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Attorney for Big Wood Canal Company

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 Nos. 37-00481B, 37-00482G,
	)	37-00483B, 3700665K, 37-00666J,
	)	37-00667N, 37-22155, 37-21463,
	)	37-02625A, 3702625B, 37-02638,
	)	and 37-02700
	)	
	)	BIG WOOD CANAL COMPANIES'
	)	RESPONSE TO REDSTONE'S FIRST
	)	SET OF DISCOVERY REQUESTS TO
	)	BIG WOOD CANAL COMPANY

COMES NOW BIG WOOD CANAL COMPANY by and through its attorneys of record and responds to Redstone's First Set of Discovery Requests as follows:

GENERAL OBJECTIONS

1. Respondent objects to the Interrogatories and to the definitions and instructions to the extent they purport to require discovery responses beyond that required under the local rules and order of the Idaho Rules of Civil Procedure. These responses are provided in accordance with the Idaho Rules of Civil Procedure irrespective of any definitions and instructions that may accompany the discovery requests.

2. These responses are made subject to all objections as to competence, relevance, materiality, and admissibility. These responses are subject to all objections that would require the

RESPONSE TO REDSTONE'S FIRST SET OF DISCOVERY
REQUESTS TO BIG WOOD CANAL COMPANY

exclusion of any statement, material, or information herein provided if such requests were asked of, or any statement, material, or information provided were made by, a witness present and testifying in court. All such objections are reserved and may be interposed at the time of trial.

3. Respondent specifically objects to these discovery requests to the extent they seek information protected by the attorney-client privilege, the work product doctrine, and the rules governing the discovery relating to experts set forth in Rule 26(b)(4). The objection is intended to apply to all of the discovery requests that seek such information and will not be repeated specifically for each request to which it applies. Respondent, to the extent possible, construed each request as requesting only information and/or documents not subject to any applicable protection.

4. No incidental or implied admissions are intended. The fact that the Respondent has responded to any discovery request or part thereof should not be taken as an admission that the Respondent accepts that the discovery request, or the response or objection thereto, constitutes admissible evidence. Similarly, the fact that the Respondent has responded to all or part of a request is not intended to and shall not be construed to be a waiver by the Respondent of all or part of any objection to other requests. Respondent's answers to any discovery requests herein do not constitute a waiver of the Respondent's right to object to any future additional, or supplemental discovery requests regarding the same or similar matters.

5. Each of these objections is incorporated into the response to each of the Admissions, Interrogatories and Request for Production as through set forth verbatim therein.

Responses to Interrogatories, Requests for Admission and Production

REQUEST FOR ADMISSION NO. 1: Please admit that you have no objection to the Claimant's Water Rights other than those state in your Objections: "Combined use of this right along with other rights from the same place of use should be limited to one inch or 0.02 cfs per acre, rather than the quantities in the recommendation. Total volume of water delivered to this property from all water rights shall not exceed 3.5 AF per acre."

RESPONSE TO ADMISSION NO. 1: Neither admit nor deny. The question calls for more than a simple admission or denial. Big Wood Canal Company (hereinafter BWCC) objected to the quantity of water under each of Redstone's water rights in issue in Part 3, Basin 37 of the SRBA. BWCC admits that the quote in Request for Admission No. 1 accurately reflects what is stated in subpart E of standard form No. 1, reasons for supporting objection.

REQUEST FOR ADMISSION NO. 2: Please admit that you would withdraw your Objections if the Claimant's Water Rights were decreed with a condition on each right stating that the Claimant's Water Rights are limited to a combined total of 0.02 cfs per irrigated acre and 3.5 acre-feet per irrigated acre per year measured at the field headgate for the Claimant's Surface Water Rights and measured at the wellhead for the Claimant's Ground Water Rights.

RESPONSE TO ADMISSION NO. 2: BWCC objects to this request on the grounds that it is an improper attempt to require BWCC to make an offer of compromise under Rule 408 of the Idaho Rules of Evidence. This request is not calculated to lead to the discovery of admissible evidence, since the question of settlement is not admissible and not calculated to lead to discovery of admissible evidence. At this time BWCC is not willing to withdraw the objection on the promise of conditions by Redstone, provided, however, if Redstone is interested in resolving these objections, BWCC has always been, and will continue to be, interested in resolving the objections through SF5s, as long as they include all of Redstone's water rights for the property covered by the objections and claims.

