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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 RESPONSES TO BOISE-
KUNA IRRIGATION DISTRICT'S FIRST
INTERROGATORIES, REQUESTS FOR
ADMISSION AND REQUESTS FOR
PRODUCTION**

COMES NOW AV-CB, LLC, by and through their attorneys of record, the law firm of Naylor & Hales, P.C., pursuant to the Idaho Rules of Civil Procedure, and respond to Boise-Kuna Irrigation District's First Interrogatories, Requests for Admission and Requests for Production as follows:

PRELIMINARY NOTE

AV-CB, LLC has not yet completed discovery in this matter and therefore do not possess complete information at the present time. AV-CB, LLC reserves the right to supplement or amend any or all of the responses contained herein once they have had an opportunity to complete discovery regarding the matters referred to in the Boise-Kuna Irrigation District's First Interrogatories, Requests for Admission, and Requests for Production.

**AV-CB, LLC'S RESPONSES TO BOISE-KUNA IRRIGATION DISTRICT'S FIRST
INTERROGATORIES, REQUESTS FOR ADMISSION AND REQUESTS FOR PRODUCTION - 1**

COPY

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Please admit that the water that you claim as the source of the waters claimed in claim number 63-4175 are waste waters, or live irrigation waters belonging to the Boise-Kuna Irrigation District.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 2: Please admit that any water that may appear in the source identified by the claimant in claim number 63-4175, Tenmile Creek, during the months of November through March of each year, is not sufficient to support the irrigation claim of 0.5 cfs to support 60 acres of irrigable land.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 3: Please admit that there is no measurable flow of water in the source identified by claimant in claim number 63-4175, Tenmile Creek, during the months of November through March of each year.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 4: Please admit that Claimant has no installed measuring device at the point of diversion identified in claim number 63-4175.

RESPONSE: Admit.

INTERROGATORIES

INTERROGATORY NO. 1: Please describe with specificity the historical irrigation practices of Claimant with respect to claim number 63-4175.

ANSWER: Object as to the term “historical irrigation practices” as this term is ambiguous and vague. Without waiving this objection, the water utilized under this water right has

been historically used for agricultural purposes, specifically for irrigating crops and watering livestock.

INTERROGATORY NO. 2: Please identify all persons with knowledge as to the historical irrigation practices of Claimant with respect to claim number 63-4175. Please include addresses and telephone numbers for all persons identified in response to this Interrogatory.

ANSWER: The following persons may have knowledge regarding the historical irrigation practices with respect to claim number 63-4175:

Michael Rodriguez
c/o Naylor & Hales, P.C.

Bradford Paine Shaw
4937 N. Hollow Ln.
Boise, ID 83702

Camille Shaw
4937 N. Hollow Ln.
Boise, ID 83702

Rolland Megorden
2631 S. Hibernation Place
Meridian, ID

Karen Megorden
2631 S. Hibernation Place
Meridian, ID

INTERROGATORY NO. 3: Please identify all persons whom you expect to call as witnesses at the trial of SRBA Sub-case No. 63-4175

ANSWER: AV-CB, LLC has yet to determine what persons it may call as witnesses at trial. AV-CB, LLC will identify these individuals in conformance with the applicable rules of civil procedure and pre-trial disclosure orders.

INTERROGATORY NO. 4: Please identify all documents that you intend to introduce as exhibits at the trial of SRBA Sub-case No. 63-4175.

ANSWER: AV-CB, LLC has yet to determine what documents it may introduce as exhibits at trial. AV-CB, LLC will identify these documents in conformance with the applicable rules of civil procedure and pre-trial disclosure orders.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce all documents upon which the Claimant relied to answer any of the foregoing Interrogatories.

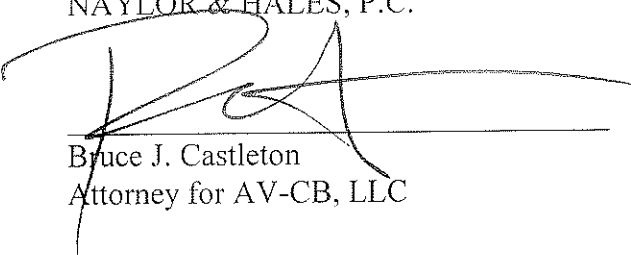
RESPONSE: AV-CB, LLC has relied upon the Idaho Department of Water Resources' publicly available files. AV-CB, LLC reserves the right to supplement these responses pursuant to the applicable rules of civil procedure.

REQUEST FOR PRODUCTION NO. 2: For any documents withheld on the basis of some claimed privilege, please produce a privilege log.

RESPONSE: AV-CB, LLC answers none at this time. AV-CB, LLC reserves the right to supplement these responses pursuant to the applicable rules of civil procedure.

DATED this 14th day of December, 2007.

NAYLOR & HALES, P.C.

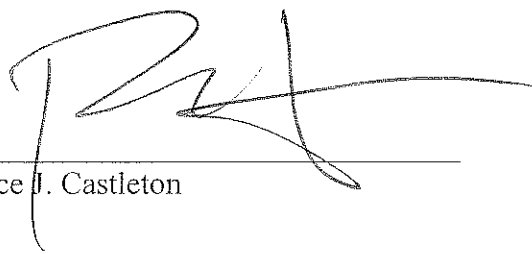


Bruce J. Castleton
Attorney for AV-CB, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of December, 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.	___	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	___	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	___	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
	___	Fax Transmission
		287-6701



Bruce J. Castleton

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