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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. 37-00415 37-00416

**SINCLAIR OIL CORPORATION d/b/a SUN
VALLEY COMPANY'S ANSWERS AND
RESPONSES TO CONCERNED WATER
USERS' FIRST SET OF INTERROGATORIES,
REQUESTS FOR ADMISSION, AND
REQUESTS FOR PRODUCTION**

COMES NOW Sinclair Oil Corporation d/b/a Sun Valley Company ("Sun Valley
Company"), by and through undersigned counsel, and answers and responds to Concerned Water
Users' First Set of Interrogatories, Requests for Admission and Requests for Production, as
follows:

I.
GENERAL STATEMENTS

Sun Valley Company has not completed its investigation of the facts relating to these subcases, its discovery, nor its preparation for trial. The responses contained herein are based only upon such information and documents presently available to and known by it. Nothing contained herein shall be used to preclude Sun Valley Company from further research and investigation of the facts or from presentation of the results of that research and investigation at the time of trial.

The following responses are provided without prejudice to the right of Sun Valley Company to produce and introduce at the time of trial subsequently discovered evidence relating to the proof of presently known material facts, and to produce and introduce all evidence whenever discovered relating to the proof of subsequently discovered material facts. Moreover, because the facts and evidence now known may be imperfectly understood, or the relevancy or consequence of certain facts and evidence may be imperfectly understood, such facts and evidence in good faith may not be included in the following responses. Sun Valley Company reserves the right to refer to, conduct discovery with reference to, or offer into evidence at the time of trial, any and all documents and things notwithstanding the responses and objections interposed herein.

To the extent that a discovery request has not been objected to, Sun Valley Company has used and will use reasonable diligence to obtain information responsive to the requests responded to herein, based on examination of those files that may reasonably be expected to yield such information and interviews with those individuals reasonably expected to

have such information. All relevant and unprivileged information so obtained is contained in these responses or will be contained in supplemental responses.

To the extent Objectors seek to require Sun Valley Company to do more than the foregoing, these Interrogatories are objected to on the grounds that they would subject Sun Valley Company to oppression, harassment, and undue burden and expense not commensurate with any legitimate discovery need.

II. GENERAL OBJECTIONS

Sun Valley Company objects to the General Instructions, Instructions for Requests for Admissions, Instructions for Interrogatories, Instructions for Requests for Production (“Instructions”) and Definitions included at the beginning of this set of discovery as follows:

- (i) As applied to the specific interrogatories and requests, the “Instructions” and “Definitions” would call for information that is, in part, outside the scope of knowledge of lay individuals and may require expertise in fields beyond the scope of Sun Valley Company’s knowledge. Sun Valley Company anticipates that it will be designating expert witnesses to testify at the trial of this matter. Those experts have not yet been determined, but will be designated pursuant to the pretrial orders of this Court.
- (ii) As applied to the specific interrogatories and requests, the “Instructions” and “Definitions” would seek non-discoverable expert information which is not required to be disclosed under the Idaho Rules of Civil Procedure.
- (iii) As applied to the specific interrogatories and requests, the “Instructions” and “Definitions” would make such interrogatories and requests oppressive and burdensome, overly broad, harassing, and subject Sun Valley Company to undue expense.
- (iv) As applied to the specific interrogatories and requests, the “Instructions” and “Definitions” would make such interrogatories and requests vague and ambiguous.
- (v) As applied to the specific interrogatories and requests, the “Instructions” and “Definitions” would seek information that is subject to the attorney-client and

work-product privileges, or information that was otherwise prepared in anticipation of litigation or preparation for trial containing information, conclusions, opinions, or legal theories of attorneys.

- (vi) As applied to the specific interrogatories and requests, the “Instructions” and “Definitions” purport to impose discovery burdens on Sun Valley Company in a manner not permitted by the Idaho Rules of Civil Procedure.

III.

RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit that the places of use

recommended in water right no. 37-00416 for irrigation, wildlife and aesthetic uses overlaps with the places of use recommended in water right no. 37-00415 for irrigation, wildlife and aesthetic uses in 4N 18E S5 NESW, SENW, SWSW and SESW, 4N 18E S7 SENE, and NESE, 4N 18E S8 NWNW and SWNW.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Sun Valley Company

objects to this request to the extent that it is vague, ambiguous and potentially misleading. In addition, Sun Valley Company objects to this request to the extent that it calls for a legal conclusion. Without waving said objections, and subject thereto, Sun Valley Company denies this Request for Admission; Sun Valley Company affirmatively states the places of use described in the Director’s Recommendation to the Snake River Basin Adjudication District Court for water right numbers 37-00415 and 37-00416 overlap; and Sun Valley Company affirmatively states the Director’s Recommendations speak for themselves regarding the real property descriptions for the place of use of the water rights.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 2: Please admit that the places of use recommended in water right no. 37-12111 for wildlife storage, recreation storage and aesthetic storage overlap with the places of use recommended in water right no. 37-00415 for irrigation and wildlife in 4N 18E S7 NWSE.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Sun Valley Company objects to this request to the extent that it is vague, ambiguous and potentially misleading. In addition, Sun Valley Company objects to this request to the extent that it calls for a legal conclusion. Without waving said objections, and subject thereto, Sun Valley Company denies this Request for Admission; Sun Valley Company affirmatively states the places of use described in the Director's Recommendations to the Snake River Basin Adjudication District Court for water right numbers 37-12111 and 37-00415 overlap; and Sun Valley Company affirmatively states the Director's Recommendations speak for themselves regarding the real property descriptions for the place of use of the water rights.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 3: Please admit that the places of use recommended in water right no. 37-12130 for wildlife storage and aesthetic storage overlap with the places of use recommended in water right no. 37-00415 for irrigation in 4N 18E S5 NWSW.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Sun Valley Company objects to this request to the extent that it is vague, ambiguous and potentially misleading. In addition, Sun Valley Company objects to this request to the extent that it calls for a legal conclusion. Without waving said objections, and subject thereto, Sun Valley Company denies this Request for Admission; Sun Valley Company affirmatively states the places of use described

in the Director's Recommendations to the Snake River Basin Adjudication District Court for water right numbers 37-12130 and 37-00415 overlap; and Sun Valley Company affirmatively states the Director's Recommendations speak for themselves regarding the real property descriptions for the place of use of the water rights.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 4: Please admit that the quantity of water sought by claimants in water right nos. 37-00415 and 37-00416 exceeds the prohibition of Idaho Code § 42-220 of allotting more than one inch per acre for irrigation use.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Sun Valley Company objects to this request to the extent that it is vague, ambiguous and potentially misleading. In addition, Sun Valley Company objects to this request to the extent that it calls for a legal conclusion. Without waving said objections, and subject thereto, Sun Valley Company denies this Request for Admission; the Request for Admission misstates Idaho Code Section 42-220, which speaks for itself; and Sun Valley Company affirmatively states the Amended Notices of Claim filed by it for water right numbers 37-00415 and 37-00416 document diversionary flow rates at the source which could produce mathematical calculation results exceeding 0.02 cubic feet per second of water flow for each acre of irrigated land.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 5: Please admit that the current recommendation for water right nos. 37-00415 and 37-00416 can result in delivery of water in excess of 3.5 acre-feet per acre per year.

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Sun Valley Company objects to this request to the extent that it is vague, ambiguous and potentially misleading. In addition, Sun Valley Company objects to this request to the extent that it calls for a legal conclusion. Without waving said objections, and subject thereto, Sun Valley Company denies this Request for Admission.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 6: Please admit that the transfer granted to Applicant Sun Valley Co. for water right no. 37-00415 in 1972 recognized a place of use of 115 acres with a volume of 25 c.f.s. for irrigation from April 1 through November 15.

