

RECEIVED

December 18, 2007

Jeanette Wolfley
Attorney at Law
202 North Arthur
Pocatello, ID 83204

DEC 26 2007
DEPARTMENT OF
WATER RESOURCES

I am enclosing my answers to the Discovery requests that were recently mailed to me.

I am also enclosing a letter with attached documents from the Shoshone Bannock Tribes Water Resources Department proposing a possible settlement. I am very interested in the proposed attachment.

I am also enclosing a copy of an order granting motion to file late objection and setting deadline that I received from Brigitte Bilyeu, Special Master.

I am also enclosing a letter from Cindy Bird regarding the volume objection on my irrigation water right.

I was told by Cindy Bird of the Idaho Dept of Water Resources that the Department had not granted my irrigation claim because there was no volume measure. It was my understanding that Cindy went out to my farm in the summer of 2007 to take some pressure tests so she could determine the amount of water I have used over the years. Unfortunately 2007 was a low water year so I am not sure if the measurement she took will accurately reflect the correct volume. I have not been told of the results of her tests.

I am anxious to settle this as soon as possible in a fair and equitable way for everyone involved. I would appreciate the support of the Idaho Department of Water Resources, the Shoshone-Bannock Tribes and the Special Master of the SRBA District Court in getting this resolved.

Although this is a small amount of water which never enters the Blackfoot River, it is nevertheless important to me and my family. We feel we have used the water prudently over the last 50-plus years and have not deprived any other person or entity of any water that was available to them. If we were not using this water it would not increase the water for anyone else. We would like to continue to use the water as we have in the past.

Should you have any questions or if I have not properly responded to any question or procedure, please contact me.

Wm. Bart Conlin
8569 60th Drive
Elmhurst, NY 11373
718-672-2031

Wm Bart Conlin
12-21-2007

Copies to:

State of Idaho, Idaho Department of Water Resources
Cindy Bird
15 West Center Street
Soda Springs, ID 83276

State of Idaho
Natural Resources Division
Attorney General's Office
P. O. Box 44449
Boise, ID 83711-4449

Director of Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Adjudication Bureau
Idaho Dept of Water Resources
900 N. Skyline, Ste A
Idaho Falls, ID 83402-3653



Shoshone-Bannock Tribes

TRIBAL WATER RESOURCES DEPARTMENT

P.O. Box 306
Fort Hall, Idaho 83203

Phone: 208-239-4583
Fax: 208-239-4592

February 21, 2007

William Bart Conlin Inc.
New York New York S Mission
85-69 60TH Drive
Elmhurst, NY 11373-5547

Dear Water Claimant:

As you know the Shoshone-Bannock Tribes have objected to water rights claims where a volumetric limit was not placed on your water right as recommended in the State of Idaho's Director's report. The Snake River Basin Adjudication Court has scheduled all water right objections for trial in November 2007. Your water right is one of those right(s).

The Tribes would like to settle your stockwater claim(s) and propose to settle stockwater claim(s) using the following formula:

$$\text{number of stock} \times \frac{\text{\# gallons/day}}{\text{head}} \times \text{period use (days)} \times \frac{1 \text{ acre-ft}}{\text{\# gallons}} \Rightarrow \text{volume (AFY)}$$

We have settled numerous claims using this formula. If you are willing to consider settling, we need the following information from you: 1) type of stock (e.g. cattle, cow-calf pairs, sheep, horses, elk); 2) number of stock; and 3) actual period of use. We will generally use the period of use as listed on the recommended water right, however the State of Idaho will require the actual period of use to come up with a more realistic number. For example, if your water right has a period of use for 365 days a year and your cattle only use this water right 6 months of the year then a period of use of 6 months would be used to calculate the volume.

If you wish to settle Tribal objections to your stockwater claims please fill out the attached form and place it in the enclosed self-addressed stamped envelope. We will calculate your water claim using this formula, and then contact you. Should you have additional questions or need further clarification of this letter, please feel free to call me at (208) 239-4581. Thank you for your consideration of our proposal.

