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RECEIVED
DEC 02 2008
DEPARTMENT OF
WATER RESOURCES

Attorneys for BOISE CITY CANAL CO.

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	)	Subcase Nos. 63-20041
	)	
Case No. 39576	)	BOISE CITY CANAL CO.'S RESPONSES
	)	TO FIRST SET OF INTERROGATORIES,
	)	REQUESTS FOR ADMISSION AND
	)	REQUESTS FOR PRODUCTION
	)	(RESPONSE TO REQUEST FOR ADMISSIONS
	)	ONLY)
	)	

Propounding Party: Objector, BOISE PROJECT BOARD OF CONTROL
Responding Party: Claimant, BOISE CITY CANAL CO
Set Number: ONE

COMES NOW, Claimant Boise City Canal Co., by and through its attorneys of record, Moore, Smith, Buxton & Turcke, Chtd., pursuant to Rule 36(a) of the Idaho Rules of Civil Procedure, and responds to Objector's First Requests for Admission propounded herein as follows:

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Please admit that you have not diverted any water from the Boise River at your point of diversion identified in water right number 63-20041 before April 1st or after October 30th.

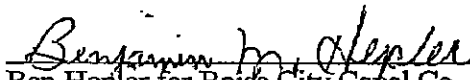
RESPONSE:

BCCC can neither admit nor deny at this time. BCCC's water right has a priority date of 6/1/1866 so research into historical diversion dates in order to answer this request is ongoing. BCCC notes that diversions from the Boise River are generally regulated by the Boise River Watermaster and that BCCC diverts according to distribution of water by the watermaster.

REQUEST FOR ADMISSION NO. 2: Please admit that you have not had permission or authorization from the Boise River Watermaster to divert water from the river under this right before April 1st or after October 30th in any year.

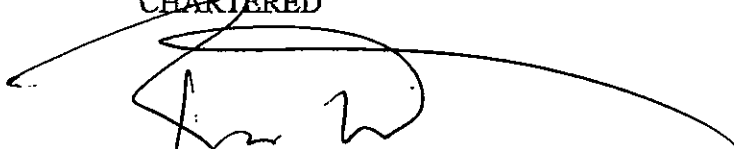
RESPONSE:

BCCC can neither admit nor deny at this time. BCCC's water right has a priority date of 6/1/1866 so research into historical diversion dates in order to answer this request is ongoing. BCCC notes that to the best of its recollection at this time, it has not asked for permission or authorization from the Boise River Watermaster to divert from the Boise River at dates and times except as such water is normally distributed by the Boise River Watermaster.


Ben Hepler for Boise City Canal Co.

Dated this 26th day of November, 2008.

MOORE SMITH BUXTON & TURCKE,
CHARTERED


Bruce M. Smith
Attorney for Boise City Canal Co.

CERTIFICATE OF SERVICE

I hereby certify that on this 1 day of December, 2008, I served a true and correct copy of the foregoing BOISE CITY CANAL CO.'S RESPONSES TO FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSION AND REQUESTS FOR PRODUCTION along with a copy of the Notice of Service of a Discovery Document on the following as indicated below:

1. Notice of Service of Discovery Document VIA FACSIMILE to:

Clerk of the District Court
Snake River Basin Adjudication 253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
Fax No. (208) 736-2121

2. Requests and Notice of Service of Discovery Document VIA U.S. MAIL, postage prepaid to:

Albert P. Barker
BARKER ROSHOLT & SIMPSON, LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139

3. Copy of Notice of Service of Discovery Document VIA U.S. MAIL to:

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

David Gehlert
Natural Resources Section
ENRD
U.S. Department of Justice
1961 Stout St. Denver,
CO 80294

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Dated this 1 day of December, 2008.



Bruce M. Smith
Attorney for Boise City Canal Co.