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Department of Water Resources
Adjudication Bureau

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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.

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) Subcase Nos. 37-713D
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**BIG WOOD CANAL COMPANY'S
RESPONSE TO GIRTON'S FIRST SET
OF REQUESTS FOR ADMISSIONS
TO OBJECTORS**

COMES NOW BIG WOOD CANAL COMPANY and responds to Girton's First Set of Admissions to Objectors:

REQUEST FOR ADMISSION NO. 1: Admit that Exhibit A is a true and correct copy of the recommendation for Water Right No. 37-713D (the "Water Right") as set forth in the Director's Report for Irrigation and Other Water Rights in Basin 37, Part 3 filed with this Court in February, 2007.

RESPONSE FOR ADMISSION NO. 1: Objectors admit that the document entitled Exhibit A which was emailed to counsel on December 2, 2008, but which was not attached to the Request for Admissions, appears to be a true and correct copy of the Recommendation for Water Right No. 37-

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713D as set forth in the Director's Report for Basin 37, Part 3 filed in the SRBA Court in February, 2007.

REQUEST FOR ADMISSION NO. 2: Admit that you do not object to or otherwise challenge the source of the Water Right as set forth in Exhibit A.

RESPONSE FOR ADMISSION NO 2: Admit.

REQUEST FOR ADMISSION NO. 3: Admit that the source of the Water Right set forth in Exhibit A is correct.

RESPONSE FOR ADMISSION NO. 3: Objectors object to Request for Admission No. 3 on the grounds that it seeks information which is irrelevant and not calculated to lead to the discovery of admissible evidence in this action. Objectors did not object to the source of water right in their amended objection and therefore take no position concerning whether the source as set forth in the Recommendation is "correct" or not.

REQUEST FOR ADMISSION NO. 4: Admit that you do not object to or otherwise challenge the quantity of the Water Right as set forth in Exhibit A.

RESPONSE FOR ADMISSION NO 4: Denied for the reasons set forth in Objector's Amended Objection.

REQUEST FOR ADMISSION NO. 5: Admit that the quantity of the Water Right as set forth in Exhibit A is correct.

RESPONSE FOR ADMISSION NO 5: Denied for the reasons set forth in Objectors' Amended Objection and the SRBA Special Master's Order Granting Motion to Amend Objection in this Subcase. The SRBA Court has ruled that it is proper for Objector's amended objections to seek a measuring device for delivery of water as part of their objection to the volume recommendation.

REQUEST FOR ADMISSION NO 6: Admit that you do not object to or otherwise challenge the priority date of the Water Right as set forth in Exhibit A.

RESPONSE FOR ADMISSION NO 6: Admit.

REQUEST FOR ADMISSION NO. 7: Admit that the priority date for the Water Right as set forth in Exhibit A is correct.

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RESPONSE FOR ADMISSION NO. 7: Objectors object to Request for Admission No. 7 on the grounds that it seeks information which is irrelevant and not calculated to lead to the discovery of admissible evidence in this action. Objectors did not object to the priority date of water right in their amended objection and therefore take no position concerning whether the priority date as set for the Recommendation is “correct” or not.

REQUEST FOR ADMISSION NO. 8: Admit that you do not object to or otherwise challenge the points of diversion for the Water Right as set forth in Exhibit A.

RESPONSE FOR ADMISSION NO. 8: Admit.

REQUEST FOR ADMISSION NO 9: Admit that the points of diversion for the Water Right as set forth in Exhibit A are correct.

RESPONSE FOR ADMISSION NO 9: Objectors object to Request for Admission No. 9 on the grounds that it seeks information which is irrelevant and not calculated to lead to the discovery of admissible evidence in this action. Objectors did not object to the points of diversion of water right in their amended objection and therefore take no position concerning whether the points of diversion as set forth in the Recommendation are “correct” or not.

REQUEST FOR ADMISSION NO. 10: Admit that you do not object to or otherwise challenge the period of use, quantity or place of use for irrigation as set forth in Exhibit A.

RESPONSE FOR ADMISSION NO. 10: Admit.

REQUEST FOR ADMISSION NO. 11: Admit that the period of use, quantity and place of use for irrigation by the Water Right as set forth in Exhibit A are correct.

RESPONSE FOR ADMISSION NO. 11: Objectors object to Request of Admission No. 11 on the grounds that it seeks information which is irrelevant and not calculated to lead to the discovery of admissible evidence in this action. Objectors did not object to the period of use, quantity, and place of use for irrigation of the water right in their amended objection and therefore take no position concerning whether the period of use, quantity , and place of use for irrigation as set forth in the Recommendation are “correct” or not.

REQUEST FOR ADMISSION NO. 12: Admit that you do not object to or otherwise challenge the period of use or quantity for fire protection storage of the Water Right as set forth in Exhibit A.

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RESPONSE FOR ADMISSION NO. 12: Admit.

REQUEST FOR ADMISSION NO. 13: Admit that the period of use and quantity for fire protection storage of the Water Right as set forth in Exhibit A are correct.

RESPONSE FOR ADMISSION NO. 13: Objectors object to Request for Admission No. 13 on the grounds that it seeks information which is irrelevant and not calculated to lead to the discovery of admissible evidence in this action. Objectors did not object to the period of use and quantity for fire protection storage of the water right in their amended objection and therefore take no position concerning whether the period of use and quantity for fire protection storage as set forth in the Recommendation are "correct" or not.

REQUEST FOR ADMISSION NO. 14: Admit that you do not object to or otherwise challenge the period of use or quantity for aesthetic storage of the Water Right as set forth in Exhibit A.

RESPONSE FOR ADMISSION NO. 14: Deny. See Response for Request for Admission No. 4.

REQUEST FOR ADMISSION NO. 15: Admit that the period of use and quantity for aesthetic storage of the Water Right as set forth in Exhibit A are correct.

RESPONSE FOR ADMISSION NO. 15: Deny. See Response for Request for Admission No. 5.

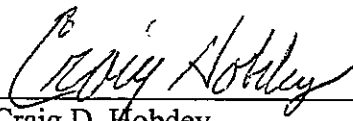
REQUEST FOR ADMISSION NO. 16: Admit that you do not object to or otherwise challenge the period of use or quantity for recreation storage of the Water Right as set forth in Exhibit A.

RESPONSE FOR ADMISSION NO. 16: Deny. See Response for Request for Admission No. 4.

REQUEST FOR ADMISSION NO. 17: Admit that the period of use and quantity for recreation storage of the Water Right as set forth in Exhibit A are correct.

RESPONSE FOR ADMISSION NO. 17: Deny. See Response for Request for Admission No. 5.

DATED THIS 15 day of December, 2008.



Craig D. Mobley
Attorney for Big Wood Canal Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15 day of December, 2008, I served a true and correct copy of the foregoing BIG WOOD CANAL COMPANY'S RESPONSE TO GIRTON'S FIRST SET OF REQUESTS FOR ADMISSIONS TO OBJECTORS by the method indicated below and addressed to the following:

Scott Campbell
Andrew J. Waldera
MOFFATT, THOMAS, BARRETT, ROCK & FIELDS
PO Box 829
Boise ID 83701

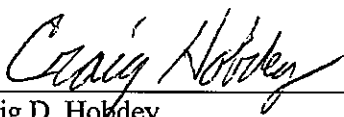
U.S. Mail

James Speck
SPECK & AANESTAD
PO Box 987
Ketchum ID 83340

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IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

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Craig D. Hopdey

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