Sincerely,

Spence Ward
Deputy Tribal Water Engineer

March 16, 2007

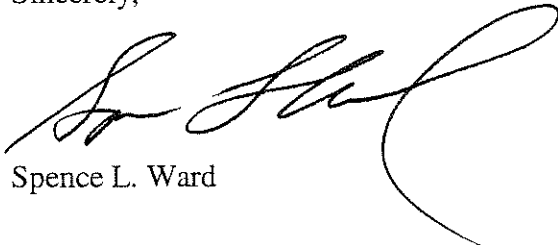
Dear Mr. Conlin,

The stock water volume was reached from the information you provided on the stock water calculation sheet. The 214 days would be from May 1 through the end of November as you indicated.

The irrigation of 10 acres has not been added to the water right as of today. The paralegal, Gail Martin and I checked the IDWR site and no amendment had been made by IDWR. I was reading through your file and remember talking with you and Cindy Bird about the 10 acres you irrigate. The irrigation volume calculated on the bottom of the water right enclosed is what the Tribes would suggest if and when the 10 acres of irrigable land was added to your water right.

Let me know if these volumes are acceptable to you. Good luck on your mission, and hope all is well.

Sincerely,

A handwritten signature in black ink, appearing to read 'Spence L. Ward', with a large, sweeping flourish extending from the end of the signature.

Spence L. Ward

11/09/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-4020

NAME AND ADDRESS: WILLIAM BART CONLIN INC
BOX 753
SODA SPRINGS ID 83276

SOURCE: GARDINER SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1956

POINT OF
DIVERSION: T07S R42E S23 NENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	05/01 11/01	0.020 CFS

2.63 AFY

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R42E S22 NENE

DOMESTIC Within CARIBOU County

T07S R42E S22 NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 cattle

$$\text{STOCKWATER: } \left(200 \text{ COW/CALF} \right) \left(\frac{20 \text{ GAL/DAY}}{\text{COW/CALF}} \right) \left(214 \text{ DAYS} \right) \left(\frac{1 \text{ AC} \cdot \text{FT}}{325,850 \text{ GAL}} \right) = \underline{\underline{2.63 \text{ AFY}}}$$

$$\text{IRRIGATION: } \left(\frac{3.1 \text{ AC} \cdot \text{FT}}{\text{AC}} \right) \left(10 \text{ AC} \right) = \underline{\underline{31 \text{ AFY}}}$$

2006 SEP -7 PM 3: 44

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	ORDER GRANTING MOTION TO
	)	FILE LATE OBJECTION AND
Case No. 39576	)	SETTING DEADLINE
	)	
	)	SUBCASE NO.: 27-04020
	)	

I. PROCEDURAL BACKGROUND

An *Objection* was filed on July 27, 2006 by William Bart Conlin, Inc. The SRBA District court treated the *Objection* as a *Motion to File Late Objection*. The *Motion* seeks to amend the notice of claim for this water right by increasing the acreage. A hearing was held on the *Motion* on September 6, 2006.

II. STANDARD OF REVIEW

The SRBA Administrative Orders do not provide a standard to be applied for filing late objections. However, the court's administrative rules set forth that *Motions to File a Late Notice of Claim* are to be reviewed under the criteria of I.R.C.P. 55(c) and 60(b). *SRBA Administrative Order 1 (AO1) § 4 (d)(2)(d)*.

According to case law and the Rules of Civil Procedure, a court applies the criteria of I.R.C.P. 55(c) when determining whether to allow the filing of a late answer. *Motions for Late Objection* have been reviewed in the SRBA under the same criteria of Rule 55(c). The proponent of a *Motion for Late Objection*, like a party seeking to file an untimely answer, must show both "good cause" for untimeliness and the existence of a "meritorious position." I.R.C.P. 55(c).

