer for an Order Extending the Time for Taking Depositions in this matter to no later than July 20th, 2007.

In support of this Motion, the Applicant states that:

1. On April 13th, 2007, Allen Merritt, Regional Manager, signed the Notice of Hearing, Order Authorizing Discovery and Pre-Hearing Order in this matter. Among other things contained therein, Depositions were ordered to be completed on or before June 29th, 2007. The last day for responding to written Discovery Requests was also ordered to be June 29th, 2007.
2. Written Interrogatories were limited by the April 13th, 2007, Notice of Hearing to no more than ten (10) Interrogatories. On April 16th, 2007, the Applicant served Interrogatories and Requests for Production on each of the Protestants. Each set of Interrogatories and Requests for Production contained eighteen (18) Interrogatories and a single Request for Production. A copy of the Interrogatories and Requests for Production which were distributed to all Protestants is attached hereto as **EXHIBIT A**. Protestant Lee Halper filed a Reply to Applicant's Discovery Request on April 5th, 2007. Mr. Halper filed a Supplemental Reply to the Discovery Requests on May 2nd, 2007. A copy of Mr. Halper's Reply and Supplemental Reply are attached hereto collectively as **EXHIBIT B**. Protestant Dean T. Dimond replied to Applicant's Discovery Requests on April 25th, 2007, a copy of the Reply is attached hereto as **EXHIBIT C**. Protestant James Stewart Replied to the Discovery Requests on April 30th, 2007. A copy of Mr. Stewart's Reply is attached hereto as **EXHIBIT D**. Protestant Brenda Hermann replied to the Discovery Requests on April 30th, 2007. A copy of Ms. Hermann's Reply is attached hereto as **EXHIBIT E**. Protestant Dennis H. Dimond Replied to the Discovery Request on May 1st, 2007. A copy of Mr. Dimond's Reply is attached hereto as **EXHIBIT F**. Protestant Harold S. Dimond replied to the Discovery Requests on April 27th, 2007. A copy of Mr. Dimond's reply is attached hereto as **EXHIBIT G**. Responses to the Requests served on Protestants Rita Ayers, Cyrus Bullers, Richard Bullers and James Wyatt have not been received to date.
3. Except for Mr. Halper's Supplementary Response to Discovery Requests, none of the other Protestants replying to Discovery Requests answered more than ten (10) of the

eighteen (18) Interrogatories promulgated originally. None of the Protestants have responded to the single Request for Production issued by the Applicant.

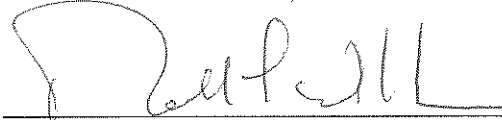
4. Eight of the Interrogatories originally served on all the Protestants who have submitted replies to Discovery Requests, except for Mr. Halper, remain unanswered.
5. Applicant has written each of the Protestants submitting replies to Discovery Requests who have not responded to more than ten (10) Interrogatories requesting their response to the outstanding Interrogatories and Request for Production which has not been answered, by June 29th, 2007.
6. On May 1st, 2007, Protestant Lee Halper and Alan Merritt engaged in e-mail communication, copied and attached hereto as **EXHIBIT H**. In the e-mail exchange, Mr. Merritt explained that the department's position was that no more than ten (10) Interrogatories could be outstanding at any given time.
7. One of the purposes that Applicant had in initiating the Discovery Request was to ascertain what witnesses, if any, would be called by the Protestants in determining whether the deposition of any such witness should be taken prior to the hearing to be held July 26th, 2007. The Order of April 13th, 2007, now makes the last day for answering interrogatories June 29th, 2007, the last day upon which depositions may be taken. Appellant will be unable to determine if depositions are needed until witnesses are disclosed.
8. The April 13th Order also requires witnesses to be disclosed on or prior to July 6th, 2007. If the Protestants continue to take the position they have in their initial Responses to Interrogatories, and do not disclose witnesses until July 6th, 2007, despite the last day for responding to written discovery being June 29th, 2007, Applicant will have no opportunity to take depositions of the witnesses until after July 6th, 2007.

WHEREFORE, Applicant respectfully requests an extension of the deadline to take depositions until July 20th, 2007. Applicant believes there will be sufficient time after June 29th, 2007, if witnesses are disclosed by that date, to arrange for and take any necessary depositions prior to July 20th, 2007.

No hearing or argument on this Motion is sought by the Applicant.

RESPECTFULLY SUBMITTED this 20th day of June, 2007.

FREDERICKSEN, WILLIAMS, MESERVY
& LOTH SPEICH, LLP

A handwritten signature in dark ink, appearing to read "R. Williams", is written over a horizontal line.

ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this date I caused a true and correct copy of the foregoing instrument to be served upon the following at the address and in the manner indicated below:

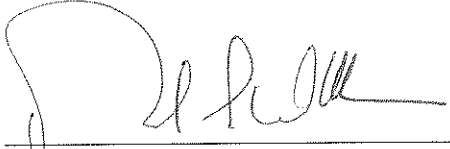
Dean T Dimond Eden Dimond 1454 Hwy 25 Jerome, ID 83338	Harold S Dimond 3059 S 1800 E Wendell, ID 83355
Richard Bullers 1482 Hunt Rd Jerome ID 83338	Cyrus Bullers 1545 Hwy 25 Jerome ID 83338
James Stewart 292 S 1250 E Jerome ID 83338	Brenda Herrmann 274 S 1250 E Jerome ID 83338
Dennis H Dimond 1424 Hwy 25 Jerome ID 83338	Rita A Ayers 267 S 1250 E Jerome ID 83338
James Leroy Wyatt Brenda Wyatt 376 S 1100 E Jerome ID 83338	Gary Funderburg 255 Blue Lakes Blvd N PMB 617 Twin Falls ID 83301
Lee Justus Halper 331 S 230 W Jerome ID 83338	

☒ By depositing copies of the same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

☐ By hand delivering copies of the same to said person at _____.

☐ By telecopying copies of same to said person at telecopier number _____, and by then mailing copies of same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

DATED: June 20th, 2007



ROBERT E. WILLIAMS

EXHIBIT A

ROBERT E. WILLIAMS
IDAHO STATE BAR NO. 1693
FREDERICKSEN, WILLIAMS, MESERVY & LOTHSPREICH, LLP
117 South Adams Street
P.O. Box 168
Jerome, ID 83338
Telephone: (208) 324-2303
Facsimile: (208) 324-3135

Attorney for Applicant Big Sky Farms

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 72435 BIG SKY FARMS, Applicant, Dean T. Dimond, Harold S. Dimond, Richard Bullers, Cyrus Bullers, James Stewart, Brenda Herrmann, Dennis H. Dimond, Blaine E. Miller, James Wyatt, Rita Ayers & Lee Halper, Protestants.	APPLICANT'S INTERROGATORIES AND REQUESTS FOR PRODUCTION Source: Ground water County: Cassia & Twin Falls
---	---

TO: Protestant Rita Ayers

YOU WILL PLEASE TAKE NOTICE that the Applicant requires you to answer under oath the following interrogatories and production requests within fifteen (15) days from the service hereunder, and in conformance with all provisions of Rule 26, 33 and 34 of the Idaho Rules of Civil Procedure, and Rules 520 through 524 of the Idaho Department of Water Resources Practice and Procedure Rules and Regulations.

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys and investigators, experts, etc., retained by you or

your attorneys, 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 and knowledge you have concerning the unanswered portion.

In these requests for production, produce for inspection and/or photocopying the originals, or true and correct copies, of the documents listed below, in whatever form, whether electronic, written, xeroxed, filmed or otherwise, at the offices of Robert E. Williams, 153 East Main, Jerome, Idaho 83338, within fifteen (15) days of service hereof.

These interrogatories and requests for production are deemed continuing and your answers thereto are to be supplemented as additional information, knowledge, and/or material becomes available or known to you.

INTERROGATORIES

INTERROGATORY NO. 1: Do you maintain that the proposed water right transfer will injure other water rights?

INTERROGATORY NO. 2: If your answer to the foregoing Interrogatory is in the affirmative, please state every fact which supports your contention.

INTERROGATORY NO. 3: Do you maintain that the proposed water right transfer will enlarge an existing water right?

INTERROGATORY NO. 4: If your answer to the foregoing Interrogatory is in the affirmative, please state every fact which supports your contention.

INTERROGATORY NO. 5: Do you maintain that the present water right transfer will not be consistent with water conservation practices of the state of Idaho?

INTERROGATORY NO. 6: If your answer to the foregoing Interrogatory is in the affirmative, please state every fact which supports your contention.

INTERROGATORY NO. 7: Do you maintain that the present water right transfer will not be in the local public interest, defined as the interests that the people in the area directly affected by the proposed water use have in the effects of such use on the public water resource.

INTERROGATORY NO. 8: If your answer to the foregoing Interrogatory is in the affirmative, please state every fact which supports your contention.

INTERROGATORY NO. 9: Identify the point of diversion, the place of use, the water right number, and the SRBA claim number for each water right or claim that you contend may be injured or otherwise affected if the proposed transfer is approved.

INTERROGATORY NO. 10: If you contend any water right may be injured or otherwise affected by this proposed transfer, for each such affected right state how much water has been diverted in cfs and annual volume since 1988, and why you think such right may be affected.

