

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING

FILED

MAR 28 2007

IN THE MATTER OF THE APPEAL)
OF THE COPPERLEAF SUBDIVISION WATER)
SUPPLY, TREATMENT, STORAGE, AND) Docket No. 06-3814
BOOSTER PUMPING SYSTEMS,)
Permit No. 06-274RR / Reference No. 06-236RR)

Terri A. Lorenzon, Director
Environmental Quality Council

**PETITIONERS FIRST COMBINED INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS**

**To: Department of Environmental Quality / Water Quality Division
C/o John S. Burbridge, Senior Assistant Attorney General**

Petitioners, Northfork Community for Responsible Development, David Jamison and Robert Hoszwa, by and through their undersigned attorneys, and pursuant W.R.C.P. 26, 33 and 34, hereby requests that the Wyoming Department of Environmental Quality / Water Quality Division answer the following Interrogatories, and respond to the Requests for Production within thirty (30) days of service.

All Interrogatories and Requests are continuing in nature and require supplementary answers, if you obtain additional information prior to trial.

If any of the following Interrogatories or Requests cannot be fully answered, please answer to the extent possible, specifying the reason for the agency's inability to answer the remainder and stating whatever information or knowledge the agency has concerning the unanswered portion. If the agency objects to an Interrogatory or Request on the grounds of privilege explain the basis for the claim of privilege fully and identify by description and location each document that the agency claims is privileged and non-discoverable.

In answering these Interrogatories, the agency is required to furnish all information that is available to it, including information in the possession of its attorneys, or other persons directly or indirectly employed by, or connected with, the agency or it's attorneys, and anyone else acting on your behalf or otherwise subject to your control.

In answering these Interrogatories, the agency must make a diligent search of it's records or of other papers and materials in it's possession or available to it or it's representatives.

If an Interrogatory has subparts, answer each subpart separately and in full.

These discovery requests are subject to the following definitions:

A. "Document" or "Documents" means any written, typewritten, handwritten, printed, or recorded material of any kind, including originals and all non-identical copies (whether different from the original solely by reason of any notation made on such copies or otherwise), including but not limited to written, electronic, magnetic or digital records constituting correspondence, memoranda, notes, calendars, diaries, statistics, letters, telegrams, minutes, contracts, reports and draft reports, edits on reports of draft reports, studies, checks, invoices, statements, receipts, returns, summaries, pamphlets, books, interoffice and intra-office telephone calls, meetings or other communications, bulletins, printed matter, computer print-outs, teletypes, telefax, worksheets and all drafts, alterations, modifications, changes, and amendments of any of the foregoing; tapes, tape recordings, films, videotapes, transcripts, graphic or oral records or representations of any kind, of which you have knowledge or which are now or were formerly in your possession, custody, or control.

B. "You" or "Your" refers to the Wyoming Department of Environmental Quality/ Water Quality Division, or any of its agents or representatives.

C. "Relates to" or "relating to" means supports, evidences, describes, mentions, refers to, contradicts, or compromises.

D. "Identify", "identity", and "identification", when used to refer to any entity other than a natural person, means to state its full name, the present or last known address of its principal office or place of doing business, and the type of entity (e.g., corporation, partnership, proprietorship, unincorporated association).

E. "Wells", "three wells" or "wells", when used refers to the three specific water wells identified by the Developer, Worthington Group of Wyoming, LLC, in their permit applications as a domestic or miscellaneous water source, whether primary or supplementary for the proposed Copperleaf Subdivision.

INTERROGATORIES

INTERROGATORY NO. 1: Identify and describe in detail the aquifer from which each of the three wells draw water from. This answer should include a complete geologic characterization of the aquifer for each individual well.

ANSWER:

INTERROGATORY NO. 2: State all facts relied upon to support the conclusion/assumption that each of the three wells draw water from an alluvial aquifer.

