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Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

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

IN THE MATTER OF THE SECOND MIT-
IGATION PLAN FILED BY THE IDAHO
GROUND WATER APPROPRIATORS FOR
THE DISTRIBUTION OF WATER TO WA-
TER RIGHT NOS. 36-02551 AND 36-
07694 IN THE NAME OF RANGEN, INC.

Docket No. CM-MP-2014-003

**IGWA's First Set of Discovery
Requests to All Protestants**

**To: Buckeye Farms, Inc., and its attorney John Simpson.
Salmon Falls Land and Livestock Co., and its attorney Timothy Stover.
Fish Processors, Inc./Big Bend Trout, Inc.
Big Bend Irrigation and Mining Co. and Ltd.**

Idaho Ground Water Appropriators, Inc. (IGWA), hereby requires the Protestants named above to separately answer, under oath, on or before May 19, 2014, the following interrogatories, requests for production, and requests for admission, pursuant to Rule 520 of the Rules of Procedure of the Idaho Department of Water Resources (IDWR) and the IDWR's May 1st Order Authorizing Discovery.

INSTRUCTIONS & DEFINITIONS

1. When answering these discovery requests, you are required to furnish all information and documents known or available upon reasonable inquiry to you.
2. These discovery requests are deemed continuing, and your answers are to be supplemented as additional information become available or known to you.

3. If an interrogatory has subparts, answer each part separately. If an interrogatory cannot be answered in full, answer it to the fullest extent possible, state the reason for your inability to answer the remainder, and state whatever information and knowledge you have regarding the unanswered portion.
4. If you are asked to identify a person, include his or her name and last-known residence address, residence telephone number, cellular telephone number, business address, and business telephone number.
5. If any requested document was at one time in existence but is no longer in existence, please state: (a) the date it ceased to exist; (b) the circumstances under which it ceased to exist; (c) the identity of all persons having knowledge of the circumstances under which it ceased to exist; and (d) the identity of all persons having knowledge of its contents.
6. If any requested information is withheld due to a claim of privilege, please state: (a) the request to which it is responsive; (b) its title and general subject matter; (c) its date; (d) the names and titles of its authors or preparers; (e) the names and titles of the persons for whom it was prepared and all persons to whom it was sent or shown; (f) the privilege claimed; and (g) sufficient description to enable Plaintiff to assess the applicability of the privilege as required by I.R.C.P. 26(b)(5)(A).

DEFINITIONS

1. Document means any tangible or electronic record, including but not limited to: letters, emails, agreements, memoranda, notes, reports, minutes, books, ledgers, invoices, receipts, surveys, photographs, maps, drawings, diagrams, recordings, computer files or other form of data compilation, including duplicates, copies, substitutes, facsimiles, and summaries thereof.
2. Person means any person or legal entity and its agents or employees.
3. You and your means the Protestant answering these discovery requests and its principles, agents, employees, officers, representatives, consultants, experts, investigators, and any other person acting on its behalf.
4. Second Mitigation Plan means the IGWA's Second Mitigation Plan filed with the IDWR on March 10, 2014 *In the matter of Mitigation Plan filed by the Idaho Ground Water Appropriators for the distribution of water to Water Right Nos. 36-02551 and 36-07694 in the name of Rangen, Inc., Docket No. CM-MP-2014-001.*

INTERROGATORIES

Interrogatory 1: Please state whether you support or oppose in full or in part the Second Mitigation Plan.

Interrogatory 2: If you oppose the Second Mitigation Plan in full or in part, please explain precisely and in detail every reason for your opposition.

Interrogatory 3: If you oppose the Second Mitigation Plan, please explain what, if anything, can be done to modify the Second Mitigation Plan to enable you to support it.

Interrogatory 4: For each water right you contend will be injured if the Second Mitigation Plan is approved, and up to 10 cfs of water is transferred from upper Tucker Springs to Billingsley Creek, please state the following:

- a. Water right no. for each water right you believe will be injured.
- b. The current point of diversion and place of use for each right if different than described on the current IDWR Water Right Report for each right.
- c. All records of water diverted under each right.
- d. The amount of water diverted under each right during each irrigation season over the period for which you have records.
- e. The number of acres irrigated under each right during each irrigation season over the period for which you have records.

Interrogatory 5: Identify every person you may call as a witness, both expert and non-expert, at the hearing in this matter, and briefly state the facts or opinions you expect each witness to testify to.

Interrogatory 6: Identify and describe every document and tangible item you may attempt to introduce into evidence at the hearing in this matter, and explain the significance of each to your case.

REQUESTS FOR PRODUCTION OF DOCUMENTS

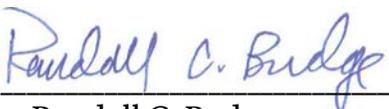
The documents requested below shall be produced for inspection and copying at the law office of Plaintiff's counsel (RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 East Center Street, Pocatello, Idaho 83204). In lieu thereof, you may provide Plaintiff's counsel with full and complete copies of each document.

Request for Production 1: Produce true and correct copies of all documents referred to or relied upon in answer the interrogatories set forth above, and identify which interrogatory each document relates to.

Request for Production 2: Produce all exhibits or documentary evidence you intend to offer into evidence in this matter.

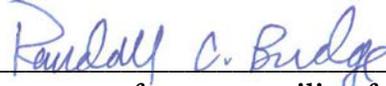
Request for Production 3: Produce all statements of witnesses or possible witnesses in your possession concerning this matter.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED

By:  May 5, 2014
Randall C. Budge Date
Thomas J. Budge

CERTIFICATE OF MAILING

I certify that on this 5th day of May, 2014, the foregoing document was served on the following persons in the manner indicated.



Signature of person mailing form

<p>John K. Simpson Paul Arrington BARKER ROSHOLT & SIMPSON, LLP 195 River Vista Place, Suite 204 Twin Falls, Idaho 83301-3029 jks@idahowaters.com pla@idahowaters.com jlw@idahowaters.com</p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail</p>
<p>Leo E. Ray Big Bend Trout, Inc. P.O. Box 479 Hagerman, Idaho 83330 fpi@fishbreedersofidaho.com</p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail</p>
<p>Michael J. Henslee, V.P. Salmon Falls Land & Livestock Co. 95-A Bell Rapids Road Hagerman, Idaho 83332 mjhenslee@gmail.com</p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail</p>
<p>Timothy J. Stover WORST FITZGERALD & STOVER PLLC P.O. Box 1428 Twin Falls, Idaho 83303 tjs@magicvalleylaw.com</p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail</p>
<p>Almer Huntley, Jr., President Big Bend Irrigation & Mining Co., Ltd. 2721 South 900 East Hagerman, Idaho 83332 plspe@hotmail.com</p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail</p>

<p>Robyn Brody Brody Law Office, PLLC P.O. Box 554 Rupert, ID 83350-0554 robynbrody@hotmail.com</p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail</p>
<p>J. Justin May May Browning & May PLLC 1419 W Washington Boise, ID 83702-5039 jmay@maybrowning.com</p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail</p>
<p>Fritz X. Haemmerle Haemmerle Haemmerle P.O. Box 1800 Hailey, ID 83333-1800 fxh@haemlaw.com</p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail</p>