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Attorney for M.J. Davis Memorial Limited Partnership

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

IN THE MATTER OF APPLICATIONS)	APPLICANT'S FIRST
FOR PERMIT NOS.15-7273, 15-7274)	INTERROGATORIES AND
AND 15-7275 IN THE NAME OF)	REQUESTS FOR PRODUCTION OF
M.J. DAVIS MEMORIAL LIMITED)	DOCUMENTS TO PROTESTANTS
PARTNERSHIP.)	
_____)	

**TO: ALL PROTESTANTS AND THEIR ATTORNEYS OF RECORD PER
ATTACHED CERTIFICATE OF MAILING**

COMES NOW Applicant M.J. DAVIS MEMORIAL LIMITED PARTNERSHIP
(hereinafter "Applicant"), by and through counsel, and pursuant to I.R.C.P. Rules 33, 34 and
Rules 520, 524, I.D.W.R. Rules of Procedure, IDAPA 37.01.01, submit the following
Interrogatories and Requests for Production of Documents to the above-named Protestants. You
are directed to Answer and Respond to the following Interrogatories and Request for Production
of Documents within fifteen (15) days of service upon you. Further, these Interrogatories are
deemed to be continuing and should you at any time acquire additional information you are to
supplement these Interrogatories.

RECEIVED

APR 18 2006

Department of Water Resources
Eastern Region

**APPLICANT'S FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
TO PROTESTANTS - 1**

INTERROGATORIES

INTERROGATORY NO. 1: Please set forth the name, address and phone number of each person who is providing the information to answer each respective interrogatory.

INTERROGATORY NO. 2: Please state the name and address of each person you intend to call as a witness at the hearing of this matter and the substance of each person's expected testimony.

INTERROGATORY NO. 3: Identify by name and address each and every person you intend to call as an expert at the trial of this matter and for each such person the following:

- a. The scientific, technical or other specialized knowledge possessed by such person.
- b. The knowledge, skill, experience, training and education which qualifies such person as an expert.
- c. A brief statement summarizing the facts and data upon which the expert bases his opinion.
- d. A brief statement summarizing the opinions and inferences to which the expert may testify and the reasons therefor.

INTERROGATORY NO. 4: For each Protestant, please provide the following information:

- a. Full name and current address;
- b. A brief summary of your educational background and training and any expertise you may have as an engineer, hydrologist or geologist.
- c. A general statement summarizing your experience in irrigating agricultural land.

INTERROGATORY NO. 5: Do you contend that you own water rights which will be injured if the Applicant's Applications for Permit are approved? If your answer is yes, please answer the following for each water right you contend is injured:

- a. Indicate the water right number;
- b. Provide a copy of each water right or describe the priority date, quantity, point of diversion, place of use and period of use;
- c. Describe precisely and in detail how each of your water rights will be injured.
- d. Quantify the amount of water you claim your water right will be diminished if the Application is granted and describe precisely and in detail how you calculated each amount.

INTERROGATORY NO. 6: If any of your water rights identified in your answer to Interrogatory No. 5 above were curtailed during any irrigation season from 2001 to date, please indicate for each right and for each year:

- a. The date the curtailment began and ended.
- b. The reason for the curtailment.
- c. The amount of the curtailment.

INTERROGATORY NO. 7: Please describe precisely and in detail how you believe your water rights will be injured if Applications for Permit are approved and what evidence you will present at the time of hearing to prove such injury.

INTERROGATORY NO. 8: Do you contend the approval of Applications for Permit will reduce the quantity of water available under any of your existing water rights? If your answer is yes, please describe precisely and in detail why you believe the quantity of water under existing rights will be reduced, the amount of any such reduction, and all evidence you will

present at the time of trial to prove such quantity of reduction.

INTERROGATORY NO. 9: Do you contend that the approval of this Application will conflict with the local public interests? If your answer is yes, please describe precisely and in detail how you believe the approval of this Application will conflict with the public interests and all evidence you will present at the time of hearing to prove such conflict.

INTERROGATORY NO. 10: Do you contend that the water supply itself is insufficient for the purpose of this Application? If your answer is yes, please describe precisely and in detail why you believe the water supply itself is insufficient for the purpose of the application and all evidence you will present at the time of hearing to prove the water supply is insufficient.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which pertain to and/or which you base your answer to the above interrogatories.

REQUEST FOR PRODUCTION NO. 2: Produce a copy of all documents which you intend to present as exhibits at the time of hearing.

REQUEST FOR PRODUCTION NO. 3: Please produce any ASCS map or other maps or diagrams which you have available indicating the point of diversion and place of use of each of any water rights which you contend will be injured if Applicant's Applications are approved.

DATED this 17th day of April, 2006.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By Randall C. Budge
RANDALL C. BUDGE

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