RESPONSE TO REQUEST FOR ADMISSION NO. 6: Denied.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 7: Please admit that the place of use claimed for water right nos. 37-00415 and 37-00416 includes lands not owned by Sun Valley Co.

RESPONSE TO REQUEST FOR ADMISSION NO. 7: Sun Valley Company objects to this request to the extent that it is vague, ambiguous and potentially misleading. In addition, Sun Valley Company objects to this request to the extent that it calls for a legal conclusion. Without waving said objections, and subject thereto, Sun Valley Company admits this Request for Admission.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 8: Please admit that the place of use claimed for water right nos. 36-00415 and 37-00416 includes lands owned by each of the entities listed on Exhibit A, attached hereto.

RESPONSE TO REQUEST FOR ADMISSION NO. 8: Sun Valley Company objects to this request to the extent that it calls for a legal conclusion. Without waving said objection, and subject thereto, Sun Valley Company represents after reasonable inquiry, Sun Valley Company does not know information, nor can it readily obtain sufficient information to enable it to admit or deny this request; and therefore, Sun Valley Company denies this Request for Admission.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 9: Please admit that the land owned by the entities listed on Exhibit A within the place of use listed by Sun Valley Co. for water right nos. 37-00415 and 31-00416 do not receive irrigation water from the Sun Valley Co.

RESPONSE TO REQUEST FOR ADMISSION NO. 9: Sun Valley Company objects to this request to the extent that it is vague, ambiguous and potentially misleading. In addition, Sun Valley Company objects to this request to the extent that it calls for a legal conclusion. Without waving said objections, and subject thereto, Sun Valley Company represents after reasonable inquiry, Sun Valley Company does not know information, nor can it readily obtain sufficient information to enable it to admit or deny this request; and, therefore, Sun Valley Company denies this Request for Admission. Without waving said objections, and subject thereto, Sun Valley Company affirmatively states that any land which is not owned by

Sun Valley Company does not receive irrigation water from Sun Valley Company with its authorization.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 10: Please admit that the Sun Valley Co. does not have a contractual relationship with any other person or entity to deliver irrigation water to such person or entity either within or without the places of use claimed for water right nos. 37-00415 and 37-00416.

RESPONSE TO REQUEST FOR ADMISSION NO. 10: Sun Valley Company objects to this request to the extent that it is vague, ambiguous and potentially misleading. In addition, Sun Valley Company objects to this request to the extent that it calls for a legal conclusion. Without waving said objections, and subject thereto, Sun Valley Company denies this Request for Admission. Without waving said objections, and subject thereto, Sun Valley Company affirmatively states it has no contractual relationships at all with any person or entity to deliver irrigation water.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 11: Please admit that each of the entities listed on Exhibit A receive irrigation and domestic water service from the City of Sun Valley.

RESPONSE TO REQUEST FOR ADMISSION NO. 11: Sun Valley Company objects to this request to the extent that it is vague, ambiguous and potentially misleading. Sun Valley Company objects to this request in that it appears to be directed to parties other than Sun Valley Company. Without waving said objections, and subject thereto, to the extent a response

from Sun Valley Company is indicated or required, Sun Valley Company represents after reasonable inquiry, Sun Valley Company does not know information, nor can it readily obtain sufficient information to enable it to admit or deny this request; and, therefore, Sun Valley Company denies this Request for Admission.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 12: Please admit that the Amended Notice of Claim filed by Claimant Sun Valley Co. in 2002 for water right no. 37-00415 claims an irrigated place of use of 516.3 acres.

RESPONSE TO REQUEST FOR ADMISSION NO. 12: Admit.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 13: Please admit that the initial claim filed for water right no. 37-00416 claimed 6.5 cfs of water for irrigation of a 12.9 acre place of use.

RESPONSE TO REQUEST FOR ADMISSION NO. 13: Admit.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 14: Please admit that the claimant filed a notice of error reply to the initial IDWR recommendation which recommended the number of acres claimed by claimant.