INTERROGATORY NO. 11: Do you own real property in Jerome County, Idaho?

INTERROGATORY NO. 12: If your answer to the foregoing Interrogatory is in the affirmative, please attach a legal description of the real property that you own.

INTERROGATORY NO. 13: Do you plan to call any witnesses at the hearing of this matter?

INTERROGATORY NO. 14: If your answer to the foregoing Interrogatory is in the affirmative, please provide the name, address and telephone number of every such witness.

INTERROGATORY NO. 15: Please set forth the substance of the testimony of every witness you have identified in Interrogatory No. 13 above.

INTERROGATORY NO. 16: Do you plan to introduce any documents or other exhibits at the hearing of this matter?

REQUEST FOR PRODUCTION NO. 1: If your answer to the preceding Interrogatory is in the affirmative, please attach a copy of every such document or exhibit to your answers to these discovery requests.

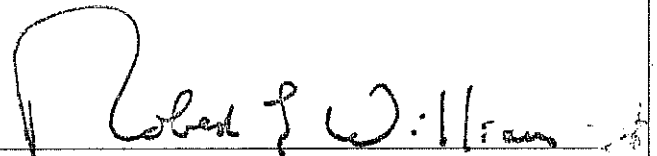
INTERROGATORY NO. 17: Are any of the witnesses identified by you going to be called

as expert witnesses?

INTERROGATORY NO. 18: If your answer to the preceding Interrogatory is in the affirmative, please set forth all facts which qualify that witness as an expert and set forth the substance of every opinion he will offer in testifying as an expert.

DATED this 16th day of April, 2007.

FREDERICKSEN, WILLIAMS & MESERVY

A handwritten signature in black ink, appearing to read "Robert E. Williams", is written over a horizontal line.

ROBERT E. WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this date I caused a true and correct copy of the foregoing instrument to be served upon the following at the address and in the manner indicated below:

Rita A Ayers
267 S 1250 E
Jerome ID 83338

☒ By depositing copies of the same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

☐ By hand delivering copies of the same to said person at _____.

☐ By telecopying copies of same to said person at telecopier number _____, and by then mailing copies of same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

DATED: 4 / 16 , 2007



ROBERT E. WILLIAMS

EXHIBIT B

Lee Halper
331 S 230 W
Jerome, Idaho 83338
324-2240
Pro Se

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 72435

BIG SKY FARMS,

Applicant,

Dean T. Dimond, Harold S. Dimond,
Richard Bullers, Cyrus Bullers, James
Stewart, Brenda Herrmann, Dennis H.
Dimond, Blaine E. Miller, James Wyatt,
Rita Ayers & Lee Halper,

Protestants.

REPLY TO APPLICANT'S
INTERROGATORIES AND
REQUESTS FOR PRODUCTION

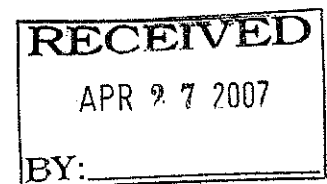
SOURCE: Groundwater

Comes now Protestant Lee Halper and replies to Applicant's Interrogatories and requests for production. According to the IDWR Notice of Hearing of April 13th 2007, "No more than 10 interrogatories may be served by any party on another party..." Therefore, this protestant will comply with that order by only answering 10 of the 18 interrogatories served upon him April 16th 2007.

INTERROGATORY NO. 1: Yes.

INTERROGATORY NO. 2: Former IDWR Director Carl Dreher stated to the public that "The aquifer is not over-allocated, it is undermanaged." Taking into account the recent events surrounding this issue, the water summit, water calls, the Supreme Court decision, et cetera, the fact that IDWR only looks at the individual effects of each transfer, change in use, changes in points of diversion, et cetera, rather than the cumulative effect of these, this proves the former Director correct that the aquifer is not only under managed, it is mis-managed. To proceed with this application is to proceed with admitted ignorance and negligence.

INTERROGATORY NO. 3: Yes.



INTERROGATORY NO. 4: I will agree with and leave those answers to my fellow Protestants.

INTERROGATORY NO. 5: Yes.

INTERROGATORY NO. 6: I will agree with and leave those answers to my fellow Protestants.

INTERROGATORY NO. 7: Yes.

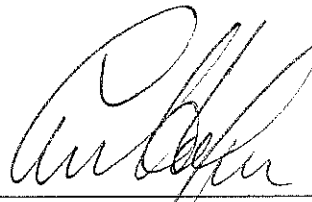
INTERROGATORY NO. 8: This operation is a CAFO and CAFOS adversely affect the local economy of the watershed and local area. It will significantly affect the agricultural base of the local area and will significantly trespass upon its neighbors with toxic odors, a health hazard, and violate their constitutional right to the exclusive use of their property.

INTERROGATORY NO. 11: Yes.

