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DEPARTMENT OF
WATER RESOURCES

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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

Case No. 39576

Subcase Nos. 63-00127B 63-00128B
63-00129B 63-00130B
63-00131B 63-00178B

**CLAIMANTS' FIRST SET OF DISCOVERY
REQUESTS TO GREG OBENDORF**

COMES NOW Claimant Tree Top Ranches, L.P. ("Claimant"), by and through its undersigned counsel of record, pursuant to Idaho Rules of Civil Procedure 26, 33, and 34, and hereby requests that Greg Obendorf respond to the following interrogatories and requests for production under oath and no later than thirty (30) days from the date of receipt thereof as provided in said Rules.

I. INTRODUCTION

In responding to these interrogatories and requests for production, you are requested to furnish all information available to you, or subject to your reasonable inquiry, including information in the possession of your attorneys, investigators, employees, agents, representatives, guardians, consultants, expert witnesses and/or any other person or persons acting on your behalf, and not merely such information as is known to you by your own personal knowledge.

In responding to these interrogatories and requests for production, you must make a diligent search of your records and all other papers and materials that are in your possession or available to you or your representatives. If any item has subparts, answer each part separately and in full. If you cannot answer any of the following interrogatories or requests for production in full after exercising due diligence to secure the information necessary to do so, please so state and answer or respond to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

If you object to any interrogatories or requests for production on the ground that the information sought is privileged and nondiscoverable, please state the basis for your claim of privilege and, in the case of any request for production, "identify" the "documents" and "records" which you object to producing in sufficient detail as to enable the court to rule upon a claim of privilege.

These interrogatories and requests for production are deemed to be continuing. If, after responding to these discovery requests, you acquire any further information responsive to them, you are hereby requested, pursuant to Rule 26(e), to file and serve supplemental answers or responses containing such further information. If you fail to answer one or more of these

interrogatories or if your answer to one or more of these interrogatories is evasive or incomplete, Claimant may move for an order compelling you to fully answer the interrogatories and to pay the reasonable expenses, including attorney fees, incurred by it in obtaining the order.

If you fail to produce “documents” and “records” requested herein or fail to answer any interrogatory on the ground that the necessary information, “records” or “documents” are not within your care, custody, possession, or control, please state what efforts you have made to obtain such information, “documents,” or “records.”

If you fail to answer or respond to any of these interrogatories or requests for production in full or fail to supplement your answers or responses as requested, Claimant may move the Court for an order precluding you from introducing into evidence, or otherwise using either at trial or at any hearing, any testimony, witness, exhibit, “document,” “record,” publication, or other item or information not timely disclosed in your response to these interrogatories and requests for production.

II. DEFINITIONS

When asked to “identify” a person or entity or when asked for the “identity” of a person or entity, please state:

- (a) The name of the person or entity;
- (b) The present or last known address and telephone number of the person or entity;
- (c) The present or last known occupation, business, and employer of the person or entity; and
- (d) The present or last known address and telephone number of the employer of the person or entity.

When asked to “identify” a record or document or when asked for the “identity” of a “record” or “document,” please state:

- (a) The nature or type of “record” or “document” (*e.g.*, letter, photograph, tape recording, radiology report, etc.);
- (b) The subject matter of the “record” or “document” and/or a general description of its contents;
- (c) The “identity” of the person who authored or created the “record” or “document”;
- (d) The date of the document or, if it bears no date, the date on which it was prepared or created; and
- (e) The physical location of the original and any copies of the “document” or “record” of which you are aware and the “identity” of the present custodian of the “record” or “document.”

In responding to these requests for admission, interrogatories, and requests for production, the following definitions shall apply:

The terms “document(s)” and/or “record(s)” mean any tangible thing upon which has been placed handwriting, e-mail transmission, typewriting, printing, photocopying, photographing, digital or computerized data, or any other form of recording, communication or representation, including but not limited to letters, words, pictures, sounds, magnetic impulses, symbols, numbers or any combination thereof, whether or not visible to the unassisted human eye. This definition shall include, but is not limited to, any and all originals, copies or drafts of any and all of the following: records, notes, summaries, schedules, contracts, agreements, drawings, blueprints, sketches, invoices, orders, acknowledgments, diaries, reports, findings,

forecasts, tests, appraisals, reports, memoranda, medical records, telephone recordings, telephone logs, telephone lists, diaries, calendars, planners, daytimers, correspondence and letters, e-mail, telegrams, telexes, facsimiles and faxes, cables, tapes, tape recordings, statements, receipts, invoices, check registers, transcripts, recordings, photographs, witness statements, pictures, films, videotapes, computer programs, computer databases, models, surveys, things and materials of any nature whatsoever. Any "document" which contains any comment, notation, addition, insertion or marking of any kind which is not part of another document is to be considered as a separate "document."