The SRBA has recently affirmed the legal standard of what must be shown to satisfy "good cause" and "meritorious position." The legal standard for "good cause" for untimeliness of an

objection is determined under the standard for setting aside the entry of a default under I.R.C.P. 55(c). The "good cause" standard under Rule 55(c) is more lenient than the standard under Rule 60(b). The I.R.C.P. 55(c) standard takes into account the following factors:

- 1) whether the default was willful;
- 2) whether setting aside the judgment would prejudice the opponent; and
- 3) whether a meritorious position has been presented.

Order on Motion to Set Aside Partial Decrees and File Late Objections (A.L. Cattle) (Jan. 31, 2001).

In support of the *Motion*, Mr. Conlin explained that he did not originally realize that the irrigation component of his claim had not been recommended. When he learned at the Initial Hearing that his irrigation use was not recommended, he immediately sought the filing of a late objection. The lateness of the objection was therefore, not willful. In addition, Mr. Conlin explained that he has irrigated the 10 acres in question since about 1955. Therefore a meritorious position on the irrigation claim has been alleged. No parties to the SRBA opposed the *Motion*, and there is no showing prejudice would result from allowing the late objection.

III. FINDINGS

Mr. Conlin failed to file a timely *Objection* to the *Director's Report* because he did not understand the different uses of this water right. There was no opposition to the *Motion*. Therefore, the *Motion to File Late Objection* is **granted**. The *Objection* will be filed with the court dated September 6, 2006.

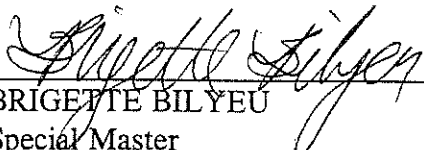
IT IS ORDERED that the following deadline shall govern further proceedings:

October 27, 2006

5:00 pm

Deadline to file Response to Objection

DATED September 7, 2006.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION AND SETTING DEADLINE was mailed on September 07, 2006, with sufficient first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

WILLIAM BART CONLIN INC

PO BOX 753
SODA SPRINGS, ID 83276
Phone: 208-547-4258

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W Center Street, Soda Springs, Idaho 83276-1575

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 4, 2007

Bart Conlin
8569 60th Dr.
Elmhurst, N.Y 11373

REF: SRBA Rights 27-4020

Subject: Basin 27 Objections to Irrigation Use

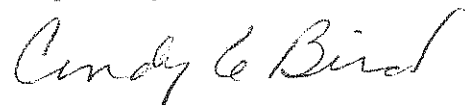
Dear Claimants:

This letter concerns the objection filed by the Shoshone-Bannock Tribes and/or the Bureau of Indian Affairs (collectively referred to as "the Tribal Objectors") to your water right in the Snake River Basin Adjudication (SRBA) and the concurrence of the Idaho Department of Water Resources (IDWR) in a proposed settlement agreement to resolve the objection.

It is IDWR's understanding that you have agreed to settle the volume objection made by the Tribal Objectors to your water right by including a specific total annual volume limit on your irrigation water right. Recently, the Tribal Objectors requested that IDWR concur in the settlement agreement. IDWR is reluctant to concur in such settlements because of a lack of information regarding actual diverted volumes in Basin 27. If a volume limit is to be included in a water right, IDWR wants to make sure that the volume limit is as accurate as possible. To this end, IDWR is currently in the process of implementing a study intended to provide a basis for determining diverted volumes in Basin 27. Still, IDWR realizes that that some water users might have information that would provide actual diverted volumes for their water rights, thus eliminating the need to wait for completion of the study. As such, IDWR is requesting any information you have to support historical diversion amounts for your water right. If you have any such information, please send it to the address listed above.

If you have any questions please feel free to contact me at 547-3993.

Respectfully,

A handwritten signature in cursive script that reads "Cindy E. Bird". The signature is written in dark ink and is positioned above the printed name.

