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Attorneys for Salmon Falls Land & Livestock Company

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

In the matter of the Second 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

**Salmon Falls Land & Livestock
Company's Response to IGWA's
First Set of Discovery Requests
to All Protestants**

To: Idaho Ground Water Appropriators, Inc. (IGWA):

Protestant, Salmon Falls Land & Livestock Company ("Salmon Falls"), 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, hereby responds to IGWA's First Set of Discovery Requests to All Protestants dated May 5, 2014, as follows:

INTERROGATORIES

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

Answer to Interrogatory 1: Salmon Falls opposes the Second Mitigation Plan in part.

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.

Answer to Interrogatory 2: Salmon Falls opposes the Second Mitigation Plan, in part, due to the fact that the Second Mitigation Plan proposes to move a non-consumptive state of Idaho Water Right from its current Source, Riley Creek, to a different stream/source, Billingsley Creek, thereby affecting Salmon Falls' water right. Salmons Falls' reserves its right to supplement its answer to this interrogatory once more information is gathered

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.

Answer to Interrogatory 3: Salmon Falls is desirous of sharing its ideas/comments with the parties involved in this Second Mitigation Plan. However, Salmon Falls has not yet had the opportunity to meet and discuss matters with the parties involved. Salmons Falls' reserves its right to supplement its answer to this interrogatory once more information is gathered.

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.

Answer to Interrogatory 4:

- a. Water Right No. 36-2046.
- b. See attached IDWR Water Right Report.
- c. See attached IDWR Water Right Report.
- d. See attached IDWR Water Right Report.
- e. See attached IDWR Water Right Report.

Salmons Falls' reserves its right to supplement its answer to this interrogatory once more

information is gathered

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.

Answer to Interrogatory 1: It is anticipated that Mike Henslee, Vice-President, Salmon Falls Land & Livestock Company, will testify regarding the impact the Second Mitigation Plan will have on Salmon Falls' water right including, but not limited to, the impact of moving a non-consumptive water right from its current source to a different source. Salmon Falls reserves its right to supplement its answer to this interrogatory once such information is gathered.

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.

Answer to Interrogatory 6: *See*, IDWR Water Right Report for Water Right No. 36-2046 attached hereto. Salmon Falls reserves its right to supplement its answer to this interrogatory.

REQUESTS FOR PRODUCTION OF DOCUMENTS

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.

Response to Request for Production 1: *See*, IDWR Water Right Report for Water Right No. 36-2046.

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

Response to Request for Production 2: *See*, IDWR Water Right Report for Water Right No. 36-2046.

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

Response to Request for Production 3: Salmon Falls is not aware of any statements of witnesses or possible witnesses at this time. Salmon Falls reserves its right to supplement

its response to this request for production once such information is gathered.

DATED this 19th day of May, 2014.

WORST, FITZGERALD & STOVER, P.L.L.C.

By: _____

Timothy J. Stover
Attorney for Protestant, Salmon Falls Land &
Livestock Co.

VERIFICATION

STATE OF IDAHO)
) ss.
County of Gooding)

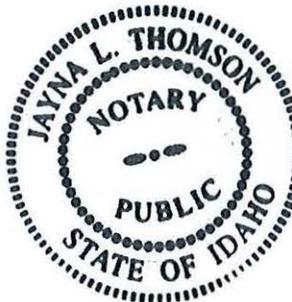
MICHAEL J. HENSLEE, being first duly sworn on oath, deposes and says:

That I am the Vice-President of Salmon Falls Land & Livestock Company, a Protestant in this action, that I have read the foregoing **Salmon Falls' Land & Livestock Company's Response To IGWA's First Set Of Discovery Requests To All Protestants**, know the contents thereof, and believe the same to be true and just.