III. INTERROGATORIES

INTERROGATORY NO. 1: Please identify each and every individual known to you who has any knowledge of, or who claims to have knowledge of, any facts or evidence discoverable in this matter, together with a summary of each person's knowledge.

INTERROGATORY NO. 2: Please identify each and every person you intend to call as a lay witness at the trial of this matter, together with a summary of the substance of each person's expected testimony.

INTERROGATORY NO. 3: Please identify each and every person you expect to call as an expert witness at the trial in this matter, and for each such person, state with particularity:

(a) The qualifications upon which you intend to rely to establish said person as an expert witness;

(b) The subject matter on which said person is expected to testify;

(c) The substance of the facts and opinions to which he or she is expected to testify; and

(d) The other information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure and Rule 705 of the Idaho Rules of Evidence.

INTERROGATORY NO. 4: Please identify each exhibit which you plan to offer into evidence at the trial of this matter and proposed use and relevance of each such exhibit.

INTERROGATORY NO. 5: If you contend that Tree Top Ranches, LP, or any individual(s) acting on behalf of Tree Top Ranches, has made any admission or statement against Tree Top Ranches' interests in this matter, please state the following:

- (a) the identity of the individual making the admission and/or statement;
- (b) the date, time, and location where the admission and/or statement was made;
- (c) the name and address of each individual present at the time the admission and/or statement was made;
- (d) whether the admission and/or statement was written or oral; and
- (e) if the admission and/or statement was oral, please state the complete content of the admission and/or statement to the best of your knowledge.

INTERROGATORY NO. 6: Please separately identify each communication which in any way relates to this matter or which you may offer into evidence at the trial of this action. For each such communication please identify:

- (a) whether the communication was oral or written;
- (b) who were the parties to the communication;
- (c) the date of the communication;
- (d) the substance of the communication; and
- (e) the relevance of the communication to the issues in this case.

INTERROGATORY NO. 7: Please separately identify each document, including without limitation, all e-mails, pictures, plans, drawings, correspondence, notes, and audio or video recordings which in any way relate to this matter.

INTERROGATORY NO. 8: Please identify, in full and complete detail, any diaries, journals, calendars, reports, records, day-timers or any other similar document of which you are aware and which relate in any way to this matter.

INTERROGATORY NO. 9: Please identify each person consulted in responding to these discovery requests and identify the discovery request for which he or she was consulted.

INTERROGATORY NO. 10: Please identify, in full and complete detail, each and every fact, document, witness, communication, and other evidence which relates to or forms the basis of your objection to the quantity element of water right Nos. 63-00127B, 63-00128B, 63-00129B, 63-00130B, 63-00131B, and 63-00178B.

INTERROGATORY NO. 11: Please explain, in full and complete detail, the legal authority which relates to or forms the basis for your objection to the quantity element of water right Nos. 63-00127B, 63-00128B, 63-00129B, 63-00130B, 63-00131B, and 63-00178B.

INTERROGATORY NO. 12: Please identify, in full and complete detail, each and every fact, document, witness, communication, and other evidence which relates to or forms the basis of your response to Tree Top Ranches' objection to the purpose of use element for water right Nos. 63-00127B, 63-00128B, 63-00129B, 63-00130B, 63-00131B, and 63-00178B.

INTERROGATORY NO. 13: Please identify, in full and complete detail, each and every fact, document, witness, communication, and other evidence which relates to or forms the basis of your response to Tree Top Ranches' objection to the period of year element for water right Nos. 63-00127B, 63-00128B, 63-00129B, 63-00130B, 63-00131B, and 63-00178B.

INTERROGATORY NO. 14: Please identify, in full and complete detail, each and every fact, document, witness, communication, and other evidence which relates to or forms the basis for your response to Tree Top Ranches' objection to the place of use element for water right Nos. 63-00127B, 63-00128B, 63-00129B, 63-00130B, 63-00131B, and 63-00178B.

