

RECEIVED

AUG 31 2006

DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657
Attorneys for Claimants The Terteling Company, Inc.
and T-7, LLC

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 38576) Subcase Nos. 63-12, 63-13, 63-15, 63-31057, 63-
31059, 63-31052, 63-30006, 63-31050, 63-31051,
63-31053, 63-31056, 63-31060, 63-31062, 63-
31054, 63-27671, 63-27649, 63-3603, 63-7595
AFFIDAVIT OF CHARLES L. HONSINGER
IN SUPPORT OF MOTION TO COMPEL

STATE OF IDAHO)
COUNTY OF ADA) ss

CHARLES L. HONSINGER, being first duly sworn upon his oath, deposes and says that:

1. I am the attorney the claimants The Terteling Company, Inc. and T-7, LLC in the above captioned Snake River Basin Adjudication subcases.
2. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
3. On June 29, 2006, on behalf of my clients, I submitted Interrogatories and Requests for Production to Edwards Family, LLC in all of the above-referenced subcases.
4. On July 11, 2006, I received an e-mail message from Dana Hofstetter, the attorney

COPY

for Edwards Family, LLC, requesting an extension of time within which to answer the discovery requests that had been served upon her client, and mentioning her concern that discovery had been served prior to an Initial Hearing. A true and accurate printed copy of that e-mail message is attached hereto as Exhibit "A".

5. On July 14, 2006, I responded by e-mail to Ms. Hofstetter's July 11, 2006, e-mail, granting her client the requested extension, and explaining that I was aware of nothing in either the Idaho Rules of Civil Procedure or SRBA Administrative Order No. 1 preventing the initiation of discovery prior to an Initial Hearing. A true and accurate printed copy of that e-mail message is attached hereto as Exhibit "B".

6. On July 18, 2006, after consulting with my clients, I sent Ms. Hofstetter an e-mail message explaining that a further extension of time within which her clients could respond to my client's discovery requests would not be granted. A true and accurate printed copy of that e-mail message is attached hereto as Exhibit "C".

7. On August 3, 2006, my office received the Edwards Family, LLC's Responses to my clients' Interrogatories and Requests for Production. The Responses were disappointing, to say the least. Edwards Family, LLC objected to every interrogatory on numerous bases, refusing to provide even the most basic information. In effect and in practicality, the Responses are completely useless and fail to provide any meaningful information. A true and accurate copy of Edwards Family, LLC's Responses to The Terteling Company, Inc's First Set of Interrogatories and Requests for Production to Edwards, LLC - Subcase Nos. 63-12, 63-13 and 63-15 is attached hereto as Exhibit "D". The Responses attached hereto as Exhibit "D" are exemplary of all of the responses received from Edwards, LLC. Other Responses to discovery received from Edwards

Family, LLC differ in no material respects from those attached as Exhibit "D".

8. I.R.C.P. 37(b)(2) provides that a party may move for an Order compelling discovery if a party fails to respond to discovery. I.R.C.P. 37(b)(3) provides that "an evasive or incomplete answer is to be treated as a failure to answer."

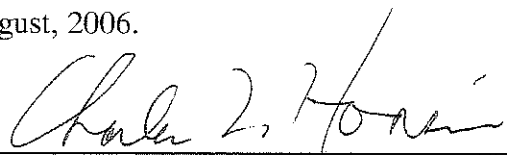
9. I hereby certify that I have attempted to confer with Edwards Family, LLC in good faith in an attempt to secure the requested discovery responses without resorting to a motion to compel in compliance with I.R.C.P. 37(a)(2). Attached hereto as Exhibit "E" is a August 14, 2006 letter from myself to Dana Hofstetter requesting meaningful discovery responses. To date, I have not received any such response, although Ms. Hofstetter has responded to my correspondence with an August 21, 2006 letter, a true and accurate copy of which is attached hereto as Exhibit "F".

10. I have searched the Idaho Rules of Civil Procedure and SRBA Administrative Order No. 1, and have found no provision preventing discovery prior to the issuance of a scheduling order in any subcase. It is my experience in civil litigation that discovery often proceeds prior to issuance of a scheduling order.

Further your affiant sayeth naught.

DATED this 30th day of August, 2006.

By:



Charles L. Honsinger

Sworn to and subscribed before me this 30th day of August, 2006.

