

1
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8 ISB # 3198
9 lrm\litig\ABC\Muldoon\discovery responses.adm_Muldoon

10 *Attorneys for Muldoon Ranch Co., LLC*

11 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
12 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

13 * * * * *

14 IN Re SRBA) Subcase No. 37-01005
15)
16 Case No. 39576) **MULDOON RANCH CO., LLC'S**
17) **RESPONSE TO OBJECTORS'**
18) **REQUEST FOR ADMISSION**
19)

20 *****

21 COMES NOW, MULDOON RANCH CO., LLC (hereinafter "Muldoon"), by and
22 through its undersigned counsel of record, Gary D. Slette, and responds to Objectors' Request for
23 Admission as follows:

24 REQUEST FOR ADMISSION NO. 1: Please admit that Muldoon Ditch (the irrigation
25 ditch diverting water from Muldoon Creek in the NWSE quarter quarter section of Section 3,
26 Township 02 North, Range 21 East, and traversing more of [sic – or] less the northern boundary
of Muldoon Ranch) was constructed after 1900.

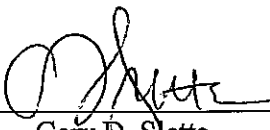
RESPONSE TO ADMISSION NO. 1: Muldoon has made inquiries as to the
date of construction of Muldoon Ditch, and because the information known or readily attainable
is insufficient in order to enable Muldoon to admit or deny the request, Muldoon therefore

1
2 denies the request. That having been stated, because a number of water rights delivered at that
3 point have a priority date of 1884, Muldoon believes that such ditch was necessarily
4 constructed well before 1900.

5 Muldoon's investigation of these matters is ongoing. Accordingly, the responses that
6 follow are based upon the best knowledge, information, and belief of Muldoon at this time.
7 Muldoon reserves the right to make any further responses if it appears that any omission or error
8 has been made in connection with these responses or that more accurate information is or has
9 become available. These responses are made without prejudice to Muldoon's rights to use in later
10 discovery or to present at hearing, such evidence as may later be discovered or evaluated.

11 DATED this 19 day of May, 2009.

12 ROBERTSON & SLETTE, PLLC

13 By: 
14 Gary D. Slette

15
16 CERTIFICATE OF MAILING

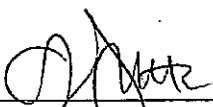
17 I hereby certify that on this 19 day of May, 2009, I served the original hereof, by
18 depositing same in the United States mail, postage prepaid, in an envelope, addressed to the
19 following:

20 Scott L. Campbell
21 Andrew J. Waldera
22 MOFFATT THOMAS BARRETT
23 P.O. Box 829
24 Boise, ID 83701-0829

[] Hand Deliver
[☒] U.S. Mail
[] Overnight Courier
[] Facsimile Transmission - 208-385-5384
[] Email slc@moffatt.com
ajw@moffatt.com

25 Director
26 Idaho Dept of Water Resources
P.O. BOX 83720
Boise, ID 83720-0098

[] Hand Deliver
[☒] U.S. Mail
[] Overnight Courier
[] Facsimile Transmission - 208-287-6700


Gary D. Slette