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Attorney for King Creek Grazing Association, Inc.

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

IN THE MATTER OF NOTICE OF	)	APPLICANT'S FIRST
PROPOSED CHANGE OF WATER	)	INTERROGATORIES AND
RIGHT TRANSFER NO. 71551	)	REQUESTS FOR PRODUCTION OF
	)	DOCUMENTS TO PROTESTANTS

TO: (1) Protestants Todd Hatch, Lynn Hatch, Mike Chambers, Darwin Caldwell and their attorney of record, Kent W. Foster:
(2) Shoshone-Bannock Tribes and their attorney of record, Jeanette Wolfley:

COMES NOW Applicant King Creek Grazing Association (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.

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 trial 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. All facts and data upon which the expert bases his opinion.
- d. All opinions and inferences to which the expert may testify and the reasons therefor.

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

- a. Full name and current address;
- b. The nature of study or training and degree, diploma or certificate earned for each educational or training institution attended and the name of such institution and dates of attendance;
- c. Describe the nature, place and years of experience in irrigating agricultural land.

INTERROGATORY NO. 5: Do you contend that you own water rights which will be injured if the Applicant's Water Right Transfer No. 71551 is 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 acres irrigated;
- c. Describe how many acres have been irrigated and the types of crops raised for each of the years 1994 to date;
- d. For each year from 1994 to date indicate when irrigation began and ended.

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 1994 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 Transfer Application No. 71551 is 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 Transfer No. 71551 will constitute an enlargement in use of the original right? If your answer is yes, please describe precisely and in detail why you believe the original right will be enlarged in use and all evidence you will present at the time of trial to prove such enlargement.

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 trial.

REQUEST FOR PRODUCTION NO. 3: Produce a copy of all contracts, warranty deeds or current property tax notice which evidence your purchase and ownership of the real property which is the place of use under any water right which you contend will be injured if Applicant's Transfer No. 71551 is approved.

REQUEST FOR PRODUCTION NO. 4: Please produce an ASCS map or other maps or diagrams and indicate whereon the point of diversion and place of use of each of your water rights which you contend will be injured if Applicant's Transfer No. 71551 is approved.

DATED this 18th day of October, 2005.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By _____
RANDALL C. BUDGE
Attorney for Applicant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of October, 2005, I mailed a true and complete copy of the foregoing document, postage prepaid, to each of the following:

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

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

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Attorney at Law
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Pocatello, Idaho 83204

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