INTERROGATORY NO. 13: Yes.

REQUEST FOR PRODUCTION NO. 1: As this Request refers to an Interrogatory I am not required to answer as I have answered 10 Interrogatories, I am not required to issue a response.

Dated this 25th day of April 2007

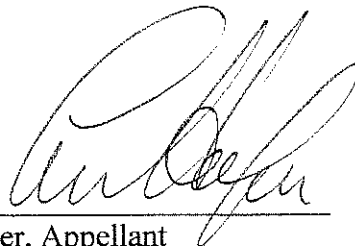


Lee Halper, Protestant

CERTIFICATE OF SERVICE

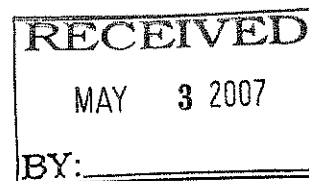
I hereby certify that on April 25th 2007, I caused to be served a true and correct copy of the foregoing to each of the persons named below by the method indicated below each of their names.

Robert E. Williams
117 South Adams Street
Jerome, Idaho 83338
Via U.S. Mail



Lee Halper, Appellant

Lee Halper
331 S 230 W
Jerome, Idaho 83338
324-2240
Pro Se



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 72435

BIG SKY FARMS,

Applicant,

Dean T. Dimond, Harold S. Dimond,
Richard Bullers, Cyrus Bullers, James
Stewart, Brenda Herrmann, Dennis H.
Dimond, Blaine E. Miller, James Wyatt,
Rita Ayers & Lee Halper,

Protestants.

SUPPLEMENTAL
REPLY TO APPLICANT'S
INTERROGATORIES AND
REQUESTS FOR PRODUCTION

SOURCE: Groundwater

Comes now Protestant Lee Halper and supplements his reply to Applicant's Interrogatories and requests for production.

INTERROGATORY NO. 1: Yes.

INTERROGATORY NO. 2: Former IDWR Director Carl Dreher stated to the public that "The aquifer is not over-allocated, it is undermanaged." Taking into account the recent events surrounding this issue, the water summit, water calls, the Supreme Court decision, proposed curtailment et cetera, the fact that IDWR only looks at the individual effects of each transfer, change in use, changes in points of diversion, et cetera, rather than the cumulative effect of these, this proves the former Director correct that the aquifer is not only under managed, it is mis-managed. To proceed with this application is to proceed with admitted ignorance and negligence.

INTERROGATORY NO. 3: Yes.

INTERROGATORY NO. 4: I will agree with and leave those answers to my fellow Protestants.

INTERROGATORY NO. 5: Yes.

INTERROGATORY NO. 6: I will agree with and leave those answers to my fellow Protestants.

INTERROGATORY NO. 7: Yes.

INTERROGATORY NO. 8: This operation is a CAFO and CAFOS adversely affect the local economy of the watershed and local area. It will significantly affect the agricultural base of the local area and will significantly trespass upon its neighbors with toxic odors, a health hazard, and violate their constitutional right to the exclusive use of their property.

INTERROGATORY NO. 9: As the Snake River Plain Aquifer is one non-homogeneous water mass conjoined with the Snake River, I contend that any harm affects all and providing all information desired by this Interrogatory is overly burdensome.

INTERROGATORY NO. 10: See Interrogatory No. 9.

INTERROGATORY NO. 11: Yes.

INTERROGATORY NO. 12: This information is available in the public realm and is easily accessed by the Applicant if he truly desires an address other than 331 S 230 Jerome.

INTERROGATORY NO. 13: Yes.

INTERROGATORY NO. 14: This list is being compiled and as soon as commitments are secured this information will be forthcoming.

INTERROGATORY NO. 15: See Interrogatory No. 14.

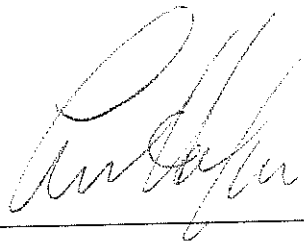
INTERROGATORY NO. 16: Yes.

REQUEST FOR PRODUCTION NO. 1: These documents and exhibits are being compiled and will be supplied when complete.

INTERROGATORY NO. 17: Yes.

INTERROGATORY NO. 18: Any witness I call will be qualified in their field of expertise through knowledge, education or experience that will be offered with the list of witnesses and/or at the hearing.

Dated this 2nd day of May 2007



Lee Halper, Protestant

CERTIFICATE OF SERVICE

I hereby certify that on May 2nd 2007, I caused to be served a true and correct copy of the foregoing to each of the persons named below by the method indicated below each of their names.

Robert E. Williams
117 South Adams Street
Jerome, Idaho 83338
Via U.S. Mail

A handwritten signature in black ink, appearing to read 'Lee Halper', written over a horizontal line.