INTERROGATORY NO. 1: If your response to the previous Request for Admission is anything but an unqualified admission, please state what condition or conditions you believe must be imposed on the Claimant's Water Rights to bring them into compliance with Idaho water law.

ANSWER TO INTERROGATORY NO. 1: See responses to Request for Admissions Nos. 1 and 2.

REQUEST FOR ADMISSION NO. 3. Please admit that the Claimant's Ground Water Rights authorize irrigation of a total of 1,435.1 acres of land. For your convenience in responding to the Request for Admission, we note that the number 1,435.1 is derived from the following calculation: 399 acres (for Water Rights No. 37-02625A), plus 194 acres (for Water Right No. 37-21463), plus 842.1 acres (for Water Right Nos. 37-02638 and 37-02700 combined).

RESPONSE TO ADMISSION NO. 3. Neither admit nor deny. However, it appears that the four water rights listed are irrigation ground water rights, each of which has the same POU, with acreage of approximately 1,435.1, and having individual limits within the POU listed above. However, the property also has another ground water right for 1.8 acres. Furthermore, Claimant has applied for a municipal right that includes irrigation of 198.4 acres, maybe to be mitigated with existing surface rights. Two additional ground water rights are also appurtenant to the property. However, Claimant

has claimed that it is irrigating 1, 572 acres, according to submissions made to Blaine County. The discrepancy from its recommended acreage that claimed in the submissions to Blaine County is not explained and therefore it is unclear, at this time, therefore the objection was made.

REQUEST FOR ADMISSION NO. 4: Please admit that the Claimant's Ground Water Rights authorize diversion of a total of 5,055.5 acre-feet per year. For your convenience in responding to the Request for Admission, we note the number 5055.5 is derived from the following calculation: 1,396.5 acre feet (for Water Right No. 37-02625A), plus 679.0 acre-feet (for Water Right No. 37-21463), plus 1,498.0 acre-feet (for Water Right No. 37-02638), plus 1,482.0 acre-feet (for Water Right No. 37-02700).

RESPONSE TO ADMISSION NO. 4: Denied. The volume limits in acre-feet stated above are included as conditions for each of the water rights and appear to be correctly reported. However, not included is 37-2625B for .04 cfs, with a limit of 6.3 afa which does not include any combined use remark and is not described as supplemental water. The four water rights listed above are all supplemental rights with certain conditions. Therefore, there is no clearly authorized diversion of a certain number of acre-feet, depending upon the conditions regarding the allocation and use of surface water and whether or not surface water is available for use. Therefore, there is no clear authorization for 5,055.5 acre-feet per year.

REQUEST FOR ADMISSION NO. 5: Please admit that the Claimant's Ground Water Rights combined authorize irrigation of 3.5 acre-feet per irrigated acre. For your convenience in responding to this Request for Admission, we note that the number 3.5 is derived from the following calculation: 5,055.5 acre-feet divided by 1,435.1 acres, rounded to the nearest tenth.

RESPONSE TO ADMISSION NO. 5: Deny. The ground water right, as conditioned, must be considered in conjunction with the surface water rights first put to use on the same land and the fact that the ground water rights are supplemental rights which must be administered conjunctively with surface water rights in Basin 37, so that the ground water right alone does not authorize a total volume of 3.5 acre-feet per irrigated acre.

REQUEST FOR ADMISSION NO. 6: Please admit that the quantity of water available to the Claimants under its Ground Water Rights does not exceed the amount stated in your Objections ("Total volume of water delivered to this property from all water rights shall not exceed 3.5 AF per acre.").

RESPONSE TO ADMISSION NO. 6: Denied. Redstone's ground water and surface water rights are both appurtenant to the same land, albeit it is not clear what that land may be. When the quantity

of water available under the ground water right and unquantified surface water rights are “added” together the quantity of water claimed by Redstone exceeds the amount stated in BWCC’s Objection. INTERROGATORY NO. 2: If your responses above have not already explained this, please explain why the statement in your Objections that “(t)otal volume of water delivered to this property from all water rights shall not exceed 3.5 AF per acre” is applicable to the Claimant’s Ground Water Rights.

ANSWER TO INTERROGATORY NO. 2: See Responses to Request for Admissions 4, 5 and 6. REQUEST FOR ADMISSION NO. 7: Please admit that none of the Claimant’s Surface Water Rights state an annual volume limit on their face.