Cindy E. Bird
Adjudication Bureau

CC: BIA, U.S. Dept. Of Justice
Jeanette Wolfley, Shoshone-Bannock Tribes
State Of Idaho, David Barber
Andrea Courtney, Deputy Attorney General

Wm. Bart Conlin, President

Wm. Bart Conlin, Inc.
P. O. Box 753
Soda Springs, Idaho 83276

Temporary Address:
Wm. Bart Conlin
8569 60th Dr.
Elmhurst, NY 11373
Phone: 718-672-2031
FAX: 718-672-2237
wmbartconlin@yahoo.com

RECEIVED

DEC 26 2007

DEPARTMENT OF
WATER RESOURCES

Water Claimant Subcase 17-04020

The following answers to Discovery Requests from the Shoshone-Bannock Tribes are made to the best of my ability and knowledge. At the present time, I am serving as a full-time voluntary missionary for the Church of Jesus Christ of Latter-day Saints. My wife and I are serving in the NY New York South Mission, 85-69 60th Drive, Elmhurst, NY 11373 until December 2008.

As I am away from home and do not have access to all the pertinent files, I will respond to the best of my ability with what information I do have available.

Also, I am not an attorney and lack knowledge of proper form and procedure. I realize I have the opportunity to hire an attorney, but due to the time constraints and the difficulty of communication, I choose to do the best I can. If there are errors in form and procedure, I would respectfully request that my good intention to comply be recognized and my answers be accepted.

DISCOVERY REQUESTS AND ANSWERS

Request for Admission No. 1: Please admit that you do not divert water from any river, stream, creek or spring in the upper portions of the Blackfoot River Basin.

Answer for Admission No. 1: I deny admission No. 1 as I do divert water from a spring in the upper portion of the Blackfoot River Basin.

Interrogatory No. 1: If you Deny Request for Admission No. 1, please State the Basis for your Denial and Describe your Claim.

Answer for Interrogatory No. 1:

In the fall of 1955 as a young boy I helped my father install a pipeline from a small spring (Gardner Spring) located in the NE ¼ of the NW ¼ of Section 23, Twp 07S Rge 42 E B.M. to the NE 1/4 of Section 22, Twp 07S Rge 42 E B.M.

The pipeline is approximately ½ mile long and provided a gravity flow water system that irrigated 10 acres and provided domestic water for a small cabin and also stock water for livestock we had on the farm. I remember asking my father why we didn't use the water out of the Blackfoot River which was immediately adjacent to the 10 acres. He informed me that the water in the river belonged to the Fort Hall Indian Tribes and that we could not use it. He also told me that we could use the water from the Gardner Spring because after the water comes to the ground surface, it then flows for approximately ¼ of a mile and then sinks back into the ground and never reaches or enters the Blackfoot River.

Every year since 1955 either my father or I have used this water. We installed a spring box to keep the water clean and a valve where we could turn it on every spring and off every fall. There is a natural fall from the spring to the 10 acres so the water system has worked very well as a gravity flow system.

The spring, though small, usually produced enough water to irrigate the 10 acres and to provide for our domestic and stockwater needs. On extremely dry years when the snowpack was small, there was an occasional year when there wasn't enough water to irrigate the 10 acres. There was, however, always enough water to meet our domestic and stockwater needs.

My father never filed a claim for the use of the water as the spring was on our property and because it sunk back into the ground and never entered the Blackfoot River. A few years later I was advised to file a claim on the water even though it never entered the Blackfoot River. At the time I felt it was unnecessary but did file the claim with the help of Ruell Moss, who was an employee with the USDA Soil Conservation Service.

Interrogatory No. 2: Please Identify each Person who has information that relates to your Contention that is the subject of Interrogatory No. 1.

Answer Interrogatory No. 2: Cindy E. Bird, IDWR,
Soda Springs, ID 83276
208-547-3993

Douglas E. Hogan,
289 N. 3rd E.
Soda Springs, ID 83276
208-547-4310

Orval C. Beus
2845 Wood Canyon Rd.
Soda Springs, ID 83276
208-547-4415

Jack L. Brown
150 N. Main St.
Soda Springs, ID 83276
208-547-4355

In addition to the above, my Wife and Nine (9) Children are aware of the facts stated in Interrogatory No. 1.

