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Attorneys for AV-CB, 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 No. 39576

Subcase No.: 63-4175

**AV-CB, LLC'S FIRST SET OF DISCOVERY
REQUESTS TO THE BOISE-KUNA
IRRIGATION DISTRICT**

**TO: OBJECTOR BOISE-KUNA IRRIGATION DISTRICT and its attorneys,
SHELLY M. DAVIS OF BARKER ROSHOLT & SIMPSON, LLP:**

AV-CB, LLC, by and through its attorneys, Naylor & Hales, P.C., and pursuant to the Idaho Rules of Civil Procedure, hereby request that the Objector answer the following Interrogatories and Requests for Production within thirty (30) days from the date of service herein, in conformance with the provisions of the Idaho Rules of Civil Procedure.

Preliminary Statement

1. In answering these Interrogatories, please furnish all information available to you, including information in the possession of your officers, employees, agents or representatives retained by you or your attorneys, not merely information known of your own personal knowledge.

**AV-CB, LLC'S FIRST SET OF DISCOVERY REQUESTS TO THE BOISE-KUNA
IRRIGATION DISTRICT -1.**

COPY

2. If you cannot answer any of the following Interrogatories in full, after exercising due diligence to secure the information to do so, please 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.

3. If your answers are qualified in any particular manner please set forth the terms and explanations of each such qualification. If any answer is given which states an objection on any ground, please state such grounds completely. If the discovery request is only partly objectionable, answer the remainder of the questions as required by these instructions.

4. These discovery requests are deemed continuing interrogatories and your answers thereto are to be supplemented as additional information and knowledge becomes available or known to you or your attorneys.

5. The term "you" in these interrogatories shall refer to each plaintiff collectively and individually. In responding to these interrogatories, please specify, when applicable, which plaintiff has supplied or obtained the information provided.

INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, and telephone number of each and every person who has, or purports to have, knowledge of facts concerning the subject matter of this action, and for each such person, provide a summary of their knowledge of such facts.

INTERROGATORY NO. 2: State the name, address, and telephone number of each and every person you intend to call as a witness at the trial of this matter, and provide a summary of the facts to which each such person may testify.

INTERROGATORY NO. 3: State the name, address, and telephone number of each expert witness you intend to call at the trial of this matter, and state the subject matter on which the expert is expected to testify, and state the substance of the facts and opinions to which the expert is expected to testify.

INTERROGATORY NO. 4: If you intend to introduce documentary, written, or tangible items of evidence as exhibits at the trial of this matter, please state as to each such item a general description thereof, who wrote or created it, to whom it was sent or by whom it was received, and whether you have a copy thereof.

INTERROGATORY NO. 5: Identify all facts that support your claim that the source of the water right at issue in this SRBA subcase is wastewater belonging to the Boise-Kuna Irrigation District.

INTERROGATORY NO. 6: Identify all facts that support your claim that there has been no lawful appropriation of the water right in this SRBA subcase.

INTERROGATORY NO. 7: Identify all facts that support your claim that “[t]he waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation.”

INTERROGATORY NO. 8: Identify all facts that support your claim that “any attempted development of this right [in this SRBA subcase] constitutes a trespass against the drains of the Boise-Kuna Irrigation District.”

INTERROGATORY NO. 9: For each year since 2004, identify the dates on which the Objector 1) initiated water flow in all canals or other water sources from which Objector asserts the wastewater in this SRBA subcase is derived, and 2) ceased water flow in all canals or other water

sources from which Objector asserts the wastewater in this SRBA subcase is derived. In so answering, please identify the canal or other water source for all initiation/cessation dates provided.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support each and every specific allegation you have made in objection to claimant AV-CB LLC's water right in the SRBA subcase 63-4175.

REQUEST FOR PRODUCTION NO. 2: Produce all documents and/or other evidence identified in answer to any of the previous Interrogatories.

REQUEST FOR PRODUCTION NO. 3: Produce all documents and/or other evidence upon which you have relied in answering any of the previous Interrogatories.

REQUEST FOR PRODUCTION NO. 4: Produce all documents and/or other evidence which you may use as exhibits at the trial of this matter, including documents and/or other evidence that may be utilized as exhibits by experts you may have testify at trial.

REQUEST FOR PRODUCTION NO. 5: Produce all documents and/or other evidence that support your claim that the source of the water right at issue in this SRBA subcase is wastewater belonging to the Boise-Kuna Irrigation District.

REQUEST FOR PRODUCTION NO. 6: Produce all documents and/or other evidence that support your claim that there has been no lawful appropriation of the water right in this SRBA subcase.

REQUEST FOR PRODUCTION NO. 7: Produce all documents and/or other evidence that support your claim that "[t]he waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation."

AV-CB, LLC'S FIRST SET OF DISCOVERY REQUESTS TO THE BOISE-KUNA IRRIGATION DISTRICT -4.

REQUEST FOR PRODUCTION NO. 8: Produce all documents and/or other evidence that support your claim that “any attempted development of this right [in this SRBA subcase] constitutes a trespass against the drains of the Boise-Kuna Irrigation District.”

REQUEST FOR PRODUCTION NO. 9: Produce all documents and/or other evidence that pertains in any way to the water right that is the subject of this SRBA subcase.

DATED this 13th day of November, 2007.

NAYLOR & HALES, P.C.

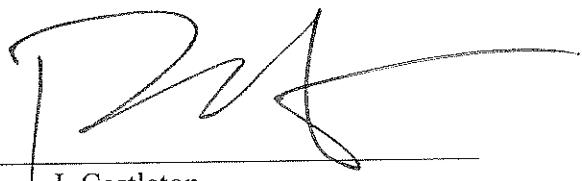


Bruce J. Castleton
Attorney for AV-CB, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of November, 2007, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Michael P. Lawrence	<u>X</u>	U.S. Mail
John M. Marshall	___	Hand Delivered
Givens Pursley, LLP	___	Federal Express
601 W. Bannock St.	<u>X</u>	Fax Transmission
P.O. Box 2720		388-1300
Boise, ID 83701-2720		
Represents Wilson Properties LP		
 Shelley M. Davis	<u>X</u>	U.S. Mail
Barker Rosholt & Simpson, LLP	___	Hand Delivered
1010 W. Jefferson, Suite 102	___	Federal Express
P.O. Box 2139	<u>X</u>	Fax Transmission
Boise, ID 83701-2139		344-6034
Represents Boise-Kuna Irrigation District		
 United States Department of Justice	<u>X</u>	U.S. Mail
Environment and Natural Resource Division	___	Hand Delivered
550 W. Fort Street, MSC 033	___	Federal Express
Boise, ID 83724	<u>X</u>	Fax Transmission
Represents USDI Bureau of Reclamation		387-0842
 Director of IDWR	<u>X</u>	U.S. Mail
P.O. Box 83720	___	Hand Delivered
Boise, ID 83720-0098	___	Federal Express
	<u>X</u>	Fax Transmission
		287-6701



Bruce J. Castleton

M:\General Representation\Clients A to M\AV-CB, LLC\Water Rights-SRBA\63-4175\63-4175_02 First Set of Discovery Requests (Boise-Kuna Irr Dist).wpd

AV-CB, LLC'S FIRST SET OF DISCOVERY REQUESTS TO THE BOISE-KUNA IRRIGATION DISTRICT -6.