Notary Public for Idaho
Residing in _____, Idaho
My Commission Expires:

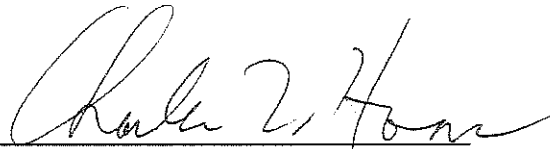
CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing document was made this 30th day of August, 2006, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702
Fax: (208)424-8744

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Charles L. Honsinger

Exhibit A

Charlie Honsinger

From: Hofstetter Law Office [Dana@IdahoWaterLaw.com]
Sent: Tuesday, July 11, 2006 4:05 PM
To: Charlie Honsinger
Cc: ewildman@srba.state.id.us
Subject: Claimant's Discovery Requests - SRBA Subcase Nos. 63-31054, 63-27671, 36-30006, 63-31050, 63-31051, 63-31053, 63-31056, 63-31060, 63-31062, 63-31052, 63-12, 63-13, 63-15, 63-31057, 63-31059, 63-27649, 63-3603, and 63-7595

Charlie:

As you know, on June 29, 2006 on behalf of T-7 LLC and The Tertetling Company you served by mail Discovery Requests (Interrogatories and Requests for Production) in the above-referenced SRBA subcases on me on behalf of my client, Edwards Family LLC. I have never been served with discovery requests before at such an early stage of the SRBA proceedings and I understand that it actually never occurs prior to Initial Hearings. Further, I note that under the new Civil Rules which became effective July 1, 2006, the time period for responding to Interrogatories and Requests for Production was extended to 30 days from 15 days. It is not clear whether the old deadline (of 15 days plus 3 days for service by mailing) or the new deadline (30 days plus 3 days for service by mailing) applies since the Response period was pending at the time the new Rules took effect. In any event, due to the fact that discovery ordinarily does not occur in SRBA proceedings until after the Initial Hearing, on behalf of Edwards Family LLC, I request an extension to Respond to these discovery requests until 30 days after the Initial Hearing is held. From talking to your receptionist on the phone today, I understand that you are out of the office today and tomorrow, returning on Thursday a.m., July 13, 2006. Please respond by e-mail to this extension request by 5 p.m. on July 13. If I do not receive a response by then, it likely will be necessary for me to file a Motion for Protective Order immediately thereafter, for which the right to pursue recovery of costs and fees will be reserved.

Thank you,
Dana

--
Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

Exhibit B

Charlie Honsinger

From: Charlie Honsinger
Sent: Friday, July 14, 2006 6:16 AM
To: Hofstetter Law Office
Subject: RE: Claimant's Discovery Requests - SRBA Subcase Nos. 63-31054, 63-27671, 36-30006, 63-31050, 63-31051, 63-31053, 63-31056, 63-31060, 63-31062, 63-31052, 63-12, 63-13, 63-15, 63-31057, 63-31059, 63-27649, 63-3603, and 63-7595

Dana:

I have been in a location without telephone or wireless access, and thus unavailable to either view or respond to your e-mail until this morning.

Regarding the due date of the responses: I believe that the date controlling the due date will be the discovery request service date - making them due within a 15 day period instead of a 30 day period. However, it does not matter as my client will grant your client an immediate 15 day extension (plus the three days for service by mail) to obviate your immediate need to file a Motion for Protective Order.

As to your request to wait until after an Initial Hearing before responding to the discovery requests, I must discuss such request with my client. I will be back in the office this coming Monday and will contact you within a day or two afterwards for discussion of this issue. However, I observe that nothing in the Rules or in SRBA Administrative Order No. 1 prevents the initiation of discovery prior to an Initial Hearing.

Regarding your reservation of rights to recover attorney fees and costs, my client likewise reserves its right to recover such attorney fees and costs in the event that your client moves forward with a Motion for Protective Order.

Charlie Honsinger

From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
Sent: Tue 7/11/2006 4:04 PM
To: Charlie Honsinger
Cc: ewildman@srba.state.id.us
Subject: Claimant's Discovery Requests - SRBA Subcase Nos. 63-31054, 63-27671, 36-30006, 63-31050, 63-31051, 63-31053, 63-31056, 63-31060, 63-31062, 63-31052, 63-12, 63-13, 63-15, 63-31057, 63-31059, 63-27649, 63-3603, and 63-7595

Charlie:

As you know, on June 29, 2006 on behalf of T-7 LLC and The Tertetling Company you served by mail Discovery Requests (Interrogatories and Requests for Production) in the above-referenced SRBA subcases on me on behalf of my client, Edwards Family LLC. I have never been served with discovery requests before at such an early stage of the SRBA proceedings and I understand that it actually never occurs prior to Initial Hearings. Further, I note that under the new Civil Rules which became effective July 1, 2006, the time period for responding to Interrogatories and Requests for Production was extended to 30 days from 15 days. It is not clear whether the old deadline (of 15 days plus 3 days for service by mailing) or the new deadline (30 days plus 3 days for service by mailing) applies since the Response period was pending at the time the new Rules took effect. In any event, due to the fact that discovery ordinarily does not occur in SRBA proceedings until after the Initial Hearing, on behalf of Edwards Family LLC, I request an extension to Respond to these discovery requests until 30 days after the Initial Hearing is held. From talking to your receptionist on the phone today, I understand that you are out of the office today and tomorrow, returning on Thursday a.m., July 13, 2006. Please respond by e-mail to

this extension request by 5 p.m. on July 13. If I do not receive a response by then, it likely will be necessary for me to file a Motion for Protective Order immediately thereafter, for which the right to pursue recovery of costs and fees will be reserved.

Thank you,
Dana

--

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

Exhibit C

Charlie Honsinger

From: Charlie Honsinger
Sent: Tuesday, July 18, 2006 3:44 PM
To: Hofstetter Law Office
Subject: RE: Claimant's Discovery Requests - SRBA Subcase Nos. 63-31054, 63-27671, 36-30006, 63-31050, 63-31051, 63-31053, 63-31056, 63-31060, 63-31062, 63-31052, 63-12, 63-13, 63-15, 63-31057, 63-31059, 63-27649, 63-3603, and 63-7595

Dana: As promised, I have discussed the issue of a further discovery response extension until the Initial Hearing (which has not yet been set) with my client. We came to the conclusion that we don't believe an extension of that length is necessary, and that it would benefit the parties to know more about your client's objections prior to the Initial Hearing. Please inform me if you believe I have missed a provision in either the IRCP or SRBA Administrative Order No. 1 that may address discovery prior to an Initial Hearing.

Charlie Honsinger

From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
Sent: Friday, July 14, 2006 10:34 AM
To: Charlie Honsinger
Cc: Eric Wildman
Subject: Re: Claimant's Discovery Requests - SRBA Subcase Nos. 63-31054, 63-27671, 36-30006, 63-31050, 63-31051, 63-31053, 63-31056, 63-31060, 63-31062, 63-31052, 63-12, 63-13, 63-15, 63-31057, 63-31059, 63-27649, 63-3603, and 63-7595

Charlie:

Thank you for the 15 day extension. Look forward to talking to you about a further extension next week.

Dana

--

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

Charlie Honsinger wrote:

Dana:

I have been in a location without telephone or wireless access, and thus unavailable to either view or respond to your e-mail until this morning.

Regarding the due date of the responses: I believe that the date controlling the due date will be the discovery request service date - making them due within a 15 day period instead of a 30 day period. However, it does not matter as my client will grant your client an immediate 15 day extension (plus the three days for service by mail) to obviate your immediate need to file a Motion for Protective Order.

As to your request to wait until after an Initial Hearing before responding to the discovery requests, I must discuss such request with my client. I will be back in the office this coming Monday and will contact you within a day or two afterwards for discussion of this issue. However, I observe that nothing in the Rules or in SRBA Administrative Order No. 1 prevents the initiation of discovery prior to an Initial Hearing.

Regarding your reservation of rights to recover attorney fees and costs, my client likewise reserves its right to recover such attorney fees and costs in the event that your client moves forward with a Motion for Protective Order.

Charlie Honsinger

From: Hofstetter Law Office [<mailto:Dana@IdahoWaterLaw.com>]

Sent: Tue 7/11/2006 4:04 PM

To: Charlie Honsinger

Cc: ewildman@srba.state.id.us

Subject: Claimant's Discovery Requests - SRBA Subcase Nos. 63-31054, 63-27671, 36-30006, 63-31050, 63-31051, 63-31053, 63-31056, 63-31060, 63-31062, 63-31052, 63-12, 63-13, 63-15, 63-31057, 63-31059, 63-27649, 63-3603, and 63-7595

Charlie:

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Thank you,
Dana

--

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

Exhibit D

Dana L. Hofstetter (ISB #3867)
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

Attorney for Edwards Family LLC

RECEIVED

AUG 03 2000

RINGERT CLARK

**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	)	
	)	Subcase Nos. 63-12, 63-13, and 63-15
	)	
Case 39576	)	EDWARDS FAMILY LLC'S RESPONSES TO
	)	THE TERTELING COMPANY, INC'S FIRST
	)	SET OF INTERROGATORIES AND
	)	REQUESTS FOR PRODUCTION TO
	)	EDWARDS, LLC
	)	

COMES NOW Edwards Family LLC by and through its counsel of record, Dana L. Hofstetter of Hofstetter Law Office, LLC, and hereby responds to the Claimant's First Set of Interrogatories and Requests for Production, pursuant to the Idaho Rules of Civil Procedure 26, 33 and 34.