Request for Admission No. 2: Please admit that your water right has not been previously decreed by a court.

Admission No. 2 Answer. I admit that my water right has not been previously decreed by a court.

Interrogatory No. 3: If you Deny Request for Admission No. 2, please State the Basis for your Denial and Describe the Court decree and water use described in the water decree.

Answer: N/A

Interrogatory No. 4: Please Identify each Person who has information that relates to your Contentions that is the subject of Interrogatory No. 3.

Answer: N/A

Request for Admission No. 3: Please admit that your water right was not previously listed in the Stevens Decree?

Admission No. 3 Answer: I admit my water right was not previously listed in the Stevens Decree.

Interrogatory No. 5: If you Deny Request for Admission No. 3, please State the Basis for your Denial and Describe the Stevens Decree and water use described in the Stevens Decree.

Answer: N/A

Interrogatory No. 6: Please Identify each Person who has information that Relates to your Contentions that is the subject of Interrogatory No. 5.

Answer: N/A

Request for Admission No. 4: Please admit that water from a river, stream, creek or spring in the upper portions of the Blackfoot River Basin, which you may divert, is not available for use past July 1 of each year.

Answer for Admission No. 4: I deny that the water from the spring is not available for use past July 1 of each year.

Interrogatory No. 7: If you Deny Request for Admission No. 4, please State the Basis for your Denial and Describe the availability of water in the river, stream, creek or spring for the past 10 years.

Answer for Interrogatory No. 7: Water from this spring has been diverted and used every year since 1955 until the present. The valve to the pipeline is usually opened in April or May (depending on the snow pack) and shut off in late October of each year. Most years the irrigation would begin in late June or early July and usually end by the middle of August each year. The domestic water and stockwater would be used from April to October of each year.

Interrogatory No. 8: Please Identify each Person who has information that Relates to your Contentions that is the subject Interrogatory No. 7.

Answer for Interrogatory No. 8:

Cindy E. Bird, IDWR,
Soda Springs, Idaho
208-547-3993

Douglas E. Hogan,
289 N. 3rd E.
Soda Springs, ID 83276
208-547-4310

Orval C. Beus
2845 Wood Canyon Rd.
Soda Springs, ID 83276
208-547-4415

Jack L. Brown
150 N. Main St.
Soda Springs, ID 83276
208-547-4355

Request for Admission No. 5: Please admit that the period of use of your potential water right should terminate on July 1 of each year.

Answer for Admission No. 5: I deny that the period of use should terminate on July 1 of each year.

Interrogatory No. 9: If you Deny Request for Admission No. 5, please State the Basis for your Denial and Describe your Contention concerning the period of use of your potential water right.

Answer for Interrogatory No. 9: This water has been used yearly every year since 1955 by our family. Also, this water comes from a spring which only runs approximately ¼ mile from the spring and then sinks back into the ground. It never leaves the property nor does it ever enter into the Blackfoot River or any other stream, creek or body of water, so it is not available for any other use. If it was not used as we have used it for over 50 years, it would not have been used wisely.

Due to the high altitude of the property, usually there is no need for irrigation until late June or early July of each year. The late snow pack and the spring rains usually provide enough moisture until around the 1st of July. Although the stockwater and domestic water is used from April through October, most of the irrigation usually occurs in July and August.

INTERROGATORIES

Interrogatory No. 10: Please State the Basis for your Contention for water right relating to your use.

Answer to Interrogatory No. 10: As stated previously, this water has been used by my family since 1955.

Interrogatory No. 11: Please Describe, over the past 20 years, the earliest date in a season that water has been diverted for use by you.

Answer to Interrogatory No. 11: I believe the earliest the water has been turned into the pipeline in the last 20 years would be April 16. Usually it is not turned into the pipeline until May, but there were some dry years with little snow, so we turned the water on earlier.