RESPONSE TO ADMISSION NO. 7: Neither admit nor deny. However, BWCC will admit that the recommendations, as presently exist, do not state an annual volume limit on Claimant’s surface water right.

REQUEST FOR ADMISSION NO. 8: Please admit that it is IDWR’s practice not to state an annual volume limit on natural flow surface water rights for irrigation absent special circumstances.

RESPONSE TO ADMISSION NO. 8: Neither admit nor deny, BWCC is not in a position to advise IDWR as to its practice, nor is BWCC familiar with **all** practices of IDWR. Furthermore, this appears to call for a legal response. However, BWCC is aware that IDWR has placed annual volume limits on a number of natural flow surface water rights including those in Basin 37 and elsewhere. BWCC has become aware of, although they have not studied, publications from IDWR regarding consumptive irrigation use requirements which include annual volume limitations.

INTERROGATORY NO. 3: Is it your position that an annual volume limit must be stated on the face of all natural flow surface water rights for irrigation, and, if so, why?

ANSWER TO INTERROGATORY NO. 3: Object. This Interrogatory seems to call for a legal conclusion. Without waiving this objection, BWCC believes that annual volume limits need to be stated on Claimant’s water rights where natural flow surface water and ground water rights for irrigation purposes are combined on the same property, as has been done on Claimant’s property. Otherwise, the ground water rights becomes not supplemental but primary.

INTERROGATORY NO. 4: Is it your position that an annual volume limit must be stated on the face of the Claimant’s Surface Water Rights, and, if so, what special circumstances are applicable to the Claimant’s Surface Water Rights?

ANSWER TO INTERROGATORY NO. 4: See Answer to Interrogatory No. 3 and Response to Admission No.7 and 8.

INTERROGATORY NO. 5: If your responses above have not already explained this, please explain why the statement in your Objections that “(t)otal volume of water delivered to this property from all water rights shall not exceed 3.5 AF per acre” is applicable to the Claimant’s Surface Water Rights.

ANSWER TO INTERROGATORY NO. 5: See Response to Admissions preceding and Answers to Interrogatories 3, 4, and 5.

REQUEST FOR ADMISSION NO. 9: Please admit that the total combined instantaneous diversion rate allowed for the Claimant’s Ground Water Rights is 21.85 cfs. For your convenience in responding to this Request for Admission, we note that the number 21.85 is derived from the following calculation 7.96 cfs (for Water Right Nos. 37-02625A and 37-21463 combined), plus 4.01 cfs (for Water Right No. 37-02638), plus 9.88 cfs (for Water Right No. 37-02700).

RESPONSE TO ADMISSION NO. 9: Denied. Until all subcases are resolved, BWCC is not in a position to either admit or deny that Redstone’s ground water right has an instantaneous diversion of 21.85 cfs. Provided, however, there is some indication there may be enlargement of Right No. 37-2625A. Furthermore, Water Right No. 37-21163 has also been recommended as subordinated and in fact appears to be an enlargement of 37-2625A. Redstone also has other ground water rights that may, or may not be appurtenant to the same property. Again that is part of the reason for the Objections to determine what water is being use where, its priority date, the quantity, and its administration in conjunction with surface water.

REQUEST FOR ADMISSION NO. 10: Please admit that the Claimant’s Ground Water Rights combined authorize irrigation of 0.0152 cfs per irrigated acre. For your convenience in responding to this Request for Admission, we note that the number 0.0152 is derived from the following calculation: 21.85 cfs divided by 1,435.1 acres.

RESPONSE TO ADMISSION NO. 10: While BWCC admits that Redstone’s math appears to be correct, it does not take into consideration the surface water rights appurtenant to the same place of use, therefore the Request for Admission No. 10 must be denied.

REQUEST FOR ADMISSION NO. 11: Please admit that the quantity of water available to the Claimant under its Ground Water Rights does not exceed the amount stated in your Objections (“Combined use of this right along with other rights from the same place of use should be limited to one inch or 0.02 cfs per acre, rather than the quantities in the recommendation.”).

RESPONSE TO ADMISSION NO. 11: Denied. See Answers to Request for Admissions 9 and 10.

INTERROGATORY NO 6: If your responses above have not already explained this, please explain

why the statement in your Objections quoted in the preceding Request for Admission is applicable to the Claimant's Ground Water Rights.

ANSWER TO INTERROGATORY NO. 6: See Response to Request for Admissions 9, 10, and 11.