RESPONSE TO REQUEST FOR ADMISSION NO. 14: Sun Valley Company objects to this request because it is vague, ambiguous, and misleading to such degree that it is not possible to conduct a reasonable inquiry into the factual validity of the request. Without waiving

said objections, and subject thereto, Sun Valley Company is unable to determine the extent of information known by it or readily obtainable by it due to vague, ambiguous, and misleading nature of this request. For all of these reasons, Sun Valley Company denies the request.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR ADMISSION NO. 15: Please admit that in the notice of error reply filed by claimant for water right no. 37-00416 you requested that the number of acres of the designated place of use be increased to 136.1.

RESPONSE TO REQUEST FOR ADMISSION NO. 15: Denied.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

IV. ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: Please identify and describe the places of use and all points of diversion for water right nos. 37-00415 and 37-00416 at the time the rights were decreed by the Frost Decree in 1910.

ANSWERTO INTERROGATORY NO. 1: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance

with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents it does not currently possess the information requested.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 2: Please identify and describe all changes in places of use, number of acres irrigated, points of diversion, and beneficial use since right nos. 37-00415 and 37-00416 were decreed in 1910.

ANSWER TO INTERROGATORY NO. 2: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information

prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents it does not currently possess the information requested.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 3: Please identify and describe the seasons of use for the beneficial uses to which the water was applied under right nos. 37-00415 and 37-00416 at the time the rights were decreed in 1910.

ANSWERTO INTERROGATORY NO. 3: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents it does not currently possess the information requested.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 4: Please identify and describe the basis for the increase in the number of acres claimed as the place of use between 1971 and 1978 for water right no. 37-00415, as demonstrated in the transfers granted in 1972 and 1978.

ANSWER TO INTERROGATORY NO. 4: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents it does not currently possess the information requested.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 5: Please identify and describe the basis for the increase in the number of acres claimed as the place of use between the time when the claim was initially made in the Snake River Basin Adjudication in 1989 and the notice of error reply filed in 2007 for water right no. 37-00416.

ANSWER TO INTERROGATORY NO. 5: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents additional information was discovered by Sun Valley Company through the course of its investigation of historic water use.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 6: Please identify the bases for the claimant's current beneficial uses claimed for water right nos. 37-00415 and 37-00416.

ANSWER TO INTERROGATORY NO. 6: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions

held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents based upon its understanding of this interrogatory, the beneficial uses are based upon actual diversion of water from Trail Creek and use of the diverted water for those beneficial uses and purposes.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 7: Please identify the rate of diversion, place of use, and beneficial use for each point of diversion claimed under water right nos. 37-00415 and 37-00416.

ANSWER TO INTERROGATORY NO. 7: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this

interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, *see* attached Amended Notices of Claim for Water Right Numbers 37-00415 and 37-00416.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 8: If claimant contends that a standard irrigation diversion of 1 inch of water per acre is insufficient to meet the needs of claimant, then please describe in detail all factual and legal bases upon which you rely to support your claim for a quantity of water in excess of one inch per acre for irrigation purposes.

ANSWER TO INTERROGATORY NO. 8: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun

Valley Company contends there is no “standard irrigation diversion of 1 inch of water per acre”; and, therefore, Sun Valley Company has no basis to respond to this interrogatory.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 9: Please describe in detail the manner and/or method upon which claimant relied to determine the volume and rate of diversion claimed for aesthetic and wildlife uses for water right nos. 37-00415 and 37-00416, how that volume and rate of diversion is put to beneficial use, and whether that amount of water is necessary to support claimant’s aesthetic and wildlife uses.

ANSWER TO INTERROGATORY NO. 9: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents aesthetic and wildlife uses under water right numbers 37-00415 and 37-00416 are concurrent, inextricably connected with, and superimposed upon the irrigation

uses of those water rights; consequently, since the aesthetic and wildlife uses occur with the irrigation uses, the volume and rate of diversion for the aesthetic and wildlife uses under water right numbers 37-00415 and 37-00416 are the same as and based upon the irrigation volumes and rates of diversion.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 10: Please identify and describe all acres within the designated place of use for water right nos. 37-00415 and 37-00416 that were under irrigation as of 1987, and all acres that were under irrigation for the 2008 irrigation season.