Lee Halper, Protestant

EXHIBIT C

Dean Dimond
1454 Hwy 25
Jerome ID 83338
Pro Se

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 72435

BIG SKY FARMS,

Applicant,

Dean T. Dimond, Harold S. Dimond,
Richard Bullers, Cyrus Bullers, James
Stewart, Brenda Herrmann, Dennis H.
Dimond, Blaine E. Miller, James Wyatt,
Rita Ayers & Lee Halper,

Protestants.

REPLY TO APPLICANT'S
INTERROGATORIES AND
REQUESTS FOR PRODUCTION

SOURCE: Groundwater

Comes now Protestant Dean Dimond and replies to Applicant's Interrogatories and requests for production. According to the IDWR Notice of Hearing of April 13th 2007, "No more than 10 interrogatories may be served by any party on another party..." Therefore, this protestant will comply with that order by only answering 10 of the 18 interrogatories served upon him April 16th 2007.

INTERROGATORY NO. 1: Yes.

INTERROGATORY NO. 3: Yes.

INTERROGATORY NO. 5: Yes.

INTERROGATORY NO. 7: Yes

INTERROGATORY NO. 11: Yes.

INTERROGATORY NO. 12: This is all a matter of public record and is overly burdensome for me to do the applicants research.

INTERROGATORY NO. 13: Possibly

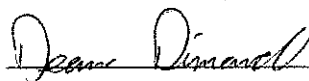
INTERROGATORY NO. 14: Being several months ahead of the hearing I have not yet been able to compile a list of these people.

INTERROGATORY NO. 15: Since I am still compiling a witness list I can not provide the substance of any testimony.

INTERROGATORY NO. 16: Possibly

Since Mr. William asked more than the 10 questions allowed I will only respond to these 10 and not the 18 he sent.

Dated this 25th day of April 2007



Dean Dimond, Protestant

CERTIFICATE OF SERVICE

I hereby certify that on April 25th 2007, I caused to be served a true and correct copy of the foregoing to each of the persons named below by the method indicated below each of their names.

Robert E. Williams
117 South Adams Street
Jerome, Idaho 83338
Via U.S. Mail



Dean Dimond, Appellant

EXHIBIT D

James Stewart
292 S. 1250 E.
Jerome, Idaho 83338
404-2013
Pro Se

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 72435

BIG SKY FARMS,

Applicant,

Dean T. Dimond, Harold S. Dimond,
Richard Bullers, Cyrus Bullers, James
Stewart, Brenda Herrmann, Dennis H.
Dimond, Blaine E. Miller, James Wyatt,
Rita Ayers & Lee Halper,

Protestants.

REPLY TO APPLICANT'S
INTERROGATORIES AND
REQUESTS FOR PRODUCTION

SOURCE: Groundwater

Comes now Protestant James Stewart and replies to Applicant's Interrogatories and requests for production. According to the IDWR Notice of Hearing of April 13th 2007, "No more than 10 interrogatories may be served by any party on another party..." Therefore, this protestant will comply with that order by only answering 10 of the 18 interrogatories served upon him April 16th 2007.

INTERROGATORY NO. 1: Yes.

INTERROGATORY NO. 2: Former IDWR Director Carl Dreher stated to the public that "The aquifer is not over-allocated, it is under-managed." Taking into account the recent events surrounding this issue, the water summit, water calls, the Supreme Court decision, et cetera, the fact that IDWR only looks at the individual effects of each transfer, change in use, changes in points of diversion, et cetera, rather than the cumulative effect of these, this proves the former Director correct, that the aquifer is not only under-managed, it is mismanaged. This water transfer will bring more cows into the Magic Valley, will increase the amount of alfalfa and corn needed which will increase the amount of water being used by existing water rights. Unlike a normal crop

rotation, this excess demand will be every year. The sum of water used in the Magic Valley, will be increased, it will be long term, and the cumulative effect will be to injure other water rights. To proceed with this application is to proceed with negligence.

INTERROGATORY NO. 3: Yes.

INTERROGATORY NO. 4: The Nutrient/Waste Management plan for the Big Sky Farms requires them to plant corn and/or alfalfa every year. This increases the amount of water the water right uses.

INTERROGATORY NO. 5: Yes.

INTERROGATORY NO. 7: Yes.

INTERROGATORY NO. 11: Yes.

INTERROGATORY NO. 12: My real properties' legal description is a matter of public record in Jerome County, which the applicant may acquire at any time.

INTERROGATORY NO. 13: Yes.

INTERROGATORY NO. 17: Yes.

REQUEST FOR PRODUCTION NO. 1: As this Request refers to an Interrogatory I am not required to answer as I have answered 10 Interrogatories, I am not required to issue a response.