GENERAL OBJECTIONS

Edwards Family LLC objects to the Requests for Production and Interrogatories, including the definitions and instructions, to the extent that they can be construed to impose obligations that are beyond the scope of the Idaho Civil Rules and/or SRBA Administrative Order No. 1. Edwards Family LLC responds to these discovery requests in accordance with those Rules and SRBA, A.O. 1 and not necessarily in accordance with the Claimant's instructions or definitions.

Edwards Family LLC further objects as these discovery requests were propounded at a premature stage of these proceedings before the issuance of a scheduling order, and early in the case investigation process prior to when witnesses and exhibits have been identified. Therefore, Edwards Family LLC reserves the right to supplement these discovery responses as case investigation proceeds and further information is identified.

Edwards Family LLC objects to the Interrogatories to the extent that they exceed the permissible number of interrogatories allowed by the Idaho Civil Rules.

Any answer to these discovery requests shall not be deemed as a waiver of these general objections. Edwards Family LLC reserves the right to seek an appropriate Protective Order with regard to any of the above general objections or any of the specific objections or privileges asserted below.

SPECIFIC RESPONSES

INTERROGATORY NO. 1: Please set forth the name, address, telephone number, and occupation of each and every individual known to you or your counsel who has knowledge of or who purports to have knowledge of any of the issues, facts or any of the occurrences which relate to the subject of this action, and set forth a full and accurate summary of knowledge possessed by such person.

RESPONSE TO INTERROGATORY NO. 1: Objection. Premature. Compound. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests privileged attorney-client communications. Requests attorney work product. Requests information in the possession of and/or equally available to the propounder. Without waiving these objections and reserving the right to reassert the same, Edwards Family LLC reserves the right to supplement this Response as discovery and investigation proceeds.

INTERROGATORY NO. 2: Please set forth the name, address, telephone number, and occupation of each person you may call as a witness at trial, and for each such witness, state the substance of his/her expected testimony.

RESPONSE TO INTERROGATORY NO. 2: Objection. Premature. Compound. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests privileged attorney-client communications. Requests attorney work product. Requests information in the

possession of and/or equally available to the propounder. Without waiving these objections and reserving the right to reassert the same, Edwards Family LLC responds as follows: The witnesses that Edwards Family LLC will call at trial have not yet been identified and this response will be supplemented in accordance with court deadlines when such witnesses have been determined.

INTERROGATORY NO. 3: Please identify each person whom you have consulted as an expert in connection with this litigation and please identify each person whom you may call as an expert witness at the trial of this action and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify as required by Rule 26(b)(4) of the applicable Rules of Civil Procedure together with all of the underlying facts and data as required by Rule 705 of the applicable Rules of Evidence.

RESPONSE TO INTERROGATORY NO. 3: Objection. Premature. Compound. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests privileged attorney-client communications. Requests attorney work product. Without waiving these objections and reserving the right to reassert the same, Edwards Family LLC responds as follows: The expert witnesses that Edwards Family LLC will call at trial have not yet been identified and this response will be supplemented in accordance with the applicable Rules and court deadlines when such witnesses have been determined.

INTERROGATORY NO. 4: Please identify each person with whom you or your representatives have communicated seeking information which in any way relates to the subject of this action.

RESPONSE TO INTERROGATORY NO. 4: Objection. Premature. Compound. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests privileged attorney-client communications. Requests attorney work product. Beyond the scope of discovery.

INTERROGATORY NO. 5: Please identify each person who supplied answers to these interrogatories and designate the answers or answer or part thereof supplied by such person. (This interrogatory is intended to discover principal sources of information and does not seek to ascertain the identity of mere draftsmen or persons responsible for the mechanical preparation of these answers.)

RESPONSE TO INTERROGATORY NO. 5: Objection. Premature. Compound. Overbroad. Burdensome. Harassing. Oppressive. Ambiguous. Requests privileged attorney-client communications. Requests attorney work product.