REQUEST FOR ADMISSION NO. 12: Please admit that the rate of flow authorized to be diverted under Water Right No. 37-02625B does not exceed 0.02 cfs per acre or 3.5 acre-feet per acre per year.

RESPONSE TO ADMISSION NO. 12: Denied. Although the right, by itself, does not exceed .02 cfs per acre, or 3.5 acre-feet per acre, it must be considered with other rights appurtenant to the same property and therefore exceeds the volume of limitations described above.

REQUEST FOR ADMISSION NO. 13: Please admit that there is no reason for you to object to Water Right No. 37-02625B.

RESPONSE TO ADMISSION NO. 13: Denied. See Response to Admission No. 10, 11 and 12.

REQUEST FOR ADMISSION NO. 14: Please admit that the rate of flow authorized to be diverted under the Claimant's Water Rights is measured at the point of diversion stated in the IDWR recommendation for the water right.

RESPONSE TO ADMISSION NO. 14: Neither admit nor deny. The rate of flow authorized is measured by the Idaho Department of Water Resources. BWCC has not yet been authorized or advised as to the point where it is measured.

REQUEST FOR ADMISSION NO. 15: Please admit that the annual volume of water authorized to be diverted under the Claimant's Water Rights is measured at the point of diversion stated in the IDWR recommendation for the water right.

RESPONSE TO ADMISSION NO. 15: Deny. See Response to Request for Admission No. 14. Further, this Objector is not aware that there is any volume of water measured at any point of diversion.

REQUEST FOR ADMISSION NO. 16: Please admit that the point of diversion for each of the Claimant's Surface Water Rights is the headgate where the 45 Canal diverts from the Big Wood River.

RESPONSE TO ADMISSION NO. 16: Neither admit nor deny. BWCC is not sufficiently knowledgeable with the Water Master's operations in Basin 37 to answer this Request for Admission.

REQUEST FOR ADMISSION NO. 17: Please admit that the instantaneous diversion rate authorized to be diverted under the Claimant's Surface Water Rights includes a reasonable quantity to cover

carriage loss in the 45 Canal between the diversion from the Big Wood River and the Claimant's field headgate.

RESPONSE TO ADMISSION NO. 17: See Response to Request for Admission No. 16.

REQUEST FOR ADMISSION NO. 18: Please admit that the annual volume of water authorized to be diverted under the Claimant's Surface Water Rights includes a reasonable quantity to cover carriage loss in the 45 Canal between the diversion from the Big Wood River and the Claimant's field headgate.

RESPONSE TO ADMISSION NO. 18: See Response to Request for Admissions No. 16. Furthermore, BWCC is not aware that is any volume of water authorized or measured for diversion to Redstone's property.

REQUEST FOR ADMISSION NO. 19: Please admit that the water diverted under the Claimant's Surface Water Rights is in fact subject to carriage loss in the 45 Canal occurring between the diversion from the Big Wood River and the Claimant's field headgate.

RESPONSE TO ADMISSION NO. 19: See Responses to Request for Admissions 16, 17, and 18.

REQUEST FOR ADMISSION NO. 20: Please admit that, as recommended, Water Right No. 37-22155 includes a condition stating: "The rights listed below are limited to a total combined diversion rate of 98.04 cfs. Combined Right Nos.: 37-481B,37-482G,37-483B,37-665K, 37-666J,37-667N and 37-22155."

RESPONSE TO ADMISSION NO. 20: Admit that the above condition is included in the condition for 37-22155. However, that condition is not included in any other rights listed in Request for Admission No. 20. The recommendation speaks for itself.

REQUEST FOR ADMISSION NO. 21: Taking into account the diversion rates authorized for each of the Claimant's Surface Water Rights as well as the condition quoted above for Water Right No. 37-22155, please admit that the total combined instantaneous diversion rate allowed for the Claimant's Surface Water Rights is 98.04 cfs.

RESPONSE TO ADMISSION NO. 21: Neither admit nor deny. The combined limit, as stated in 37-22155, which is only one of seven surface water rights, allows for an instantaneous flow of 98.04 cfs, the rights themselves total 99.9 cfs.

REQUEST FOR ADMISSION NO. 22: Please admit that the total number of acres authorized to be irrigated under the Claimant's Water Rights is 1,435.1 acres.

RESPONSE TO ADMISSION NO. 22: See Response for Admission No. 3.