Interrogatory No. 12: Please Describe, over the past 20 years, the latest date in a season that water has been diverted for use by you.

Answer to Interrogatory No. 12: I believe the latest date that the pipeline was turned on would be around May 4 in the last 20 years.

Interrogatory No. 13: Please Describe, over the past 20 years, in an average or typical year, what date did you begin diverting water.

Answer to Interrogatory No. 14: The average or typical year turn-on date of the pipeline would be April 28.

Interrogatory No. 15: Please Describe, over the past 20 years, the earliest date in a season that you stopped, ended or ceased diverting water.

Answer to Interrogatory No. 15: The earliest date in the season that I shut off the water in the pipeline would be October 1.

Interrogatory No. 16: Please Describe, over the past 20 years, the latest date in a season that you stopped, ended or ceased diverting water.

Answer to Interrogatory No. 16: The latest date in the season that I shut off the water in the pipeline would be October 31.

Interrogatory No. 17: Please Describe, over the past 20 years, in an average, or typical year, what date did you stop, end or cease diverting water.

Answer to Interrogatory No. 17: The average date in the season I would turn the water off in the pipeline would be October 15.

Interrogatory No. 18: Please Describe, over the past 20 years, the factors which control the date in a season on which you begin diverting water.

Answer to Interrogatory No. 18: The number one factor to determine the date of the turn on of the pipeline is the weather. On a dry year with little snow, it gets turned on earlier. On a wet year with lots of snow it gets turned on later.

Interrogatory No. 19: Please Describe, over the past 20 years, the factors which control the date in a season on which you stop, end or cease diverting water.

Answer to Interrogatory No. 19: The number one factor to determine the date of the turn off of the pipeline is the weather. When the weather is warm and dry, the pipeline turn off date is later. When the weather is cold and wet, the pipeline turn off date is earlier.

Interrogatory No. 20: Please Describe if your water use practices have changed during the past 20 years regarding when the water use begins or ends.

Answer to Interrogatory No. 20. The turn on or turn off dates of the pipeline have not changed in the last 20 years.

Interrogatory No. 21: Please Identify each Person who participated in or furnished information for the preparation of all or any portion of your responses to these Discovery Requests.

Answer to Interrogatory No. 21. I contacted Cindy Bird of the Soda Springs Idaho Department of Water Resources office by telephone. She advised me to answer all the questions to the best of my ability. My wife, Ruby Conlin, typed this paper with the answers.

Interrogatory No. 22: If you intend to use testimony by deposition or affidavit or any Expert Witness in support of a motion for summary judgment, in This Case, please Identify each Person whom you expect to call as an Expert Witness, state the subject matter on which the expert is expected to testify, state the substance of opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 22: Cindy Bird of the Idaho Dept of Water Resources has helped me-over the past few years in trying to protect my water right. She has made on-site inspections of my water system and has tested the water pressure (albeit in a low water year). She can verify that the water from the spring sinks into the ground and never reaches the Blackfoot River. She took tests on the pressure of the water in the pipeline (albeit in a low water year) and I would assume could calculate the volume of water that I used for irrigation. She gathered this information as part of her responsibilities as a specialist for the Idaho Department of Water Resources.

Douglas Hogan, Orval Beus, and Jack L. Brown could all testify of the use of the water in prior years and the fact that the water from the spring never enters into the Blackfoot River. They have been good friends of mine for many years and are all familiar with the spring and the water system we have used for the last 50+ years.

Interrogatory No. 23: If you intend to use testimony by deposition or affidavit of any Person other than an Expert Witness in support of a motion for summary judgment, in This Case, please identify each Person who you expect to use, state the subject matter on which the Person is expected to testify, state the substance of the matters to which the Person is expected to testify, and Describe the facts and data to which the Person is expected to testify.

Answer to Interrogatory No. 23: I do not intend to use any other person's testimony on this case.

REQUESTS FOR PRODUCTION

Request for Production No. 1: Please Produce all Relevant Document that you assert support or Relate to your Contention that is the subject of Interrogatory Nos. 1 and 2.