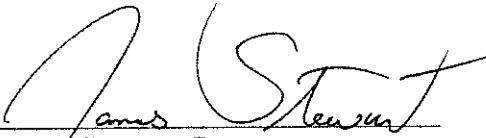
Dated this 30th day of April 2007


James Stewart, Protestant

CERTIFICATE OF SERVICE

I hereby certify that on April 30th 2007, I caused to be served a true and correct copy of the foregoing to each of the persons named below.

Robert E. Williams
117 South Adams Street
Jerome, Idaho 83338
Via U.S. Mail



James Stewart, Protestant

EXHIBIT E

Brenda Herrmann

274 S. 1250 E.

Jerome, Idaho 83338

420-9528

Pro Se

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 72435

BIG SKY FARMS,

Applicant,

Dean T. Dimond, Harold S. Dimond,
Richard Bullers, Cyrus Bullers, James
Stewart, Brenda Herrmann, Dennis H.
Dimond, Blaine E. Miller, James Wyatt,
Rita Ayers & Lee Halper,

Protestants.

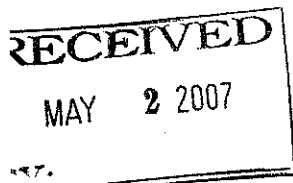
REPLY TO APPLICANT'S
INTERROGATORIES AND
REQUESTS FOR PRODUCTION

SOURCE: Groundwater

Comes now Protestant Brenda Herrmann and replies to Applicant's Interrogatories and requests for production. According to the IDWR Notice of Hearing of April 13th 2007, "No more than 10 interrogatories may be served by any party on another party..." Therefore, this protestant will comply with that order by only answering 10 of the 18 interrogatories served upon him April 16th 2007.

INTERROGATORY NO. 1: Yes.

INTERROGATORY NO. 2: Former Idaho Water Resource Director Carl Dreher stated to the public that "The aquifer is not over-allocated, it is under-managed." Let's look at the recent events surrounding the water issue, water calls, the Supreme Court decision, the water summit etc., the fact that Idaho Water Resource only looks at the individual effects that occur in each of the transfers, changes in diversion of the water, water exchange, etc., rather than looking at the cumulative effect of water in the aquifer, this ultimately proves the former Director correct, that the aquifer is mismanaged and also under-managed. Transferring this water will bring more cows into Jerome County, it ultimately increases the amount of alfalfa, corn and grain needed which will increase the demand of water already being used by existing water rights. The sum of water used in



the Jerome County and also in other counties, will be increased, it won't be a short term effect, and it will injure other water rights. To proceed with this application is to proceed with negligence and mismanagement.

INTERROGATORY NO. 3: Yes.

INTERROGATORY NO. 4: The Nutrient/Waste Management plan for the Big Sky Farms requires them to plant corn and/or alfalfa every year. This increases the amount of water the water right uses.

INTERROGATORY NO. 5: Yes.

INTERROGATORY NO. 7: Yes.

INTERROGATORY NO. 11: Yes.

INTERROGATORY NO. 12: My real properties' legal description is a matter of public record in Jerome County, which the applicant may acquire at any time.

INTERROGATORY NO. 13: Yes.

INTERROGATORY NO. 17: Yes.

REQUEST FOR PRODUCTION NO. 1: As this Request refers to an Interrogatory I am not required to answer as I have answered 10 Interrogatories, I am not required to issue a response.

Dated this 30th day of April 2007

Brenda Herrmann, Protestant

CERTIFICATE OF SERVICE

I hereby certify that on April 30th 2007, I caused to be served a true and correct copy of the foregoing to each of the persons named below.

Robert E. Williams

117 South Adams Street

Jerome, Idaho 83338

Via U.S. Mail

Brenda Herrmann, Protestant

EXHIBIT F

Dennis Dimond
1424 Hwy 25
Jerome, ID 83338
Pro Se

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 72435

BIG SKY FARMS

Applicant,

REPLY TO APPLICANT'S
INTERROGATORIES AND
REQUESTS FOR PRODUCTION

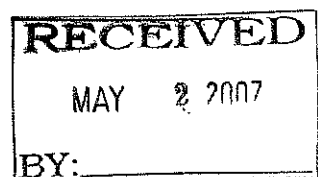
Dean T. Dimond, Harold S. Dimond
Richard Bullers, Cyrus Bullers, James
Stewart, Brenda Hermann, Dennis H.
Dimond, Blaine E. Miller, James Wyatt,
Rita Ayers, & Lee Halper.

SOURCE: Groundwater

Protestants.

Comes now Protestant Dennis H. Dimond and replies to Applicant's Interrogatories and requests for production. According to the IDWR Notice of Hearing on April 13th 2007, "no more than 10 interrogatories may be served by any party on another party..." Therefore this protestant will comply with that order by only answering 10 of the 18 interrogatories served upon him April 16th 2007.

