

Roger D. Ling, Esq.
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ISB No. 1018

Attorneys for Claimant,
William D. Jones and Son

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576,

Subcase No. 43-10356

**RESPONSES TO ROSCOE WARD'S
FIRST REQUESTS FOR ADMISSIONS**

COMES NOW the Claimant, William D. Jones and Son, by and through its attorney of record, Roger D. Ling of the firm Ling & Robinson, and pursuant to Rule 33 of the Idaho Rules of Civil Procedure, responds to Roscoe Ward's First Requests for Admissions served upon claimant by Roscoe Ward, as follows:

REQUEST FOR ADMISSION NO. 1: Admit that Almo Creek at times is a Tributary to Raft River.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Admit.

REQUEST FOR ADMISSION NO. 2: Admit that Almo Creek and its Tributaries have a separate Water District according to the decree of the State Court.

**RESPONSES TO ROSCOE WARD'S
FIRST REQUESTS FOR ADMISSIONS**

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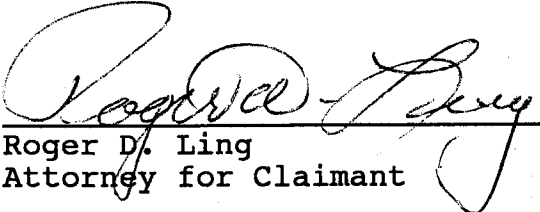
RESPONSE TO REQUEST FOR ADMISSION NO. 2: It is admitted that Almo Creek and its tributaries constitute a water district under the provisions of §42-604, Idaho Code, that provides that any stream tributary to another stream may be constituted into a separate water district when the use of the water therefrom does not affect or conflict with the rights to the use of the water of the main stream.

REQUEST FOR ADMISSION NO. 3: Admit that the William D. Jones and Son property involved in Subcase No. 43-10356 is not part of the Almo Creek decree and Water District.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Objection. It is impossible to respond to this Request for Admission as it is impossible to determine what is meant by "property" involved in Subcase No. 43-10356 or what is meant by "property" that is not part of the Almo Creek decree and Water District. It is admitted that Water Right No. 43-10356, authorizing a diversion of water from Almo Creek, is not a decreed right. It is denied that such diversion is not within Water District 43D which includes all of Almo Creek and its tributaries.

DATED this 3rd day of June, 2002.

LING & ROBINSON

By: 

Roger D. Ling
Attorney for Claimant

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3 STATE OF IDAHO)
4 County of Minidoka)

5 Roger D. Ling, being first duly sworn, deposes and says:

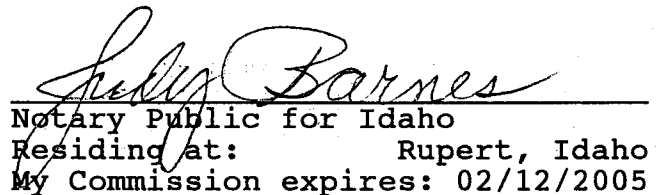
6 That he is one of the attorneys for the claimant in the
7 above entitled action, that he has read the above and foregoing
8 RESPONSES TO ROSCOE WARD'S FIRST REQUESTS FOR ADMISSIONS, knows the
9 contents thereof, and the facts stated he believes to be true.

10 
Roger D. Ling

11
12 SUBSCRIBED AND SWORN to before me this 3rd day of June, 2002.

13
14 (SEAL)

JUDY BARNES
NOTARY PUBLIC
STATE OF IDAHO

15 
Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission expires: 02/12/2005

16
17
18 **CERTIFICATE OF MAILING**

19 I hereby certify that on the 3rd day of June, 2002, I
20 served the of the foregoing Responses to Roscoe Ward's First
21 Requests for Admissions upon:

22 ORIGINAL: Roscoe Ward
P. O. Box 108
Almo, Idaho 83312

23 COPIES: Nolan K. Branch
1823 South 2330 East
24 Malta, Idaho 83342

25 Clark W. Ward
HC 61, Box 1560
26 Malta, Idaho 83342

27 RESPONSES TO ROSCOE WARD'S
28 FIRST REQUESTS FOR ADMISSIONS

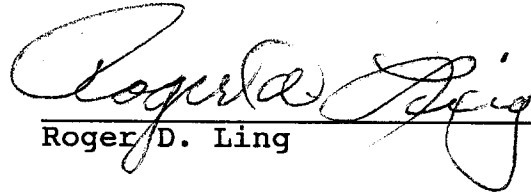
Rodney Hall
P. O. box 631
Malta, Idaho 83342

Warr Brothers
c/o Olene Warr
2231 South, 2350 East
Malta, Idaho 83342

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State of Idaho
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Boise, Idaho 83711-4449

by depositing said document in the United States mail, postage prepaid, in envelopes addressed to said parties/entities at the foregoing addresses.


Roger D. Ling