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ISB #: 6825

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JAN 31 2007
DEPARTMENT OF
WATER RESOURCES

Attorneys for Black Rock Utilities, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR AMENDMENT 72669 FOR
PERMIT NO. 95-9045
IN THE NAME OF BLACK ROCK
UTILITIES

NOTICE OF SERVING
BLACK ROCK UTILITIES, INC.
INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS

Black Rock Utilities, Inc., by and through their undersigned attorneys and pursuant to Rules 33 and 34 of the Idaho Rules of Civil Procedure, hereby gives notice of serving Black Rock Utilities, Inc. Interrogatories and Request for Production of Documents
Dates this 29th day of January, 2007.

LAYMAN, LAYMAN & ROBINSON, PLLP



JOHN R. LAYMAN
Attorneys for Black Rock Utilities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January, 2007, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Jai Nelson	☐	Hand-delivered
Coalition for Positive Rural Impact at	☐	Regular mail
Rockford Bay and Loffs Bay	☐	Certified mail
15192 Gate 7 Ridge Road	☒	Overnight mail
Coeur d'Alene, ID 83814	☐	Facsimile
Fax: (208) 667-9739	☐	Interoffice Mail

Gary Spackman, Hearing Officer	☐	Hand-delivered
Idaho Department of Water Resources	☐	Regular mail
P.O. Box 83720	☒	Certified mail
322 E. Front St.	☐	Overnight mail
Boise, ID 83720	☐	Facsimile
Fax: (208) 287-6700	☐	Interoffice Mail

BY: Amie L. Anderson
AMIE L. ANDERSON

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REQUEST FOR INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **PROTESTANTS' FIRST SET OF**

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO BLACK

ROCK UTILITIES INC. addressed to the person(s) as shown below on the date set forth below to the Department of Water Resources of the State of Idaho and Layman, Layman & Robinson by the following method or methods:

[X] By facsimile full, true and correct copies to the facsimile numbers indicated and addressed to the person(s) as shown below on the date set forth below.

Department of Water Resources of the State of Idaho
Gary Spackman, Hearing Examiner
Facsimile: 208-287-6700

Layman, Layman & Robinson
John Layman
Facsimile: 509-624-2902

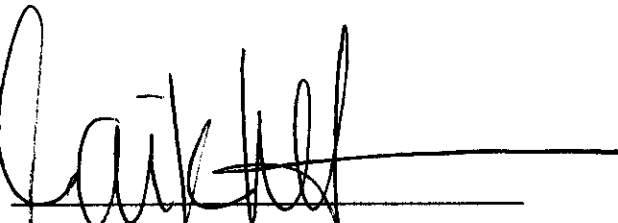
[X] By mailing full, true and correct copies thereof, in sealed, first-class postage-prepaid envelopes, addressed to the person(s) as shown below, the last know address of the person(s) with the United States Post Office at Coeur d' Alene, Idaho on the date set forth below.

Department of Water Resources of the State of Idaho
Gary Spackman, Hearing Examiner
P.O. Box 83720
Boise, Idaho 83720-0098

Department of Water Resources of the State of Idaho
Robert G. Haynes, Regional Supervisor
7600 Mineral Drive, Suite 100
Coeur d' Alene, ID 83814

Layman, Layman & Robinson
John Layman
601 S. Division Street
Spokane, WA 99202-1335

Dated this 29th day of January 2007



Jai K. Nelson, Coalition Spokesperson

REQUEST FOR INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Coalition for Positive Rural Impact at Rockford Bay and Loffs Bay

Jai Nelson, Spokesperson for Protestants
15192 Gate 7 Ridge Road
Coeur d' Alene ID 83814

Department of Water Resources of the State of Idaho

Gary Spackman, Hearing Examiner

P.O. Box 83720
Boise, Idaho 83720-0098

Layman, Layman & Robinson

John Layman

601 S. Division Street
Spokane, WA 99202-1335
Attorney for Applicant

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

IN THE MATTER OF APPLICATION FOR	)	PROTESTANTS' FIRST SET OF
AMENDMENT 72669	)	INTERROGATORIES AND
FOR PERMIT NO 95-9045	)	REQUESTS
IN THE NAME OF BLACK ROCK UTILITIES	)	FOR PRODUCTION OF
INC.	)	DOCUMENTS

Pursuant to the Order Authorizing Discovery in this proceeding and pursuant to IDAPA Rules of Procedure 520 through 532, Protestants hereby submit the following First Set of Interrogatories and Requests for Production of Documents to Applicant Black Rock Utilities Inc by and through their attorney of record: Layman, Layman & Robinson. Each Interrogatory and Request for Production is to be answered fully and separately, under oath, unless it is objected to, in which event the reasons for the objection shall be stated in lieu of an answer. The answers are to be signed by the person making them.