INTERROGATORY NO. 1: YES
INTERROGATORY NO. 3: YES
INTERROGATORY NO. 5: YES
INTERROGATORY NO. 7: YES
INTERROGATORY NO. 11: YES
INTERROGATORY NO. 12: This is all a matter of public record.
INTERROGATORY NO. 13: Possibly
INTERROGATORY NO. 14: To far from hearing date have not put things together yet.
INTERROGATORY NO. 15: Since witness lists are not yet available it makes it pretty hard to have what they are to testify about available.
INTERROGATORY NO. 16: Possibly



Since Mr. Williams asked more than the 10 questions allowed I will only respond to these 10 questions and not all 18 questions that he sent.

Dated this 1st day of May 2007

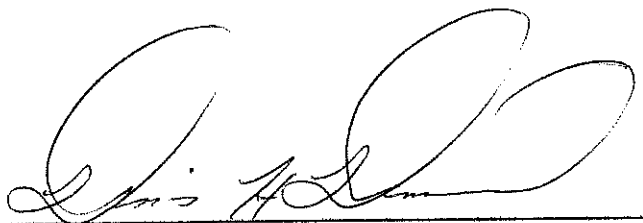
A handwritten signature in black ink, appearing to read "Dennis H. Dimond", written over a horizontal line.

Dennis H. Dimond, Protestant

CERTIFICATE OF SERVICE

I hereby certify that on May 1st 2007, I caused to be service a true and correct copy of the forgoing to each persons named below by the method below each of their names.

Robert E. Williams
117 South Adams Street
Jerome, ID 83338
Via U.S. Mail

A handwritten signature in black ink, appearing to read "Dennis H. Dimond", written over a horizontal line.

Dennis H. Dimond, Appellant

EXHIBIT G

Harold S. Dimond
3059 S 1800 E
Wendell, Idaho 83355
536 6347
Pro Se

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 72435

BIG SKY FARMS,

Applicant,

REPLY TO APPLICANT'S
INTERROGATORIES AND
REQUESTS FOR PRODUCTION

Dean T. Dimond, Harold S. Dimond,
Richard Bullers, Cyrus Bullers, James
Stewart, Brenda Herrmann, Dennis H.
Dimond, Blaine E. Miller, James Wyatt,
Rita Ayers & Lee Halper,

SOURCE: Groundwater

Protestants

Protestant Harold S. Dimond replies to Applicant's Interrogatories and requests for production. According to the IDWR Notice of Hearing of April 13th 2007, "No more than 10 interrogatories may be served by any party on another party..." Therefore, this protestant will comply with that order by only answering 10 of the 18 interrogatories served upon him April 16th 2007.

INTERROGATORY NO. 1: Yes

INTERROGATORY NO. 2: Taking into account the fact that Carl Dreher, former IDWR Director, stated publicly, "The aquifer is not over allocated, it is under managed", and given the recent events surrounding this issue, including but not limited to, the water summit, water calls and a recent decision by the Supreme Court, the fact that IDWR

looks at individual affects of each transfer including but not limited to change in use and changes in diversion points instead of the cumulative affect, proves Director Dreher is right. The aquifer is not only under managed, it is also mismanaged. To grant this application would not only be wrong but irresponsible as well.

INTERROGATORY NO. 3: Yes

INTERROGATORY NO. 4: I will agree with and leave those answers to my fellow Protestants.

INTERROGATORY NO. 5: Yes

INTERROGATORY NO. 6: I will agree with and leave those answers to my fellow Protestants.

INTERROGATORY NO. 7: Yes

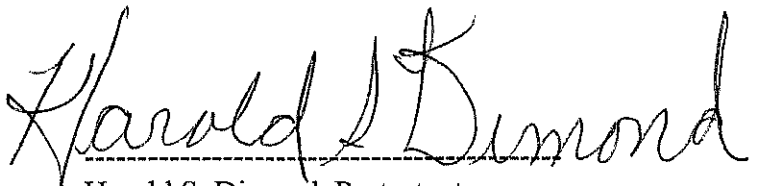
INTERROGATORY NO. 8: CAFO's, in general, have a negative affect on the local economy of the watershed as well as the local area. This CAFO will be no different and will significantly affect the agriculture base of the area as well as trespass upon it's neighbors with toxic odors, a health hazard and violate constitutional rights to the exclusive use of other's property.

INTERROGATORY NO. 11: Yes

INTERROGATORY NO13: Yes

REQUEST FOR PRODUCTION NO. 1: I have already answered the 10 required Interrogatories and so do not have to respond to this.

