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**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	)	Consolidated Subcase No. 00-92023 (92-23)
	)	
Case No. 39576	)	NOTICE OF WITHDRAWAL AND
	)	AMENDMENT OF CERTAIN
	)	REQUESTS IN STATE OF
	)	IDAHO'S THIRD SET OF DISCOVERY
	)	REQUESTS TO IDAHO POWER
	)	COMPANY
	)	

On July 29, 2008, the Court heard argument on the State of Idaho's Motion to Compel Discovery (filed July 21, 2008). The Court then took that motion under advisement. The State subsequently notified Idaho Power that the State was withdrawing and narrowing the scope of certain discovery requests that were the subject of the State's

Motion to Compel. Accordingly, the State is notifying the Court of this development so the Court may take it into consideration when ruling on the State's Motion to Compel

The State has withdrawn the following discovery requests from the State of Idaho's Third Set of Discovery Requests to Idaho Power Company, served on May 30, 2008 ("State's Third Set of Discovery"):

- Request for Admission No. 12 (see page 4 of State's Third Set of Discovery)¹
- Request for Admission No. 13 (see page 4 of State's Third Set of Discovery)
- Request for Admission No. 14 (see page 5 of State's Third Set of Discovery)
- Request for Admission No. 15 (see page 5 of State's Third Set of Discovery)
- Request for Admission No. 19 (see page 5 of State's Third Set of Discovery)
- Request for Admission No. 20 (see page 6 of State's Third Set of Discovery)

- Request for Production No. 47 (see page 15 of State's Third Set of Discovery)
- Request for Production No. 49 (see page 15 of State's Third Set of Discovery)
- Request for Production No. 52 (see page 16 of State's Third Set of Discovery)

The State has advised Idaho Power that the State no longer seeks any response in this proceeding to the above-enumerated requests. Similarly, the State no longer seeks an order compelling Idaho Power Company to respond to the above-enumerated requests under the State's Motion to Compel, and the State withdraws that motion as to these requests.

In addition, the State has amended Request for Production No. 48 (see page 15 of the State's Third Set of Discovery) to narrow its scope to seek only documents that were in existence prior to January 1, 1935. Thus, Request for Production No. 48 as amended now reads as follows:

REQUEST FOR PRODUCTION NO. 48: Produce all documents in your possession that were in existence prior to January 1, 1935, that address, analyze, evaluate, discuss, refer or otherwise pertain to Article 21 of the 1923 American Falls Contract.

¹ A copy of the State's Third Set of Discovery is attached to the Affidavit of Steven L. Olsen in Support of State of Idaho's Motion to Compel Discovery (July 17, 2008) as "Exhibit 1."

Similarly, as applied to Request for Production No. 48, the State's Motion to Compel no longer seeks an order requiring Idaho Power Company to produce documents responsive to Request for Production No. 48 as originally propounded in the State's Third Set of Discovery, but rather seeks an order requiring Idaho Power Company to produce documents responsive to amended Request for Production No. 48 as limited to documents in existence prior to January 1, 1935.

By making these changes, the State is not waiving or abandoning its position that its discovery requests were proper as originally propounded, and that Idaho Power's objections and responses to those requests were not. The State has amended and withdrawn its discovery requests and Motion to Compel to the extent noted above solely in the spirit of compromise and in the interest of expediting this litigation.

DATED this 1st day of August 2008.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of August 2008; I caused a true and correct copy of the foregoing to be served on the following parties by the indicated methods:

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- ☐ U.S. Mail
- ☐ Hand Delivery
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