INTERROGATORY NO. 6: Please separately identify each communication which in any way relates to the subject of this action or which you may offer in evidence at the trial of this action. For each such communication please identify:

- a. Whether the communication was oral or written
- b. Who were the parties to the communication
- c. The date of the communication
- d. The substance of the communication
- e. The relevance of the communication to the issues in this case.

RESPONSE TO INTERROGATORY NO. 6: Objection. Premature. Compound. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Requests privileged attorney-client communications. Requests attorney work product. Requests information in the possession of and/or equally available to the propounder. Without waiving these objections and reserving the right to reassert the same, Edwards Family LLC reserves the right to supplement this Response as discovery and investigation proceeds.

REQUEST FOR PRODUCTION NO. 1: Please produce a copy of each and every written communication identified in your answer to Interrogatory No. 6.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: *See* Response to Interrogatory No. 6 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 7: Please separately identify each document, picture, and sound recording which in any way relates to the subject of this action, and explain its significance.

RESPONSE TO INTERROGATORY NO. 7: Objection. Premature. Compound. Overbroad. Burdensome. Harassing. Oppressive. Ambiguous. Vague. Requests privileged attorney-client communications. Requests attorney work product. Requests information in the possession of and/or equally available to the propounder. Without waiving these objections and reserving the right to reassert the same, Edwards Family LLC reserves the right to supplement this Response as discovery and investigation proceeds.

REQUEST FOR PRODUCTION NO. 2: Please produce copies of each and every document, picture and sound recording identified in your answer to Interrogatory No. 7.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: *See* Response to Interrogatory No. 7 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 8: Please identify each exhibit which you may offer into evidence at the trial of this action, the fact or facts intended to be proved by the use of the exhibit or the relevance of which is felt to justify the use of the exhibit and as to each such exhibit which consists of more than 15 pages or more than 3,000 words, quote or otherwise specifically designate each portion of such exhibit which you contend is the relevant portions thereof.

RESPONSE TO INTERROGATORY NO. 8: Objection. Premature. Compound. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests attorney work product and/or privileged attorney-client communications. Without waiving these objections and

reserving the right to reassert the same, Edwards Family LLC responds as follows: The exhibits that Edwards Family LLC will use at trial have not yet been identified and this Response will be supplemented in accordance with court deadlines when such exhibits have been determined.

REQUEST FOR PRODUCTION NO. 3: Please produce a copy of each and every exhibit identified in your answer to Interrogatory No. 8.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: See Response to Interrogatory No. 8 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 9: Please identify each statement made by anyone on your behalf, oral or written, which relates to any of the facts, issues or occurrences pertaining to this action. For each such statement please identify:

- a. Whether the statement was oral or written.
- b. Who made the statement.
- c. The person to whom the statement was made
- c. The date of the statement.
- d. The substance of the statement.
- e. The relevance of the statement to the issues in this case.

RESPONSE TO INTERROGATORY NO. 9: Objection. Premature. Compound. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests privileged attorney-client communications. Requests attorney work product. Requests information in the possession of and/or equally available to the propounder. Without waiving these objections and reserving the right to reassert the same, Edwards Family LLC reserves the right to supplement this Response as discovery and investigation proceeds.

REQUEST FOR PRODUCTION NO. 4: Please produce a copy of each and every written statement identified in your answer to Interrogatory No. 9.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: See Response to Interrogatory No. 9 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 10: If you contend that The Terteling Company, Inc. or any agent, predecessors in interest or other person who could make an admission binding on The Terteling Company, Inc. has admitted a fact material to your position with respect to the subject of this action, please identify who made each admission, what the admission is and whether there are any documents which purport to reflect that an admission occurred.

RESPONSE TO INTERROGATORY NO. 10: Objection. Premature. Compound. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests information in the possession of and/or equally available to the propounder. Without waiving these objections and reserving the right to reassert the same, Edwards Family LLC reserves the right to supplement this Response as discovery and investigation proceeds.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents that you assert support or may support your position with respect to the subject of this action.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Objection. Premature. Compound. Overbroad. Burdensome. Harassing. Oppressive. Ambiguous. Vague. Requests privileged attorney-client communications. Requests attorney work product. Requests information in the possession of and/or equally available to the propounder. Without waiving these objections and reserving the right to reassert the same, Edwards Family LLC reserves the right to supplement this Response as discovery and investigation proceeds.