SALMON FALLS LAND & LIVESTOCK
COMPANY

By: Michael J. Henslee P.P.
MICHAEL J. HENSLEE

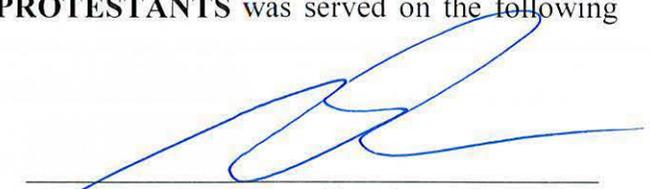
SUBSCRIBED AND SWORN To before me this 22 day of May, 2014.



Jayna L. Thomson
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, ID
My commission expires: 10-27-15

CERTIFICATE OF MAILING

I certify that on this 19th day of May, 2014, the foregoing **SALMON FALLS LAND & LIVESTOCK COMPANY'S RESPONSE TO IGWA'S FIRST SET OF DISCOVERY REQUESTS TO ALL PROTESTANTS** was served on the following persons in the manner indicated.



 Signature of person mailing form

| | |
|--|---|
| Randall C. Budge Thomas J. Budge RACINE OLSON NYE BUDGE & BAILEY CHARTERED 201 E. Center St. P.O. Box 1391 Pocatello, ID 83204 rbc@racinelaw.net tjb@racinelaw.net | <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 |
| 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 | <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 |
| Leo E. Ray Big Bend Trout, Inc. P.O. Box 479 Hagerman, Idaho 83330 fpi@fishbreedersofidaho.com | <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 |
| Almer Huntley, Jr., President Big Bend Irrigation & Mining Co., Ltd. 2721 South 900 East Hagerman, Idaho 83332 plspe@hotmail.com | <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>Robyn Brody Brody Law Office, PLLC P.O. Box 554 Rupert, ID 83350-0554 robvnbrody@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> |

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/15/2014

WATER RIGHT NO. 36-2046

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Current Owner | SALMON FALLS LAND & LIVESTOCK CO INC 95A BELL RAPIDS RD HAGERMAN, ID 83332 (208)837-6053 |
| Attorney | LING & ROBINSON C/O ROGER D LING PO BOX 396 RUPERT, ID 83350-0396 (208)436-4717 |

Priority Date: 12/01/1939
Basis: Decreed
Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| RILEY CREEK | SNAKE RIVER |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION | 02/15 | 11/30 | 3.5 CFS | |
| STOCKWATER | 01/01 | 12/31 | 0.3 CFS | |
| Total Diversion | | | 3.5 CFS | |

Location of Point(s) of Diversion:

RILEY CREEK|SESWNE Lt 6|Sec. 01|Township 08S|Range 13E|GOODING County

IRRIGATION Use:
Acre Limit: 157.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION TWIN FALLS County

| Township | Range | Section | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 08S | 13E | 1 | 5 | SWNW | 2.9 | | | | | | | | | |
| | | | | NWSW | 8.1 | | | | | | | | | |
| | | 2 | 4 | SWNE | 17 | | SENE | 22 | | | | | | |
| | | | | NWNW | 0.3 | | SWNW | 37 | | SENE | 24 | | | |
| | | | | NWSW | 2.5 | | | | | | | | | |
| | | 3 | 1 | NESE | 5.2 | | | | | | | | | |
| | | | | NENE | 5.5 | | SWNE | 1.9 | | SENE | 39 | | | |
| | | | | NESE | 5 | | | | | | | | | |

Place of Use Legal Description: STOCKWATER TWIN FALLS County

| Township | Range | Section | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 08S | 13E | 2 | 4 | SWNE | | | SENE | | | | | | | |
| | | | | NWNW | | | SWNW | | | SENE | | | | |

Total Acres: 170.4

Conditions of Approval:

1. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 157.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
3. C18 ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHT NO. 36-00136B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.60 CFS.
5. USE OF THIS RIGHT WITH RIGHT NO. 36-00136B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 170.4 ACRES IN A SINGLE IRRIGATION SEASON.

6. | WATER IS DELIVERED THROUGH HUNT DITCH. THE FOLLOWING RIGHTS ARE
| ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-00001,
| 36-00031 & 36-07842.
7. C05 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
| SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 12/30/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 170.4

Combined Volume Limit:

Combined Rate Limit: 6.6

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False