INTERROGATORY NO. 15: Please explain the legal authority which relates to or forms the basis for your response to Tree Top Ranches' objection to the purpose of use element for water right Nos. 63-00127B, 63-00128B, 63-00129B, 63-00130B, 63-00131B, and 63-00178B.

INTERROGATORY NO. 16: Please explain the legal authority which relates to or forms the basis for your response to Tree Top Ranches' objection to the period of year element for water right Nos. 63-00127B, 63-00128B, 63-00129B, 63-00130B, 63-00131B, and 63-00178B.

INTERROGATORY NO. 17: Please explain the legal authority which relates to or forms the basis for your response to Tree Top Ranches' objection to the place of use element for water right Nos. 63-00127B, 63-00128B, 63-00129B, 63-00130B, 63-00131B, and 63-00178B.

IV. REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce copies of any and all documents relied upon in, identified in, or responsive to your answers to each of the above-stated interrogatories.

REQUEST FOR PRODUCTION NO. 2: Please produce copies of all documents and exhibits that you expect to offer as evidence at the trial of this matter.

REQUEST FOR PRODUCTION NO. 3: Please produce copies of any notes, memoranda, letters, or other correspondence between you and Tree Top Ranches regarding this matter.

REQUEST FOR PRODUCTION NO. 4: Please produce a copy of any and all documents including, without limitation, all notes, memoranda, drafts, reports, and work papers from or prepared by expert witnesses listed in your answers to the foregoing interrogatories.

REQUEST FOR PRODUCTION NO. 5: Please produce any and all written reports or documents of any kind whatsoever generated, relied upon, reviewed, or possessed by expert witnesses of any type retained by you to renew or analyze this matter and/or render expert testimony.

REQUEST FOR PRODUCTION NO. 6: Please produce the current resume and/or curriculum vitae of each individual whom you may call as an expert witness at the trial of this matter.

REQUEST FOR PRODUCTION NO. 7: Please produce the current resume and/or curriculum vitae of all expert witnesses or consultants with whom you have consulted, either directly or indirectly, in this matter.

REQUEST FOR PRODUCTION NO. 8: Please produce copies of any or all statements previously made by Tree Top Ranches or its respective employees, agents, or representatives relating in any way to this matter, including any written statement signed or otherwise adopted or approved by Tree Top Ranches or its respective employees, agents, or representatives.

REQUEST FOR PRODUCTION NO. 9: Please produce copies of any statements which your witnesses will use, or you anticipate may be used, to refresh their memory, either for deposition or trial.

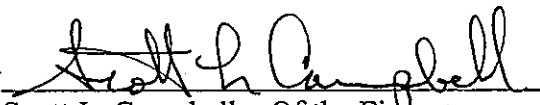
REQUEST FOR PRODUCTION NO. 10: Please produce copies of any communications including, without limitation, all meeting minutes and all e-mails, letters or, other correspondence, between you and any other person, which relate in any way to this matter.

REQUEST FOR PRODUCTION NO. 11: Please produce copies of any documents or records identified in, or related to, your responses to Interrogatory Nos. 10, 12, 13, and 14 above.

REQUEST FOR PRODUCTION NO. 12: To the extent not produced in response to the preceding requests for production, please produce all electronically stored information in your possession, custody, or control that is responsive to Claimant's First Set of Interrogatories and Requests for Production to Greg Obendorf pursuant to Idaho Rule of Civil Procedure 34(a), including, but not limited to, information stored on any desktop computer, laptop computer, blackberry, hard drive, external storage media, local area network, wide area network, handheld device, personal digital assistant, mobile phone, server, and/or archive/backup system.

DATED this 5th day of February, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Scott L. Campbell – Of the Firm
Attorneys for Claimants Larry Williams,
Marianne Williams, and Tree Top Ranches, L.P.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of February, 2009, I caused a true and correct copy of the foregoing CLAIMANT'S FIRST SET OF DISCOVERY REQUESTS TO GREG OBENDORF to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Albert P. Barker
BARKER RSHOLT & SIMPSON
1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, ID 83701-2139
Fax: (208) 344-6034

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

David W. Gehlert
DEPARTMENT OF JUSTICE
General Litigation Section
1961 Stout Street, 8th Floor
Denver, CO 80294

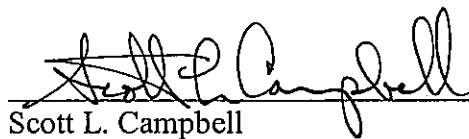
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