

subcontractors or other persons directly or indirectly employed by or connected with you or your attorneys and anyone else subject to your control. In answering these discovery requests, you must make a diligent search of your records and other papers and materials in your possession or available to you or your representatives. These discovery requests are to be applied to all interests, individuals, and entities which you represent in this action. If you cannot answer in full, answer to the extent possible, specify the reason for your inability to answer the remainder, and state what information or knowledge you have regarding the unanswered portion. With respect to each interrogatory, in addition to supplying the information asked for and identifying the specific documents referred to, identify and describe all documents to which you refer in preparing your answer.

If anything is or has been deleted from a document identified in these discovery requests, describe the subject matter of the deletion, state the reasons for the deletion, the date of the deletion and identify the person or persons responsible for, and who made, each deletion. If these discovery requests cover information which was, but is no longer, in your possession custody, or control, explain what disposition was made of the information, identify the person or persons responsible for, and who made, the disposition, and state the reasons for, and the date of, that disposition.

If any information called for by an Interrogatory is withheld on grounds of privilege or for any other reason, please set forth a description of any document withheld as to general document type (e.g., memorandum, letter, report, etc.), date, author and any recipient. You should identify each author and recipient by full name, address, telephone number where that person can be reached during normal business hours, business or occupation, job title, identity of employer and relationship to you, if any. The privilege log should also contain the general nature of the information contained in the document, the identity of the person possessing such information, and the reason and basis for withholding the information.

These discovery requests are intended as continuing, requiring supplementation of any answers as necessary following the date of original answers, as Required by Rule 1-026(E) NMRA.

Definitions

The following definitions apply to each of the discovery requests set forth below and are deemed incorporated herein:

1. Document. The term “document(s)” means all media on which information is recorded or stored as set forth in Rule 1-033 and 1-034 NMRA. Tri-State specifically requests and is entitled to review all originals, or original copies if the originals are not in existence, all duplicates or copies that vary in any way from the originals, and all preliminary versions, drafts and revisions that are in your possession, custody or control. The term “document(s)” includes, without limitation, the following specific terms: correspondence, memoranda, summaries of memoranda, notes, records, letters, envelopes, preliminary drafts of consultants’ reports, final versions of consultants’ reports, opinions, spreadsheets, appraisals, compilations, summaries, contracts, agreements, memorandum agreements, letters of agreement, agreements of settlement, notations of conversations, diaries, appointment books or calendars, telefaxes, computer data, email, invoices, financial statements, summaries of investigations, articles, magazines, newspapers, brochures, pamphlets, drawings, sketches, diagrams, instructions, inter-office and intra-office communications, bids, binders, photographs, recordings, films, tapes, disks, and all other data compilations from which information can be obtained (by translation, if necessary, by you through detection devices into usable form).

This request is intended to cover all “document(s)” in your possession or subject to your custody and control, whether located in your office or any office of your agents, employees, consultants, contractors, subcontractors, investigators, or attorneys.

2. Document Identification. When asked to “identify” or “describe” a document or other tangible thing in these discovery requests, please state the following with respect to each such document:

- a. The name, address, and telephone number of the author or preparer of the document;
- b. The name, address, and telephone number of any recipient of the document;

- c. The date of the document;
- d. The name of the document;
- e. The subject matter of the document;
- f. A description of the contents of the document;
- g. The location of the document; and
- h. The name, address, telephone number and job title of the person who has the document.

3. Circumstance Identification. When asked to “identify” or “describe” an event or a circumstance or to provide an example of something in these discovery requests, please state the following with respect to each such event:

- a. The identity of the individuals present;
- b. The date or dates and place on which the event, occasion or action occurred;
- c. The substance of what transpired; and
- d. The identity of all documents reflecting the event, occasion or action.

4. You and Your. The terms “you” and “your” mean the Pueblo of Laguna and all agents, employees, associates, representatives and attorneys acting on your behalf.

5. And/Or. The terms “and/or” shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

6. Communication. The term “communication(s)” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise) and includes original and all non-identical copies of all documents, as defined herein, sent by you or received by you from any person, as well as any documents reflecting or recording the content of any oral communications in any form (including, without limitation, tape recordings, inter-office and intra-office memoranda and other communications).

7. Oral Communication. When asked to “identify” or “describe” an oral communication in these discovery requests, please state the following with respect to each such communication:

- a. The name, address, and telephone number of each person present or involved in the communication;
- b. The date of the communication;
- c. How the communication was made (e.g., person-to-person, telephone, etc.);
- d. The subject matter of the communication;
- e. The substance of what was communicated by each person present and/or involved; and
- f. Whether any documents, minutes, or notes were prepared, either contemporaneously or subsequently, that record the substance of the communication and, if so, the identity of the document.

8. Person. The term “person(s)” means any natural person or any business, legal or governmental entity or association.

9. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

10. Person Identification. When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment, business or occupation, job title, identity of employer and relationship to you, if any. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

11. Contentions/Positions. When asked about one of your contentions or positions, please state the following with respect to each such contention or position:

- a. The basis for the contention or position;
 - b. The evidence that supports the contention or position;
 - c. All persons who have knowledge supporting the contention or position;
- and
- d. Who will testify at hearing in support of the contention or position.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all persons answering the Interrogatories, or parts thereof, or producing documents, and specify which Interrogatories, or parts thereof, they responded to and which documents they identified for production.

ANSWER:

INTERROGATORY NO. 2:

- a. Does the Pueblo of Laguna claim irrigated acreage supplemental to the United States' claim in the amount of 918.22 acres pursuant to the supplemental claim of 595.46 acres based on Table 1 of the *Rio San Jose Stream System Laguna Pueblo Water Use Survey Supplemental Water Irrigation Uses*, which HKM Engineering, Inc. prepared for the Pueblo on April 14, 2003 and the supplemental claim of 322.76 acres based on Table 1 of *Rio San Jose Stream System Pueblo of Laguna Surface Water Irrigation*, which HKM Engineering, Inc. prepared for the Pueblo on January 29, 2007 or does the Pueblo of Laguna now claim irrigated acreage supplemental to the United States' claim in the amount of 322.76 acres as set forth in said January 29, 2007 Report by HKM Engineering, Inc. prepared for the Pueblo of Laguna?

b. If Laguna's claimed supplemental acreage to the United States' claim on behalf of Laguna is neither of the acreages above in 2(a), what is Laguna's claimed supplemental acreage? Please state Laguna's basis, support and reasons for its claimed supplemental acreage amount.

ANSWER:

**REQUESTS FOR PRODUCTION OF DOCUMENTS
AND OTHER TANGIBLE EVIDENCE**

REQUEST FOR PRODUCTION NO. 1: Please produce all documents identified in Responses to Interrogatory Nos. 1 through 2.

RESPONSE:

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: 

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