ANSWER TO INTERROGATORY NO. 10: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company will make its responsive documents (Amended Claims for 37-00415

and 37-00416 and Aerial photo attached to Water Bank Lease) available for inspection at the offices of Moffatt Thomas at a mutually convenient time and date.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 11: Please identify all areas within the place of use for water right nos. 37-00415 and 37-00416 which are covered by roads, homes, parking lots, or other impermeable surfaces, by acre and location.

ANSWER TO INTERROGATORY NO. 11: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents it does not possess this information.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 12: Please identify by acre and location all lands within the designated place of use for water right nos. 37-00415 and 37-00416 which are not owned by claimant.

ANSWER TO INTERROGATORY NO. 12: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents it does not possess this information.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 13: Please identify the number of acres and their location within the designated place of use for water right nos. 37-00415 and 37-00416 which are supplied water for irrigation by a municipal supplier.

ANSWER TO INTERROGATORY NO. 13: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially

misleading. Sun Valley Company objects to this interrogatory to the extent it appears to be directed to a party other than Sun Valley Company. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents it does not possess this information.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 14: Please describe the factual basis for each of claimant's objections to the Idaho Department of Water Resources recommendation for water right nos. 37-00415 and 37-00416, and describe all documents upon which claimant relied to support each objection.

ANSWER TO INTERROGATORY NO. 14: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory

on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents the objections are based upon historical information and legal analysis.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known, and discoverable documents will be disclosed as soon as they have been compiled.

INTERROGATORY NO. 15: Please describe the number, location, and condition of all ponds, whether for aesthetic, wildlife or storage uses, located on the place of use identified in the recommendations for water right nos. 37-00415 and 37-00416, including whether the pond is lined or unlined, and all information and documentation in the possession of claimant regarding the volume of loss from the pond(s), either individually or collectively.

ANSWER TO INTERROGATORY NO. 15: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions

held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents no ponds are lined with manufactured materials.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known, and discoverable information – to the extent responsive information is available based upon completion of Sun Valley Company's search of its records is complete – will be provided or made available for inspection.

INTERROGATORY NO. 16: Please describe the number, location, and condition of all aesthetic or wildlife streams, located on the place of use identified in the recommendations for water right nos. 37-00415 and 37-00416, including whether the aesthetic or wildlife stream is lined or unlined, and all information and documentation in the possession of claimant regarding the [sic] volume of loss from the aesthetic or wildlife stream.

ANSWER TO INTERROGATORY NO. 16: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or

in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, *see* Answer to Interrogatory No. 9. Additionally, and without waiving said objections, and subject thereto, the unpiped irrigation delivery systems used by Sun Valley Company for conveyance of water diverted under water right numbers 37-00415 and 37-00416 are the places of use of the aesthetic and wildlife uses under those rights; and none of these unpiped irrigation conveyance systems are lined with manufactured materials.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 17: Please identify and describe by type and location, all measuring devices for water diverted under water right nos. 37-00415 and 37-00416.

ANSWER TO INTERROGATORY NO. 17: Sun Valley Company objects to this interrogatory on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this

interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company identifies measuring weirs on instream diversion works on Trail Creek.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 18: Please identify and describe all studies conducted and reports generated which demonstrate the conveyance loss from the point of diversion to the place of use for water right nos. 37-00415 and 37-00416.

ANSWER TO INTERROGATORY NO. 18: Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company will provide responsive information in conformance with Idaho Rule of Civil Procedure 26(b)(4) and any applicable orders of the Court.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

INTERROGATORY NO. 19: Please identify any person or entity which you have retained to undertake an expert analysis of the any of the matters at issue in these SRBA subcases, and indicate the subject of the expert's study and analysis and whether the expert is expected to produce a report and testify at the trial of this matter.