INTERROGATORY NO. 11: Your objections in subcases 63-12, 63-13, and 63-15 state that "The Stewart Gulch Geothermal Aquifer should be managed as a separate source pursuant to *Silkey v. Tiegs*." Please set forth the basis for this objection.

RESPONSE TO INTERROGATORY NO. 11: Objection. Premature. Compound. Overbroad. Burdensome. Ambiguous. Vague. Requests information beyond the proper scope of discovery. Requests analysis of purely legal matters. Requests privileged attorney-client communications. Requests attorney work product. Requests information in the possession of and/or equally available to the propounder.

REQUEST FOR PRODUCTION NO. 6: Please produce all documents that you assert support or may support your answer to Interrogatory No. 11.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: *See* Response to Interrogatory No. 11 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 12: Please identify the supportive language relied upon in *Silkey v. Tiegs* that clarifies your contention that the water rights in subcases 63-12, 63-13, and 63-15 should be managed as a separate source.

RESPONSE TO INTERROGATORY NO. 12: Objection. Duplicative. *See also* Response to Interrogatory No. 11 above which is incorporated herein as if set forth in full.

REQUEST FOR PRODUCTION NO. 7: Please produce all documents that you assert support or may support your answer to Interrogatory No. 12.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: *See* Response to Interrogatory No. 12 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 13: Your objections in subcases 63-12, 63-13, and 63-15 state that "heating is not a year round use." Please set forth the basis for this statement.

RESPONSE TO INTERROGATORY NO. 13: Objection. Statement is self-explanatory.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents that you assert support or may support your answer to Interrogatory No. 13.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: *See* Response to Interrogatory No. 13 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 14: Your objections in subcases 63-12, 63-13, and 63-15 state that "The provisions listed under 'Explanatory Material' (except for 'Basis of Claim') should be listed under 'Other Provisions.'" Please set forth the basis for this statement.

RESPONSE TO INTERROGATORY NO. 14: Objection. Premature. Compound. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests information beyond the proper scope of discovery. Requests analysis of purely legal matters. Requests privileged attorney-client communications. Requests attorney work product. Requests information in the possession of and/or equally available to the propounder.

REQUEST FOR PRODUCTION NO. 9: Please produce all documents that you assert support or may support your answer to Interrogatory No. 14.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: *See* Response to Interrogatory No. 14 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 15: Your objections in subcases 63-12, 63-13, and 63-15 state that "A statement that this right is no longer diverted under artesian conditions without pumping should be included in 'Other Provisions.'" Please set forth the basis for this statement.

RESPONSE TO INTERROGATORY NO. 15: Objection. Premature. Compound. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests information beyond the proper scope of discovery. Requests analysis of purely legal matters. Requests privileged attorney-client communications. Requests attorney work product. Requests information in the possession of and/or equally available to the propounder. Without waiving these Objections and reserving the right to reassert the same Edwards Family LLC responds as follows: This statement is self-explanatory.

REQUEST FOR PRODUCTION NO. 10: Please produce all documents that you assert support or may support your answer to Interrogatory No. 15.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: *See* Response to Interrogatory No. 15 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 16: Please set forth the basis of your objections to the Quantity element as recommended in the Director's Report in subcases 63-12, 63-13, and 63-15.

RESPONSE TO INTERROGATORY NO. 16: Objection. Premature. Compound.

Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests information beyond the proper scope of discovery. Requests privileged attorney-client communications. Requests attorney work product. Requests information in the possession of and/or equally available to the propounder. Without waiving these Objections and reserving the right to reassert the same Edwards Family LLC responds as follows: Matters necessary to define or administer this element are improperly in the Explanatory Material section.

REQUEST FOR PRODUCTION NO. 11: Please produce all documents that you assert support or may support your answer to Interrogatory No. 16.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: *See* Response to Interrogatory No. 16 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 17: Please set forth the basis of your objection to the Purpose of Use element as recommended in the Director's Report in subcases 63-12, 63-13, and 63-15.

RESPONSE TO INTERROGATORY NO. 17: *See* Response to Interrogatory No. 16 above which is incorporated herein as if set forth in full.

REQUEST FOR PRODUCTION NO. 12: Please produce all documents that you assert support or may support your answer to Interrogatory No. 17.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: *See* Response to Interrogatory No. 17 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 18: Please set forth the basis of your objections to the Point of Diversion element as recommended in the Director's Report in subcases 63-12, 63-13, and 63-15.

RESPONSE TO INTERROGATORY NO. 18: *See* Responses to Interrogatory Nos. 15 and 16 which are incorporated herein as if set forth in full.

