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DEPARTMENT OF  
WATER RESOURCES

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*Attorneys for Applicant SUEZ Water Idaho Inc.*

**BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES**

IN THE MATTER OF APPLICATION FOR  
TRANSFER NO. 82161 IN THE NAME OF  
SUEZ WATER IDAHO INC.

**SUEZ’S FIRST SET OF DISCOVERY  
REQUESTS TO THE IDAHO  
DEPARTMENT OF WATER RESOURCES**

SUEZ Water Idaho Inc. (“SUEZ”), by and through its counsel of record, Givens Pursley LLP, pursuant to the Director’s March 19, 2021 *Notice of Hearing; Scheduling Order* and June 30, 2021 *Notice of Amended Scheduling Order*, and pursuant to Rules 521 through 524 of the Idaho Department of Water Resources (“IDWR”) Rules of Procedure, IDAPA 37.01.01.521-.524, submits the following discovery requests to THE IDAHO DEPARTMENT OF WATER RESOURCES and its attorney.

**PRELIMINARY STATEMENT AND INSTRUCTIONS**

In answering these Interrogatories and Requests for Production, please furnish all information and documents available to you, including information and documents in the possession of your attorneys, accountants, expert witnesses, or other agents or persons from whom you have a legal right to obtain such information or documents.

If any document or any portion of any document or any other information which is requested herein is or will be withheld from your answers or from production, inspection or copying (whether because it is claimed to be work product, communication from attorney to client, or is claimed to be entitled to be withheld for any other reason), please fully identify each such document or portion thereof in your response and fully state in your response the reason it is or will be withheld. In addition, if any document is practically impossible to produce, inspect, or copy, please fully identify such document and the reason for the practical impossibility.

If you cannot answer the following Interrogatories and Requests for Production in full after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information and knowledge you have concerning the unanswered portion.

Pursuant to the Rules 33 and 34 of the Idaho Rules of Civil Procedure, within thirty (30) days after service hereof you must answer the following Interrogatories and Requests for Production. You may produce said documents at the Office of GIVENS PURSLEY LLP, 601 West Bannock Street, P.O. Box 2720, Boise, Idaho 83701, by mailing said documents to SUEZ's attorney via U.S. Mail, or by emailing said documents to SUEZ's attorney, on or before said date. Unless you furnish copies of all of the following requested documents by delivering, mailing, or emailing them to counsel, upon production you will be required to keep such documents available for a reasonable time thereafter to enable counsel to inspect and to photocopy said documents.

All of the Interrogatories and Requests for Production herein are deemed continuing. If, after responding to these Interrogatories and Requests for Production you acquire any further information or any documents requested herein or any other information related to any document

herein which is not reflected by any documents produced or any response to these Interrogatories and Requests for Production, you must file a supplemental response or indicate to SUEZ's counsel the existence of such documents. Such supplemental response is in addition to any required by the Idaho Rules of Civil Procedure.

## **DEFINITIONS**

As used in these Interrogatories and Requests for Production, the following terms have the following meanings (whether capitalized or not):

1. "SUEZ" means SUEZ Water Idaho Inc., its representatives, or anyone acting on its behalf.
2. "You," "Your," "Department," or "IDWR" means the Idaho Department of Water Resources, together with its counsel, consultants, experts, investigators, principals, agents, employees, representatives, predecessors-in-interest, or any other person acting on its behalf, including without limitations, any accountants, bookkeepers, and attorneys. If your answer applies to only one of your predecessors-in-interest, identify to which of the predecessors-in-interest it applies.
3. "Person" means and includes a natural person, partnership, corporation or other legal entity together with its principals, agents, employees, representatives, and assigns or any organization, including divisions, departments, and other units, and shall include, but not be limited to, any public or private corporation, limited liability company, joint venture, voluntary or unincorporated association, proprietorship, trust, or estate, and any governmental agency, commission, bureau, or department.
4. "Document" or "Documentary" means and includes any and all tangible things and papers of any kind or description, whether written, drawn, recorded, electronic, graphic,