REQUEST FOR ADMISSION NO. 23: Please admit that the authorized rate of diversion for all of

the Claimant's Surface Water Rights (combined together) is 3.42 inches per irrigated acre (98.04, times 50, divided by 1,435.1).

RESPONSE TO ADMISSION NO. 23: It appears that Claimants water rights, surface and ground water, combine for nearly 4.3 inches per acre for the same property. However, the surface water rights alone appear to combine for nearly 3.5 inches per acre.

REQUEST FOR ADMISSION NO. 24: Please admit that the quantity of carriage loss reflected the Claimant's Surface Water Rights is reasonable.

RESPONSE TO ADMISSION NO. 24: Denied. BWCC does not believe carriage loss reflected in Claimant's surface water rights is reasonable. At this time BWCC is not able to define reasonable nor is it able to define the amount of carriage loss that Claimant should be entitled to, if any.

INTERROGATORY NO. 7: If your response to the previous Request for Admission is anything but an unqualified admission, please state specifically what quantity of carriage loss water would be reasonable to include in the Claimant's Water Rights.

ANSWER TO INTERROGATORY NO. 7: See Response to Request for Admission No. 24. It does not appear IDWR has identified the amount of conveyance loss necessary to deliver rights to Claimant's property. It is also unclear whether or not Claimant is claiming 2.42 inches per acre as carriage loss and there are no facts in the record to suggest whether such a hypothetical amount is reasonable or necessary. Again these are arguments that need to be discussed and either agreed upon through an SF5 or have a hearing on the merits pursuant to the Objections.

REQUEST FOR ADMISSION NO. 25: Please admit that you have no evidence that the Claimant's use of its Water Rights has deprived you of water to which you are entitled under your water rights.

RESPONSE TO ADMISSION NO. 25: BWCC objects to this Request on the grounds that it is irrelevant and not calculated to lead to the discovery of admissible evidence. Redstone is, or should be, aware that the Idaho Supreme Court has held an Objector is not required to provide evidence of injury to his or her water right in order to object to another water right. Without waiving this Objection, BWCC states that its water rights have been materially injured by declining water deliveries in Basin 37, which appear to have resulted, in part, from excessive water deliveries to lands in the upper basin, including those claimed by Redstone.

REQUEST FOR ADMISSION NO. 26: Please admit that you have no knowledge that the amount of water applied to the place of use under the Claimant's Water Rights exceeds a flow rate one inch per irrigated acre.

RESPONSE TO ADMISSION NO. 26: Denied. The recommendations and claims indicate that

there has been more than one inch per acre applied to the place of use.

REQUEST FOR ADMISSION NO. 27: Please admit that you have no knowledge that the amount of water applied to the place of use under the Claimant's Water Rights exceeds a volume of 3.5 acre-feet per acre year.

RESPONSE TO ADMISSION NO. 27: Denied. See Response to Request to Admission No. 26.

REQUEST FOR ADMISSION NO. 28: Please admit that even if the Claimants are diverting or could divert more water from the Big Wood River than is necessary to irrigate land under their Surface Water Rights, such excessive diversion would not materially increase the consumptive use of the water so diverted.

REQUEST TO ADMISSION NO. 28: Denied. Excessive diversions may increase the consumption of water. Excessive diversions also deprive other waters users the ability to obtain deliveries during their applicable time of use.

REQUEST FOR ADMISSION NO. 29: Please admit that even if the Claimants are diverting or could divert more water from the Big Wood River than is necessary to irrigate land under their Surface Water Rights, such excessive diversions would result in a corresponding increase in return flows. For purposes of the Request for Admission, "return flows" should be understood to include recharge of the aquifer and/or discharges to Silver Creek, the Little Wood River, and/or the Big Wood River.

RESPONSE TO ADMISSION NO. 29: Denied. Claimants, and others, having priority, will merely recapture any return flow through ground water located on the same property, thereby depriving the aquifer, Silver Creek, Big Wood River and Little Wood River of return flows. Moving water from a surface water resource to other locations, such as ground water, where it is not available to Big Wood Canal Company but is available to junior well users does not ultimately lead to any increase in return flows. In fact, it is the BWCC's understanding, that there are studies showing declining flows in the Big Wood River, the springs and the ground water in southern Blaine County.

REQUEST FOR ADMISSION NO. 30: Please admit that any increase in return flows (as defined above) resulting from excessive diversions of surface water by the Claimants (if any exist) would benefit you by increasing the supply of water available for diversion under some or all of your water rights.