Answer to Request for Production No. 1: I am including copies of maps showing the location of the property and the spring in question. Cindy Bird has other documents in her office that show that the pipeline was constructed in 1955. She also has her logs of her on-site visits to the property to verify that the water from the spring never reaches the river and to verify the water pressure. I do not have copies of these documents in my possession, but should this go to trial, I would like to use that information.

Request for Production No. 2: Please Produce all Relevant Documents that you assert support or Relate to your Contention that is the subject of Interrogatory Nos. 3 and 4.

Answer to Production No. 2: There are no documents for Production No. 2

Request for Production No. 3: Please Produce all Relevant Documents that you assert support or Relate to your Contention that is the subject of Interrogatory Nos. 5 and 6.

Answer for Request for Production No. 3. There are no documents for Production No. 3.

Request for Production No. 4: Please Produce all Relevant Documents that you assert support or Relate to your Contention that is the subject of Interrogatory Nos. 7 and 8.

Answer to Request for Production No. 4: There are no documents for Production No. 4.

Request for Production No. 5: Please Produce all Relevant Documents that you assert support or Relate to your Contention that is the subject of Interrogatory No. 9.

Answer for Request for Production No. 5: There are no documents for Production No. 5.

Request for Production No. 6: Please Produce all Relevant Documents that you assert support or Relate to your Contention that is the subject of Interrogatory No. 10.

Answer for Request for Production No. 6: The only documents that relate to the use of the water from 1955 are not in my possession at this time, but Cindy Bird has some limited information to verify the existence of the pipeline in the late 1950's.

Request for Production No. 7: Please Produce copies of any relevant Documents that You have provided to any Person in conjunction with his or her anticipated testimony in This Case.

Answer for Request for Production No. 7: The only documents that I am aware of that might be used in this case are the documents I provided to Cindy Bird to verify the use of the water right from 1955 on.

Request for Production No. 8: Please Produce copies of any relevant Documents that You have provided to any Person in conjunction with his or her anticipated testimony in This Case.

Answer to Request for Production No. 8: There are no documents that I have received from any person in conjunction with his or her anticipated testimony in this case.