typewritten, printed, photographed, or otherwise produced or reproduced, and whether produced, reproduced, stored, or transmitted manually or by mechanical, electronic, or other process or a combination of these methods, including but not limited to papers, computer records and/or files, objects, maps, charts, surveys, and things similar to any of the foregoing, kept by written, electronic, photographic, mechanical, or other means, regardless of their authority or origin, and however denominated by you, of which you have any knowledge or information, referring, relating, or pertaining in any way to the subject matters in connection with which the word is used. The term “Document” or “Documentary” includes, without limitation, originals, all file copies, and all the copies no matter how or by whom prepared and all drafts prepared in connection with such writings, whether used or not.

5. “Date” means the day, month and year if known or ascertainable and, if not, the closest approximation that can be made.

6. “Identify” means (regardless of whether any claim of privilege is asserted):

(a) for a natural person, provide that person’s full name and home and business addresses and telephone numbers;

(b) for a corporation, unincorporated association, partnership, trust, estate, governmental agency, division, bureau, or other entity, provide its full legal name and other names under which it does business or is known to you (including trade names), its principal place of its business, the state or government under which it is organized, its telephone number, and the identities of all natural persons associated with the entity who have knowledge relevant to these proceedings;

(c) for a document, provide the date, title, author(s), recipient(s), type of document (e.g., letter or memorandum), generic subject matter, and, if not in your possession,

custody, or control, other information necessary to identify the document for purposes of a subpoena duces tecum, including the custodian and the location of the document;

(d) for an oral communication or other event, describe and summarize its substance, state the time and place it occurred, and identify participants and all others present;

(e) for tangible or intangible property, describe the property, give a legal description or street address for real property, identify its owner(s) and any other person(s) with a legal interest in the property, such as lienholders and lessors, and state the date acquired by the current owner(s), if known.

7. “Relate to” or “relating to” means constituting, evidencing, reflecting, representing, supporting, contradicting, referring to, containing, mentioning, recording, noting, embodying, studying, analyzing, evaluating, relevant to, generated in anticipation of or as a result of, or relied upon, referred to, or mentioned in connection with any item or event. The term “relate to,” as applied to a specific document, requests that specific document as well any documents otherwise relating to it.

8. “Application” means SUEZ Water Idaho Inc.’s Application for Transfer No. 82161.

## **INTERROGATORIES**

**INTERROGATORY NO. 1:** Please state the name, address, phone number, and relation to you of each person answering these Interrogatories and Requests for Production.

**INTERROGATORY NO. 2:** Please state the name, address, phone number, and relation to you of each person who has supplied information for answers to these Interrogatories and Requests for Production, and specify the Interrogatories and Requests for Production for which such person has supplied information.

**INTERROGATORY NO. 3:** Please identify each document that you may attempt to introduce into evidence at the hearing in this matter, and explain the alleged significance of each document. As to each document that consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate the portion of such document that you contend is relevant to this matter.

**INTERROGATORY NO. 4:** Please state the name and last known address of each person consulted as an expert witness on your behalf concerning this matter; and, with respect to each, state 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; and
- (d) All opinions and inferences to which the expert may testify and the reasons therefor.

**INTERROGATORY NO. 5:** Please name and identify the last known address and phone number of each person you may call as a witness at the hearing in matter action and briefly state the facts to which you expect each such witness to testify.

**INTERROGATORY NO. 6:** Please state the name, address, and telephone number of each person with knowledge of facts relating to the Application, and describe in a general fashion the substance of facts to which each person has knowledge.

**INTERROGATORY NO. 7:** Please identify and describe in detail all documents that you or your attorney are aware of that in any way pertain to or describe the basis of the Department's October 8, 2020 *Preliminary Order Denying Transfer* entered in the above-captioned proceeding.

