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DEPARTMENT OF
WATER RESOURCES

Attorneys for Sinclair Oil Corporation d/b/a Sun
Valley Company and Newfoundland Partners LP

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16845.0014 and 18975.0004

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 SECOND
SUPPLEMENTAL 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:

SINCLAIR OIL CORPORATION d/b/a SUN VALLEY COMPANY'S
SECOND SUPPLEMENTAL ANSWERS AND RESPONSES TO
CONCERNED WATER USERS' FIRST SET OF DISCOVERY REQUESTS - 1

Client:1174019.1

**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. ANSWERS TO INTERROGATORIES

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.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 13: Sun Valley Company is in possession of a large aerial photograph depicting areas within the recommended place of use for 37-00415 and 37-00416 that are irrigated from a municipal supply. Due to the size of this photograph, and pursuant to Idaho Rules of Civil Procedure 33(c) and 34, Sun Valley Company will make this photograph available for inspection at the offices of Moffatt, Thomas, Barrett, Rock, & Fields, Chartered, 101 S. Capitol Blvd, 10th Floor, Boise, Idaho, at a mutually agreeable time for the parties.

**IV.
RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

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.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Please see the Supplemental Answer to Interrogatory No. 13 above.

DATED this 23rd day of April, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By



Dylan B. Lawrence – Of the Firm
Attorneys for Sinclair Oil Corporation
d/b/a Sun Valley Company

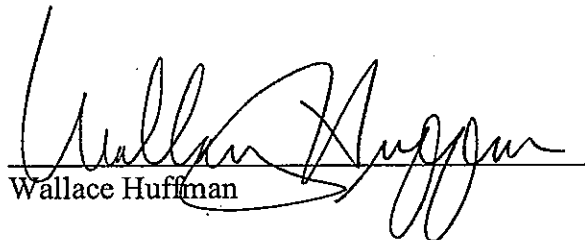
**VERIFICATION OF SINCLAIR OIL CORPORATION d/b/a SUN VALLEY
COMPANY'S SECOND SUPPLEMENTAL ANSWERS AND RESPONSES TO
CONCERNED WATER USERS' FIRST SET OF INTERROGATORIES, REQUESTS
FOR ADMISSION, AND REQUESTS FOR PRODUCTION**

STATE OF IDAHO)
) ss.
County of Blaine)

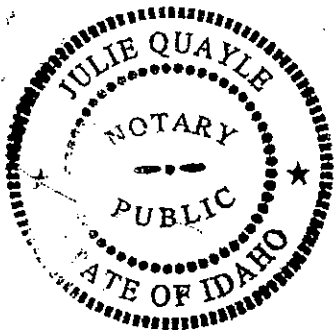
WALLACE HUFFMAN , being duly sworn, deposes and says:

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 SECOND SUPPLEMENTAL 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 31st ^{March} day of ~~April~~, 2009.




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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of April, 2009, I caused a true and correct copy of the foregoing SINCLAIR OIL CORPORATION d/b/a SUN VALLEY COMPANY'S SECOND SUPPLEMENTAL 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, Rocky Sherbine,
and Tom O'Gara*

Albert P Barker

BARKER ROSHOLT & SIMPSON

1010 W Jefferson, Suite 102

P.O. Box 2139

Boise, ID 83701-2139

Fax (208) 344-6034

☒ (X) U.S. Mail, Postage Prepaid

☐ () Hand Delivered

☐ () Overnight Mail

☐ () Facsimile

Representing: Big Wood Canal Company

Craig D. Hobdey

125 5th Ave W

P.O. Box 176

Gooding, ID 83330

Fax: (208) 934-4420

☒ (X) U.S. Mail, Postage Prepaid

☐ () Hand Delivered

☐ () Overnight Mail

☐ () Facsimile

Representing: Barker Living Trust, Chaney

Creek Ranch LLC, Charles L. Matthieson,

Charles T. Foley, Eagle Creek Irrigation Co,

ECD Inc, Elise G. Lufkin, Gimlet Property

Owners Assn, Gregory Ranch LLC, Lake Creek

Meadows Homeowners, Michael E. Willard,

Michael Engl, Myer Berlow, Ralph W. & Kandi

L. Girton, River Rock Ranch LP, Rivers Edge

Associates LLC, Roy R. Woods, Steven D.

Holzman Trust, The Gulch Trust, The R. Daniel

Olmstead, and William B. Gordon

James P. Speck

SPECK & AANESTAD

120 East Avenue

P.O. Box 987

Ketchum, ID 83340

Fax: (208) 726-0752

☒ (X) U.S. Mail, Postage Prepaid

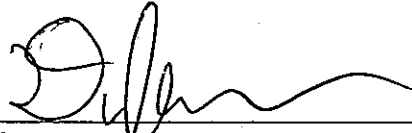
☐ () Hand Delivered

☐ () Overnight Mail

☐ () Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720
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☐ Overnight Mail
☐ Facsimile



Dylan B. Lawrence