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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 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-2014-003

**IGWA's First Set of Discovery  
Requests to Rangen**

**To: Rangen, Inc., and its attorney of record.**

Idaho Ground Water Appropriators, Inc. (IGWA), hereby requires Rangen, Inc. to 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 1<sup>st</sup> 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 Rangen, Inc. 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 Rangen supports or opposes in full or in part the Second Mitigation Plan.

**Interrogatory 2:** If Rangen opposes the Second Mitigation Plan any part, please explain precisely and in detail every reason for Rangen's opposition.

**Interrogatory 3:** If Rangen opposes any part of the Second Mitigation Plan, please explain what, if anything can be done to modify the Second Mitigation Plan to enable Rangen to support it.

**Interrogatory 4:** For each water supply used by Rangen at its Billingsley Creek facility please describe by date, location, and method used, all water temperature monitoring and samples taken. Please identify any results thereof found unacceptable for fish propagation.

**Interrogatory 5:** For each water supply used by Rangen at its Billingsley Creek facility please describe by date, location, and method used, all water quality monitoring and samples taken. Please identify any results thereof found unacceptable for fish propagation.

**Interrogatory 6:** Do you agree that the temperature of the water at Tucker Springs to be delivered to Rangen pursuant to the Mitigation Plan is suitable for Rangen's fish propagation purposes? If your answer is no, please state precisely and in detail why and all evidence you will present at the time of hearing why the temperature is not suitable for raising fish.

**Interrogatory 7:** Do you agree that the quality of the water at Tucker Springs to be delivered to Rangen pursuant to the Mitigation Plan is suitable for Rangen's fish propagation purposes? If your answer is no, please state precisely and in detail why and all evidence you will present at the time of hearing why the water quality is not suitable for raising fish.

**Interrogatory 8:** 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 9:** 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.

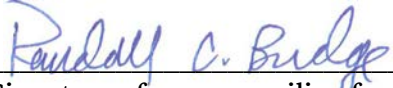
RACINE OLSON NYE BUDGE  
& BAILEY, CHARTERED

By: Randall C. Budge  
Randall C. Budge  
Thomas J. Budge

May 5, 2014  
Date

**CERTIFICATE OF MAILING**

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

  
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 Signature of person mailing form

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

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