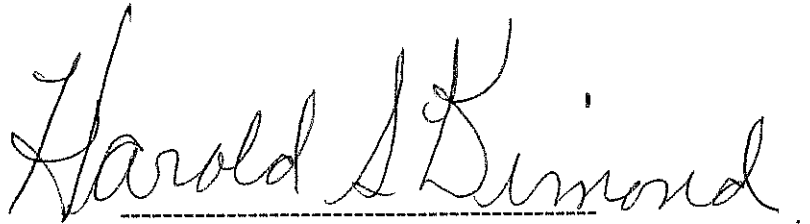
Dated this 27th day of April 2007


Harold S. Dimond, Protestant

CERTIFICATED OF SERVICE

I hereby certify that on April 27, 2007, I caused to be served a true and correct copy of the foregoing to each of the persons named below by the method indicated below each of their names.

Robert E. Williams
117 South Adams Street
Jerome, Idaho 83338
Via U.S. Mail

A handwritten signature in cursive script that reads "Harold S. Dimond". The signature is written in dark ink and is positioned above a horizontal dashed line.

Harold S. Dimond, Appellant

A small, faint circular mark or stamp located below the signature line. It appears to contain some illegible text or a logo.

EXHIBIT H

Merritt, Allen

From: lee [silverchest@halpersmith.myrf.net]
Sent: Tuesday, May 01, 2007 6:06 PM
To: Merritt, Allen
Cc: rob williams; dean dimond; jim stewart; Spackman, Gary
Subject: Re: BIG SKY WATER PROTEST

Thanks Allen, and you should include your explanation as part of all other protests. Lee

Merritt, Allen wrote:

>Lee,
>
>I think we both understand what Mr. Spackman's purpose is regarding "Interrogatories" but maybe let me explain it in my own words...
>
>The purpose of the limitation is to prevent the situation where parties exchange an exorbitant number of questions to each other which turns into a burden for all involved. The limitation also forces parties to focus on just important questions.
>
>It is my understanding that ten questions (some questions may have up to a maximum of two related parts and only count as one question) may be exchanged at any one time... then after responses are received then ten more follow-up or additional questions may be exchanged. Depending on the timing of all this, there may be opportunity for several exchanges. There does not appear to be an overall limitation of 20 total questions but there is a limit of only having 10 unanswered questions pending.
>
>For example: May 1 Party "A" asks 10 questions. 14 days later or May 15 Party "B" responds. May 20 Party "A" asks 10 more questions. 14 days later or June 3 Party "B" responds. June 5 Party "A" asks 10 more questions. DEADLINE FOR QUESTIONS IS JUNE 15. June 16 Party "B" responds. DEADLINE OF RESPONSES IS JUNE 29. In this example there were a total of 30 questions.
>
>***Note that if the responses are rushed there may be more time for more than 30 questions. If the initial questions are delayed there may be not be time for more than one exchange or 10 total.
>
>Hopefully this is helpful.
>
>Allen
>
>
>
>
>
>
>
>
>-----Original Message-----
>From: lee [mailto:silverchest@halpersmith.myrf.net]
>Sent: Tuesday, May 01, 2007 11:08 AM
>To: rob williams; dean dimond; jim stewart; Merritt, Allen
>Subject: BIG SKY WATER PROTEST
>
>
>RE: Interrogatories
>
>In a phone conversation I had this morning with Rob Williams, he

>expressed to me that not answering a Request for Production even if
>tied to an Interrogatory, was not proper. I called Allen Merritt to
>discuss this as well as the new directives on Interrogatories. Allen
>got the hearing officer Mr. Spackman on the phone in a conference call.
>Mr. Spackman clarified his directive on the Interrogatories/Discovery
>that is on Page 2 of the Notice of hearing, Order authorizing discovery
>of April 13th 2007.

>
>The purpose for the limitation of Interrogatories stems from past
>protests which created overly burdensome and numerous questions and
>requests which oftentimes resulted in Motions to Compel and other legal
>paperwork. My understanding is the hearing officer believes that if you
>can't get your questions answered in 10 Interrogatories, you're free to
>supplement with 10 more which equates to the "no more than two
>sub-questions is not permissible" directive for a general total of 20.

>
>My initial reading of this Order was 10 Interrogatories was the limit
>and Rob told me that other protestants also replied in this manner.

>
>Dean and Jim, if you will contact the other protestants to alert them
>that they should reply to 20 Interrogatories and all Requests for
>Production unless they assert proper objections, I'd appreciate it.

>
>I intend to supplement my reply to Appliant's Interrogatories and
>Requests for Production without the 10 Interrogatory limitation as soon
>as possible.

>
>Allen, if there is any further clarification that the hearing officer
>needs to convey, we'd appreciate it and I think all would agree email is
>fine. Thanks

>Lee Halper

>
>
>
>
>
>
>