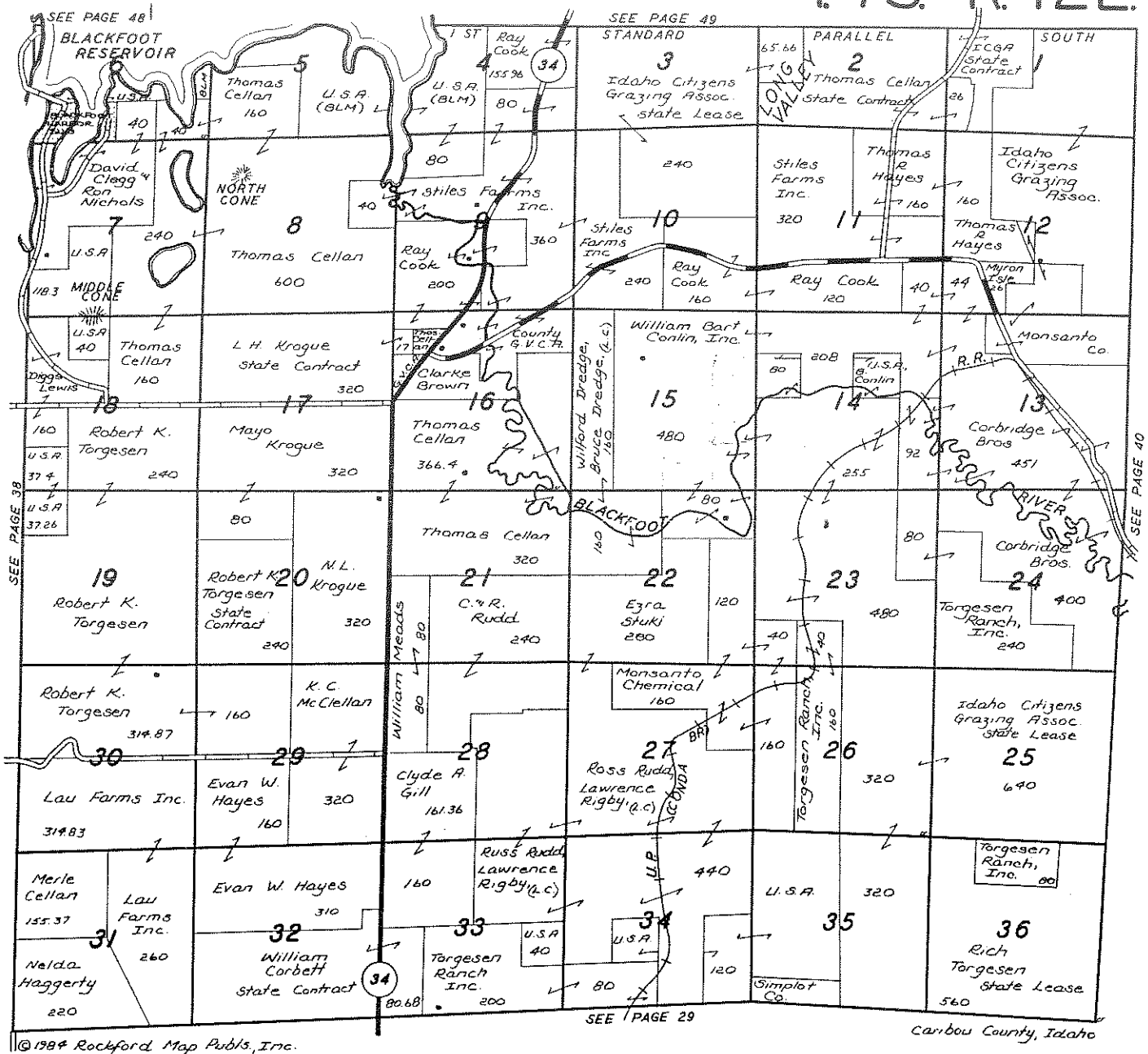
Request for Production No. 9: Please Produce a copy of the Stevens Decree if you base your water claim on this decree.

Answer to Request for Production No. 9. I do not base my water claim on a Stevens Decree so there are no documents.

Request for Production No. 10: Please provide a privilege log that identifies, in accordance with Instruction D of these Document Requests, each Document that was requested herein to be Produced, but which you have declined to Produce on the basis of a claim of privilege or other legal protection.

Answer to Request for Production No. 10. There are no documents that I have declined to produce on the basis of claim of privilege or other legal protection.

*Wm Bart Conlin, President
Wm Bart Conlin Inc.
P.O. Box 753
Soda Springs, Id 83276
12-21-2007*



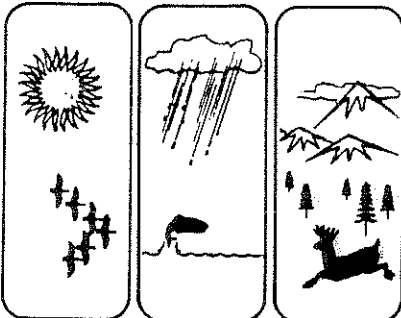
DRAVO-SODA SPRINGS

GENERAL CONTRACTORS FOR HEAVY CONSTRUCTION AND MINING

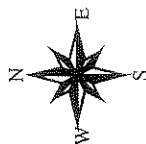
Clean Air, Clean Water, The Good Land...
Idaho Was Blessed With All Three From The Beginning.
We're Doing Our Part To See That It Stays That Way.
GARY CRAIG — PROJECT MANAGER

PHONE: 547-4332

SODA SPRINGS, IDAHO



27-4020



27-4020.shp
Quarter-Quarter Lines
Recommendation POD

1987 NAPP Photography
Created by: Cbird
12-20-2006



0.4 Miles

0.2

0

0.2