REQUEST FOR INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

These interrogatories and requests for production are continuing in nature and you under a duty to supplement the answers given to these interrogatories and requests for production in accordance with ID Rule of Civ. Pro. 26(e)(1) and (2).

In answering these interrogatories, you are to furnish all information that is available to you, not just information that is of your own knowledge. This means that you are to furnish information, which is known by or in the possession of you and your employees or agents.

These requests for production are directed to you and to your employees and agents, including all persons acting on your behalf. You are required to produce all documents within your care, custody or control, including but not limited to documents maintained by any third party from whom you have a contractual or other right to require production. These requests for production are intended to encompass the original document and all copies that differ from the original in any respect, for example, by reason of notations made on the copy.

These requests are also intended to encompass all documents of any nature, which are now or have at any time been within your care, custody, or control. If a document is no longer within your care, custody, or control, state what disposition was made of it, who disposed of it, the reason for such disposition, and the date upon which it was so disposed.

If you contend that documents encompassed by any request are privileged, in whole or in part, or if you otherwise object to production of such documents, then with respect to such documents:

1. State with particularity the reason or reasons for your object and/or the nature of an privilege asserted; and

REQUEST FOR INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

2. State all other information necessary to identify the documents to meet the requirements for inclusion in a motion for production pursuant to Idaho civil rules.

DEFINITIONS

Included below are definitions of the terms used in these interrogatories and requests for production. Please read these definitions carefully, because some of the terms used in these interrogatories and requests for production are given definitions which may be more expansive than the definitions which those terms are given in common usage.

1. **"Applications"** shall mean the water right permit application No. **95-9045**, including amendments, submitted to the Idaho Department of Water Resources.

2. **"Communication"** means any writing or any oral conversation including, but not limited to: telephone conversations, meetings, letters, telegraphic and telex communications, electronic communications, and all documents concerning such writing or such oral conversation.

3. **"Describe"** when used in reference to matters of fact or contention, means to state every material fact and circumstances specifically and completely (including, but not limited to, date, time, location, and the identity of all participants), and whether each such fact or circumstance is stated on knowledge, information or belief, or is alleged without foundation.

4. **Document"** includes, but it not limited to, any agreement, appointment book, blueprint, book, brochure, cassette, chart, check, check stub, computer disc or index thereto, computer printout, computer program, computer tape or disc, contact, correspondence, declaration, desk calendar, drawing, e-mail message, graph, index,

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invoice, lease, ledger, letter, log book, manual, map memorandum, message, minutes, minute book, model, note, periodical, photograph, pleading, purchase order, report, reproduction, schedule, sketch, statement, study, summary, survey, tape, telegram, telex, time sheet, working paper, and any and all other written, printed typed, taped, recorded transcribed, punched filmed, digitized, or graphic matter, however produced or reproduced. If a document has been prepared in several copies or additional copies have been made, and the copies are not identical, each non-identical copies have been made, and the copies are not identical, each non-identical copy is a separate "document," and should be produced for inspection and copying.

5. **"All related documents"** means any document that refers to, relates to, addresses, or reflects the subject matter of the interrogatory.

6. **"Identify"** or **"identity"** when applied to a **person**, requires that you give the person's full name, residence, address, residence telephone, business or occupation, employer, job title or description, business address, and business telephone. If you do not have current information on the person being identified, then give the last known information.

7. **"Identify"** or **"identity,"** when used in reference to a **business organization**, or **other entity**, means to give the legal name of the entity, a description of its nature (e.g., corporation, partnership, joint venture, etc.), any business or assumed names under which it does business, its principal place of business, and the address of the office(s) of each entity which are involved in the transaction about which the interrogatory or request is seeking information.

8. **"Person"** shall include any individual, corporation, partnership, association, or any other entity of any kind.

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9. **"State with particularity,"** when used in reference to a matter of fact or contention, means to state every material fact and circumstance specifically and completely (including but not limited to date, time, location, and the identity of all the participants), and whether each such fact or circumstance is stated on knowledge, information, or belief, or is alleged without foundation.
10. **"Black Rock Utilities"** means all elected and appointed officials of the Black Rock Utilities, all employees of the Black Rock Utilities, and all consultants or contractors to Black Rock Utilities.
11. The plural shall include the singular, and the singular shall include the plural.

INTERROGATORY No. 1: Please state the name, address, and relationship with Black Rock Utilities, including job title and description, of all persons answering these interrogatories and requests for production.

INTERROGATORY No. 2: For each exhibit proposed by Applicant for submissions at hearing in this matter, identify the witness or witnesses who will testify regarding the exhibit and the substance of the testimony of each witness relating to the exhibit.

INTERROGATORY No. 3: Please describe Black Rock Utilities average per capita water use, peak per capita water use, and period of peak water usage.