**INTERROGATORY NO. 8:** Please set forth a complete and full description of all your contentions why the Application must or should be denied and the complete factual basis for such contentions, to the extent such contentions and their bases are not fully set forth in the Department's October 8, 2020 *Preliminary Order Denying Transfer* entered in the above-captioned proceeding.

**INTERROGATORY NO. 9:** Please identify and describe each communication between any Department employees or agents and any other persons (including without limitation communications with other Department employees or agents) concerning the Application.

**INTERROGATORY NO. 10:** Please identify all Idaho water rights authorized for irrigation that have been approved for diversion and use within municipal water systems, including without limitation the water right number for each such water right and any related transfer application numbers.

**INTERROGATORY NO. 11:** Please identify all documents in the Department's possession concerning Idaho water rights authorized for irrigation that are, or have been, diverted and used within municipal water systems, including without limitation any policy, guidance, memoranda, emails, or other communications.

**INTERROGATORY NO. 12:** Please describe the Department's current policy concerning Idaho water rights authorized for irrigation that are, or have been, diverted and used within municipal water systems, including when that policy was adopted.

### **REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:** Please produce all documents which pertain to and/or on which you base your answers to the Interrogatories above, including without

limitation all documents related to each water right identified in your responses to the Interrogatories.

**REQUEST FOR PRODUCTION NO. 2:** Please produce all exhibits or documentary evidence that you intend to produce at the hearing in this matter.

**REQUEST FOR PRODUCTION NO. 3:** Please produce all documents or records, including without limitation maps, diagrams, drawings, surveys, GIS shape files, charts photographs, schematics, or other representations that illustrate or show the water delivery system for each water right identified in your responses to the Interrogatories above.

**REQUEST FOR PRODUCTION NO. 4:** Please produce each and every document that tends to support or discredit each basis for approval of the Application under the criteria set forth in Idaho Code Section 42-222.

**REQUEST FOR PRODUCTION NO. 5:** Please produce the following materials and information for each expert who has been retained or employed by you in preparation for the administrative hearing in this contested case:

- a. All data or other information considered by the expert in forming the opinions, including any and all exhibits to be used as a summary or to support the expert's opinion.
- b. The qualifications of the expert, including a list of all publications authored by the expert within the preceding ten years.
- c. All reports and draft reports which relate directly or indirectly to this proceeding.
- d. List of all cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

**REQUEST FOR PRODUCTION NO. 6:** Please produce a copy of each communication among you and any other person or entity relating to the Application, and



correspondence or records and notes from meetings with the Director or any other Idaho Department of Water Resources employee or agent concerning the Application.

**REQUEST FOR PRODUCTION NO. 7:** Please produce copies of all reports or other documents submitted to the Department by holders of irrigation water rights that are, or have been, diverted and used within municipal water systems.

DATED this 2<sup>nd</sup> day of August, 2021.

GIVENS PURSLEY LLP

By:   
Michael P. Lawrence  
*Attorneys for SUEZ Water Idaho Inc.*

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of August, 2021, the foregoing, together with any appendices or exhibits, was filed, served, and copied as shown below.

### DOCUMENT SERVED:

Gary L. Spackman  
Director  
Idaho Department of Water Resources  
IDAHO WATER CENTER  
322 E Front St., 6th Floor  
Boise, Idaho 83702-7371

☐ U.S. Mail, postage prepaid  
☐ Express Mail  
☒ Hand Delivery  
☐ Facsimile

Garrick L. Baxter,  
Deputy Attorney General  
Idaho Department of Water Resources  
IDAHO WATER CENTER  
322 E Front St., 6th Floor  
Boise, Idaho 83702-7371

☐ U.S. Mail, postage prepaid  
☐ Express Mail  
☒ Hand Delivery  
☐ Facsimile

John M. Marshall  
John Marshall Law PLLC  
575 W Bannock St.  
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☐ U.S. Mail, postage prepaid  
☐ Express Mail  
☐ Hand Delivery  
☐ Facsimile  
☒ Email



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Michael P. Lawrence