RESPONSE TO ADMISSION NO. 30: Neither admit nor deny. BWCC will admit that there have been excessive diversions, however there does not appear to be any corresponding increase in return flows to benefit BWCC.

INTERROGATORY NO. 8: Please explain how your water rights would be injured or diminished as a result of the Claimant's diverting more surface water from the Big Wood River than is necessary to irrigate land under the Claimant's Surface Water Rights.

ANSWER TO INTERROGATORY NO. 8: BWCC objects to this Interrogatory on grounds that it is irrelevant and not calculated to lead to discovery of admissible evidence. Provided, however, BWCC states that its water rights have been materially injured by declining water deliveries in Basin 37 as a result of excessive water deliveries to 'upstream' lands, including those claimed by Redstone.

REQUEST FOR ADMISSION NO. 31: Please admit that you personally made no investigation of the Claimant's water rights, other than what appears on the face of the recommendation for each right, before filing your Objections.

RESPONSE TO ADMISSION NO. 31: BWCC objects to this Request for Admission on the grounds that it seeks to invade the attorney/client work privileges, as these objections were made after consultation with counsel.

REQUEST FOR ADMISSION NO. 32: Please admit that your Objections are based at least in part on the advice or opinions of Wendy Pabich.

RESPONSE TO ADMISSION NO. 32: See Response to Admission No. 31. Wendy Pabich has been identified as a consulting expert.

REQUEST FOR ADMISSION NO. 33: Please admit that your Objections are based on the expert advice of no hydrologist, hydrogeologist, or other scientist other than Wendy Pabich.

RESPONSE TO ADMISSION NO. 33: See Response to Request for Admission No. 32.

REQUEST FOR ADMISSION NO. 34: Please admit that you have not pursued objections against all water right holders on the 45 Canal that hold water rights with an authorized rate of diversion exceeding one inch per irrigated acre. For purposes of this Request for Admission, "not pursued objections" means either to have not filed an objection or to have withdrawn it.

RESPONSE TO ADMISSION NO. 34: BWCC admits that it has not filed an Objection against every water right holder claiming amounts of water in excess of one inch per acre. However, BWCC, did not make a specific investigation as to those rights delivered out of the 45 Canal as opposed to other water rights in Basin 37.

INTERROGATORY NO. 9: Please explain why and on what basis you have pursued objections against some water right holders on the 45 Canal that hold water rights in excess of one inch per irrigated acre and not others.

ANSWER TO INTERROGATORY NO. 9: BWCC objects to this Interrogatory on the grounds that

it invades the attorney/client and work product privileges. The basis for filing Objections or pursuing Objections was made after consultation with counsel. Without waiving this Objection, BWCC believes that water claimed by Redstone under its combined water rights appears to be excessive, even more so than others in the Basin.

INTERROGATORY NO. 10: If your response to any of the above Requests for Admission was anything other than an unqualified admission, if you have not done so already, please describe and explain in detail each of the reasons, facts, or circumstances that cause you to be unable to make the each of the requested admissions. In each case, please include in your explanation a statement of whether and how the interrogatory could be limited or modified to allow an unqualified admission.

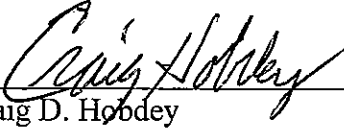
ANSWER TO INTERROGATORY NO. 10: See Responses to Request for Admissions and Answers to Interrogatories set forth above.

REQUEST FOR PRODUCTION NO. 1: Please provide copies of any documents (excluding documents available from the web sites of IDWR or the Snake River Basin Adjudication Court) that you relied on to respond to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: BWCC relied on the recommendations of the Snake River Basin Adjudication that are available to all.

DATED THIS 6th day of August, 2008.

HOBDEY LAW OFFICE, PLLC



Craig D. Hobdey
Attorney for Big Wood Canal Company

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 6th day of August, 2008, I served a true and correct copy of the foregoing RESPONSE TO REDSTONE'S FIRST SET OF REQUESTS TO BIG WOOD CANAL COMPANY by the method indicated below and addressed to the following:

Original to:

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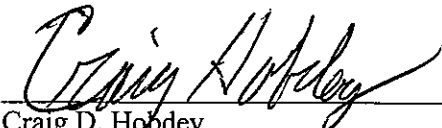
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