ANSWER:

INTERROGATORY NO. 3: List all sources of recharge for the alluvial aquifer from which each of the wells draw. The answer should contain, but not necessarily be limited to, all evidence and factual support for each recharge source(s) the DEQ lists or identifies. In the event up gradient sources of septic effluent are not listed as a source of actual or potential recharge to the alluvial aquifer for each well, specifically and in detail explain the facts relied upon to omit septic effluent as a source.

ANSWER:

INTERROGATORY NO. 4: Describe specifically and in detail the geohydrological aspects of groundwater flow beneath the proposed Copperleaf Subdivision. This answer should include all factual support upon which any of the Developer's the groundwater flow analysis is based.

ANSWER:

INTERROGATORY NO. 5: Describe all precautions listed to protect the three wells from a potential 25 year or 200 year flood pursuant to DEQ Reg. Ch 12 § 6(c)(i)(B).

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Produce copies of all documents evidencing all tests, studies, data, analysis, or any other report, draft report or writing submitted by the Developer to the DEQ and/or that the DEQ/WQD relied upon to agree with the allegations of the Developer that each of the three wells draw water only from an alluvial aquifer.

RESPONSE:

REQUEST NO. 2: Produce copies of all documents evidencing all reports, draft reports, data, analysis, drawings, diagrams or writings identifying or describing the location, use, production and date of priority of all ground water wells within a ½ radius of the three wells.

RESPONSE:

REQUEST NO. 3: Produce copies of all documents evidencing all tests, data, analysis, reports or other writings which reference groundwater flow beneath the Copperleaf Subdivision. This answer should include, but not necessarily be limited to, bacteriological and radiological data pursuant to DEQ Reg. Ch 12 §6(c)(v)(A).

RESPONSE:

REQUEST NO. 4: Produce copies of all documents evidencing data and analysis regarding the igneous “dike/Chinese Wall” geologic feature that bisects a portion of the proposed Copperleaf subdivision, and its potential effects on local groundwater flow.

RESPONSE:

REQUEST NO. 5: Produce all documents evidencing all measured data, tests or reports on the hydraulic gradient in the aquifer(s) proposed to be pumped for use in the Copperleaf Subdivision.

RESPONSE:

REQUEST NO. 6: Produce copies of all documents evidencing all tests, analyses, reports, studies or other documentation that describe or otherwise identify the soil (vadose zone) and subsurface groundwater conditions pursuant to DEQ Reg Ch 12 § 6(c)(i)(G) or otherwise for the proposed Copperleaf Subdivision.

RESPONSE:

REQUEST NO. 7: Produce copies of all documents evidencing al tests, analysis, reports, studies or other documentation that describes or otherwise identifies the general geology of the aquifer from which the three wells draw pursuant to DEQ Reg. Ch 12 §6(c)(v)(I) or otherwise for the proposed Copperleaf Subdivision.

RESPONSE:

REQUEST NO. 8: Produce copies of all documents evidencing the most specific and updated water quality data supplied by the Developers to or otherwise relied upon by the DEQ/WQD in granting the subject permit.

RESPONSE:

REQUEST NO. 9: Produce copies of all documents evidencing all hydrologic and geologic studies done regarding the distance between the proposed water supply wells, and the proposed Sheaffer lagoons/waste water system pursuant to DEQ Reg. Ch 3 §15 or otherwise for the proposed Copperleaf Subdivision.

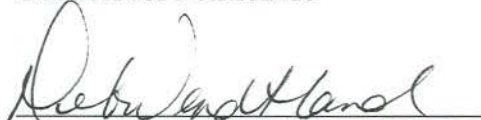
RESPONSE:

REQUEST NO. 10: Produce copies of all documents evidencing all current pump test methods and data for the aquifer(s) from which the three wells draw and for the three well sites.

RESPONSE:

Dated this 27 day of March, 2007.

Counsel for Petitioners



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CERTIFICATE OF SERVICE


I, Debra J. Wendtland, attorney for the Petitioners, in the above-entitled and numbered cause do hereby certify that on the 27th day of March, 2007, a true and correct copy of the foregoing PETITIONERS FIRST COMBINED INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS was placed in the United States Mail, first class, postage pre-paid and addressed to the following:

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