ANSWER TO INTERROGATORY NO. 19: Sun Valley Company objects to this interrogatory to the extent its scope exceeds the provisions of the Idaho Rules of Civil Procedure applicable to disclosure of expert witnesses. Sun Valley Company further objects to this interrogatory on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this interrogatory to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation.

Without waiving said objections, and subject thereto, Sun Valley Company has not made any final determination as to who will be called as expert witnesses at the trial of this action. At such time as a determination is made relative to expert witnesses, this Answer will be supplemented accordingly. Further, Sun Valley Company anticipates compliance with the pretrial Orders of the Court relative to disclosure of witnesses.

Sun Valley Company reserves the right to supplement its answer as discovery continues and facts become known.

V.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce all records of diversion and/or delivery of water, for water diverted under water right nos. 37-00415 and 37-00416 from 1971 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Sun Valley Company objects to this request on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this request to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company objects to this request on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this request to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company does not possess any documents responsive to this request.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR PRODUCTION NO. 2: Please produce all reports, correspondence, photographs, memoranda, and all other documents relied upon or referred to by claimant or its agents to respond to the requests for admission and interrogatories served contemporaneously herewith, excluding those documents which claimant contends are protected by a privilege.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Sun Valley Company objects to this request on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this request to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company objects to this request on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this request to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents none are known to exist.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR PRODUCTION NO. 3: Please produce all aerial photographs, maps and other depictions in the possession of claimant depicting the place of use as of 1910, 1971, 1978 and 1987, for water right nos. 37-00415 and 37-00416.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Sun Valley Company

objects to this request on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this request to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company objects to this request on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this request to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents none are known to exist.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR PRODUCTION NO. 4: Please produce the results of any
“Hubble analysis” or other study undertaken by claimant to support any claim that it needs more than one inch per acre of water for irrigation purposes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Sun Valley Company
objects to this request on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this request to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company objects to this request on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by

experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this request to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, please see Answer to Interrogatory No. 18.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents and records evidencing any agreements for delivery of water from claimant to other landowners within the designated place of use for water right nos. 37-00415 and 37-00416.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Sun Valley Company objects to this request on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this request to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company objects to this request on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this request to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected

by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, Sun Valley Company represents none are known to exist.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR PRODUCTION NO. 6: Please produce all records which indicate the rate of, and volume of, transmission and/or conveyance loss for all locations within the place of use for water right nos. 37-00415 and 37-00416.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: Sun Valley Company objects to this request on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this request to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company objects to this request on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this request to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, please see Answer to Interrogatory No. 18.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR PRODUCTION NO. 7: Please produce all correspondence, documents and other records upon which the claimant relied or upon which claimant based its objections to the Idaho Department of Water Resources recommendation for water right nos. 37-00415 and 37-00416.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Sun Valley Company objects to this request on the grounds it is overly broad, vague, ambiguous, burdensome and potentially misleading. Sun Valley Company objects to this request to the extent it seeks the disclosure of impeachment evidence. Sun Valley Company objects to this request on the basis of and to the extent it seeks the identity of and disclosure of facts known or opinions held by experts who have been retained or specially employed by it in anticipation of litigation or in preparation for trial and who are not expected to be called as witnesses at trial in accordance with Idaho Rule of Civil Procedure 26(b)(4)(B). Sun Valley Company objects to this request to the extent it seeks the disclosure of individuals merely contacted or consulted by it and who will not be retained as expert witnesses, and to the extent it seeks the disclosure of information protected by the attorney/client and/or work product privileges, or information prepared in anticipation of litigation. Without waiving said objections, and subject thereto, please see Answer to Interrogatory No. 18.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR PRODUCTION NO. 8: Please produce any expert reports generated in response to, or for the purpose of resolving any matter at issue in SRBA subcase nos. 37-00415 and 37-00416.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: See Answer to

Interrogatory No. 19, and objections thereto.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

REQUEST FOR PRODUCTION NO. 8 [sic] 9: For any documents withheld from production under a claim of privilege, please produce a privilege log in conformance with Idaho Rule of Civil Procedure 26(b)(5)(A).