REQUEST FOR PRODUCTION NO. 13: Please produce all documents that you assert support or may support your answer to Interrogatory No. 18.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: *See* Response to Interrogatory No. 18 above which is incorporated herein as if set forth in full.

INTERROGATORY NO. 19: Please set forth the basis of your objections to the Place of Use element as recommended in the Director's Report in subcases 63-12, 63-13, and 63-15.

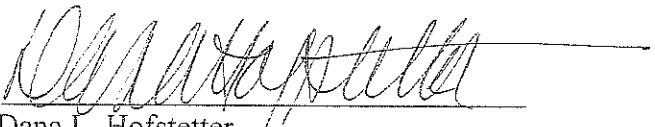
RESPONSE TO INTERROGATORY NO. 19: *See* Response to Interrogatory No. 16 above which is incorporated herein as if set forth in full. Also, duplicate 63-31054 should be corrected.

REQUEST FOR PRODUCTION NO. 14: Please produce all documents that you assert support or may support your answer to Interrogatory No. 19.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: See Response to Interrogatory No. 19 above which is incorporated herein as if set forth in full.

DATED this 1st day of August, 2006.

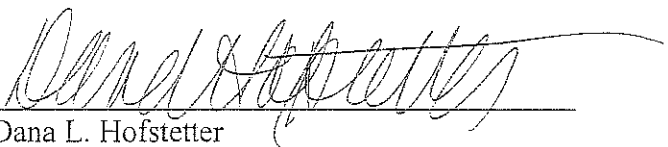
HOFSTETTER LAW OFFICE, LLC

By: 
Dana L. Hofstetter
Attorney for Edwards Family LLC

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served the foregoing document this 1st day of August 2006, by mailing the original thereof, postage pre-paid, to:

Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, Idaho 83701-2773



Dana L. Hofstetter

Exhibit E



Laura E. Burt
Jeffrey R. Christenson
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
Patrick D. Furey
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
William F. Ringert
Daniel V. Steenson
Allyn L. Sweeney
Samuel Kaufman (1921-1986)

August 14, 2006

Ms. Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702
Fax: (208)424-8744

Re: SRBA Subcase Nos. 63-12, 63-13, 63-15, 63-31057, 63-31059, 63-31052, 63-30006, 63-31050, 63-31051, 63-31053, 63-31056, 63-31060, 63-31062, 63-31054, 63-27671, 63-27649, 63-3603, 63-7595

Dear Dana:

This correspondence is The Terteling Company Inc.'s and Terteling Trust No. 7's request that your client, Edwards Family LLC, respond to the discovery requests propounded in the above-referenced subcases in a meaningful manner. As you are aware, Edwards Family, LLC responded to the propounded discovery by objecting to and refusing to meaningfully answer virtually every single interrogatory and Request for Production propounded. There are multiple stated bases for most of your client's objection, but the overriding objection appears to be that the discovery requests were propounded prior to the issuance of a Scheduling Order in these subcases.

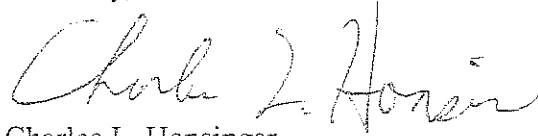
As I explained in a response to the same concern you raised in your July 11, 2006 e-mail to me, there is nothing in the Idaho Rules of Civil Procedure or the SRBA Court's Administrative Order No. 1 that prevents discovery from being propounded once an objection has been filed with the SRBA District Court. Moreover, it is my experience in civil litigation that discovery is often initiated prior to the issuance of any scheduling order. The simple fact is, that given that your client has objected to the recommendations of 18 of my clients' water rights, it would be helpful to all parties concerned to have some idea of the nature and basis of those objections as soon as possible. Disclosure of the requested information may well result in the resolution of at least some of your clients' objections - obviating the need for further proceedings in those subcases.

If your client does not meaningfully supplement its responses to the discovery requests propounded by my client in the above-referenced subcases by Monday, August 21, 2006, it is my client's intent to file a Motion to Compel with the SRBA District Court, which will include a

Dana Hofstetter
August 14, 2006
Page 2

request for attorney fees under I.R.C.P. 37(b)(4). Please request your client to answer the discovery that has been propounded so that no such Motion to Compel is necessary.

Sincerely,

A handwritten signature in cursive script, reading "Charles L. Honsinger". The signature is written in dark ink and is positioned above the printed name.