REQUEST FOR PRODUCTION No. 1: produce all related documents pertaining to your response to Interrogatory No. 3.

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INTERROGATORY No. 4: Describe Black Rock Utilities, Inc. existing water conservation programs, include Black Rock Utilities water conservation budget and actual expenditures for the years 2000 to present.

REQUEST FOR PRODUCTION No. 2: Produce all related documents pertaining to your response to Interrogatory No. 4.

INTERROGATORY NO. 5: describe all actions taken by Black Rock Utilities, Inc. since the date of filing of the applications, regarding the consideration, adoption and implementation of a water conservation plan for Black Rock Utilities water supply.

REQUEST FOR PRODUCTION NO. 2: Produce all documents pertaining to your response to Interrogatory No. 5.

INTERROGATORY NO. 6: identify the current water rates charged by the Black Rock Utilities, Inc. to each class of customer, and identify any proposed changes to those rates for the upcoming years 2007 and 2008.

INTERROGATORY NO. 7: identify (1) the total number of connections to Black Rock Utilities water system, (2) the number of those connections that are metered, (3) the method/type of numbering, and (4) the frequency of water supply meter reading and the frequency of customer billing by Black Rock Utilities, Inc.

INTERROGATORY No. 8: For each of the year's 2000- to present, identify:

REQUEST FOR INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

- (a) Water supply service area size;
- (b) Water supply service area population and number of connections in total;;
- (c) Number of water supply connections by category of end use, including residential, commercial, industrial, and other,
- (d) Monthly metered water usage data in totals;
- (e) Monthly metered water usage data by water use categories, including residential, commercial, industrial, and other;
- (f) Monthly metered data from each water source;
- (g) Monthly water use for stated years for 10 highest volume customers; and
- (h) Monthly unaccounted-for water (diversions– other known uses) for stated years.

INTERROGATORY No. 9: Describe all activities undertaken by Black Rock Utilities to obtain water rights through purchase, lease, donation, annexation of property, or other transaction.

INTERROGATORY No. 10: Identify all potential future water supply customers known to the Utilities, Inc.

INTERROGATORY No. 11: Describe in detail each conversation between Black Rock Utilities, Inc. and staff of the Idaho Department of Water Resources concerning the application and/or water supply system that has occurred since the filing of the applications.

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REQUEST FOR PRODUCTION No. 3: Produce all relevant documents to Interrogatory No. 11, including any notes, e-mail communications or other related documents.

INTERROGATORY No. 12: Describe Black Rock Utilities "reasonably anticipated future need" for water supply as that term is defined in **Idaho Code 42-202B(6)**.

INTERROGATORY No. 13: describe Black Rock Utilities "planning horizon" for the water right application, as that term is defined in Idaho Code 42-202B(6).

INTERROGATORY No. 14: What is the projected population of the Black Rock Utilities, Inc.'s water service area for the next twenty years?

INTERROGATORY No. 15: Describe the method or methods utilized by the Black Rock Utilities, Inc to project population growth for purposes of calculating future water supply service needs.

INTERROGATORY No. 16: With respect to the witness to be called at hearing, describe the testimony the witness will give about "any and all of the elements required by Idaho Code 42-203A."

INTERROGATORY No. 17: For each person identified in the preceding interrogatory, state with particularity:

- a. The subject matter on which the witness is expected to testify;

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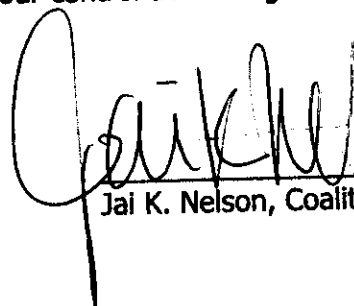
- b. The substance of the facts and opinions to which the witness is expected to testify; and
- c. A summary of the grounds for each opinion.

REQUEST FOR PRODUCTION No. 4: Please produce all documents relied on or reviewed to form the basis of the opinions, facts or other testimony reference in the preceding Interrogatory. In lieu of producing the documents requested in this request for production, you may provide a list of responsive documents provided that the actual documents will be made available upon one business day's notice.

INTERROGATORY No. 18: For each person identified in Interrogatory No. 17, identify each instance within the last ten years in which the person provided opinions or other written or oral testimony before a court of any jurisdiction or any other administrative review panel/board/officer, such as identification to include:

- a. The case/matter name;
- b. The client/party represented;
- c. The date the opinion or testimony was provided;
- d. The form of testimony, including but not limited to deposition, trial/hearing testimony, declaration or affidavit;
- e. A description of the nature of the testimony/opinion; and
- f. Each document in your control describing or recording this testimony

Dated this 29th day of January 2007.



Jai K. Nelson, Coalition Spokesperson