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Sun Valley Company is preparing a privilege log in conformance with Idaho Rule of Civil Procedure 26(b)(5)(A) and will provide it upon completion.

Sun Valley Company reserves the right to supplement its response as discovery continues and facts become known.

DATED this 17th day of March, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell – Of the Firm
Attorneys for Sinclair Oil Corporation
d/b/a Sun Valley Company

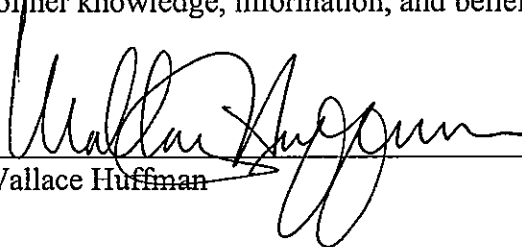
**VERIFICATION OF SINCLAIR OIL CORPORATION d/b/a SUN VALLEY
COMPANY'S ANSWERS AND RESPONSES TO CONCERNED WATER USERS'
FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSION, AND
REQUESTS FOR PRODUCTION**

STATE OF IDAHO)
) ss.
County of Blaine)

WALLACE HUFFMAN , being duly sworn, deposes and says:

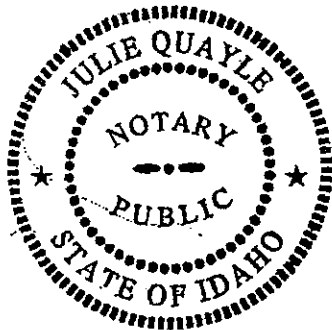
He is a VICE PRESIDENT AND GENERAL MANAGER of SUN VALLEY COMPANY,
the corporation named in the above-entitled proceeding and is authorized to make this
verification in its behalf.

He has read the foregoing SINCLAIR OIL CORPORATION d/b/a SUN VALLEY
COMPANY'S ANSWERS AND RESPONSES TO CONCERNED WATER USERS' FIRST SET OF
INTERROGATORIES, REQUESTS FOR ADMISSION, AND REQUESTS FOR PRODUCTION, knows
the contents thereof, and the same are true to the best of her knowledge, information, and belief.



Wallace Huffman

SUBSCRIBED AND SWORN to before me this 16 day of March, 2009.





NOTARY PUBLIC FOR IDAHO
Residing at Blaine County
My Commission Expires 11-1-2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this, 27th day of March, 2009, I caused a true and correct copy of the foregoing SINCLAIR OIL CORPORATION d/b/a SUN VALLEY COMPANY'S ANSWERS AND RESPONSES TO CONCERNED WATER USERS' FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSION, AND REQUESTS FOR PRODUCTION to be served by the method indicated below, and addressed to the following:

*Representing: Bill Molyneux, Gerald Bashaw,
Grace Eakin, John F. Stevenson, Pepin Corso-
Harris, Pete Van Der Muelen, and Tom O'Gara*
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*Representing: Black Butte Hills LLC,
Diamond/Soldier Properties LLC, Smokey
Dome LLC, SV Ranch LLC, Twin Lakes
Reservoir & Irrigation*

*Representing: Evergreen ventures LLC, Flying
Heart Ranch II, Howard & Carol Knight and
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*Representing: State of Idaho Department of
Natural Resources*
Natural Resources Division Chief
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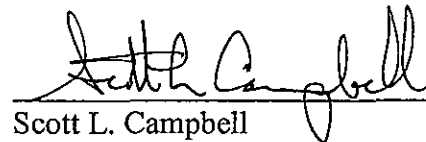
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() Overnight Mail
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UNITED STATES DEPARTMENT OF JUSTICE
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() Facsimile



Scott L. Campbell