Charles L. Honsinger

cc: client

Exhibit F

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

August 21, 2006

Via Facsimile and U.S. Mail

Charles L. Honsinger
Ringert Clark
P.O. Box 2773
Boise, Idaho 83701-2773

RECEIVED

AUG 22 2006

RINGERT CLARK

Re: SRBA Subcase Nos. 63-12, 63-13, 63-15, 63-3603, 63-7595, 63-27649,
63-27671, 63-30006, 63-31050, 63-31051, 63-31052, 63-31053, 63-31054,
63-31056, 63-31057, 63-31059, 63-31060, and 63-31062.

Dear Charlie:

This letter responds to your August 14, 2006 letter regarding discovery propounded in the above-referenced subcases. As discussed more fully below, Edwards Family LLC's ("Edwards") discovery responses are fully adequate and a Motion to Compel would be unwarranted under the circumstances.

A review of the seven (7) sets of subject discovery requests covering the above-referenced 18 subcases that The Terteling Company and/or T-7 LLC (collectively "Terteling") served on Edwards on or about June 29, 2006, indicates that the requests generally fall into the following two categories: 1. Requests regarding the identification of persons with knowledge, lay witnesses, expert witnesses, documents, statements and exhibits ("Witness and Document Requests"); and 2. Requests regarding the bases for various statements in the respective Objections ("Basis Requests").

With regard to the Witness and Document Requests it is noted that we are at a very early stage of these proceedings and that since the 18 subject subcases relate to Terteling's water rights, Edwards generally has less information available to it than Terteling. The information and documentation that Edwards relied on in drafting the Objections and the Discovery Responses largely is public information that is equally available to Terteling. To the extent that Edwards' attorneys and/or engineers developed any analysis in the process of drafting such documents, such information would be protected by the attorney work product doctrine. Further, of course, any communications between Edwards and its attorney on these matters would be privileged. Additionally, I would note that at this point, witnesses and exhibits for trial have not been identified yet and accordingly Edwards' discovery responses state that these responses along with its responses to other Witness and Document Requests will be supplemented in accordance with the Rules of Civil Procedure and applicable Court Orders as appropriate when additional information becomes available.

The Basis Requests generally seek more information about specific statements in Edwards' Objections. In many instances, the Basis Requests seek purely legal information that is not the proper subject of discovery. Examples of such Basis Requests are the following:

INTERROGATORY NO. 12: Please identify the supportive language relied upon in *Silkey v. Tiegs* that clarifies your contention that the water rights in subcases 63-12, 63-13, and 63-15 should be managed as a separate source.

INTERROGATORY NO. 13: Your objection to the claim in subcase 63-31054 states: "Otherwise, the following changes should be made: The following provision should be listed under 'Other Provisions Necessary for Definition or Administration of this Water Right:' Water shall not be diverted and used for irrigation under this right unless the water is first used for an authorized purpose requiring the heat value of the low-temperature geothermal resource." Please set forth the basis for this suggestion.

Since, these Basis Requests and others like them sought purely legal analysis, they were objected to on that basis and not answered.

Where, however, Basis Requests did not seek purely legal analysis, they were answered as appropriate:

INTERROGATORY NO. 18: Please set forth the basis of your objection to the Point of Diversion element as recommended in the Director's Report in subcase 63-27671.

RESPONSE TO INTERROGATORY NO. 18: :

Objection. Premature. Overbroad. Burdensome. Oppressive. Harassing. Ambiguous. Vague. Requests information beyond the proper scope of discovery. Requests attorney work product. Requests information in the possession of and/or equally available to the propounder. Without waiving these objections and reserving the right to reassert the same Edwards Family LLC responds as follows: Matters necessary to define or administer this element are improperly in the Explanatory Material section and the common name for this well should be provided.

As this Response demonstrates, Edwards attempted to respond to each of Terteling's discovery requests to the extent the discovery request fell within the proper boundaries of discovery, did not seek protected information and asked for information in Edwards' possession that was not equally available to Terteling.

In summary, Edwards believes it has provided all the information it currently has in its possession that is properly subject to discovery. For this reason, we do not believe that a Motion to Compel is warranted. Accordingly, if a Motion to Compel is pursued, Edwards intends to seek available relief, including without limitation, recovery of its fees and costs, for responding to such a Motion. Thank you for your consideration of this matter.

Sincerely,

HOFSTETTER LAW OFFICE, L.L.C.

A handwritten signature in black ink, appearing to read "Dana Hofstetter", with a long horizontal flourish extending to the right.

Dana L. Hofstetter