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DEPARTMENT OF
WATER RESOURCES

Attorneys for Sinclair Oil Corporation
d/b/a Sun Valley Company

Scott L. Campbell, ISB No. 2251
Tara Martens, ISB No. 5773
Dylan B. Lawrence, ISB No. 7136
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 South Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
16845.0005

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
 37-04108 37-12111

**SECOND SET OF INTERROGATORIES, AND
REQUESTS FOR PRODUCTION TO
MEMBERS OF THE "CONCERNED WATER
USERS"**

PLEASE TAKE NOTICE that Sinclair Oil Company, dba Sun Valley Company,
(hereafter "SVC"), by and through its attorneys of record, Moffatt, Thomas, Barrett, Rock &
Fields, Chartered, and pursuant to Idaho Rules of Civil Procedure 26, 33, 34, and 36 and
pursuant to Section 1 of the Court's Administrative Order 1, hereby submits its Second Set of

Interrogatories and Request for Production to members of the self-titled "Concerned Water Users" in their individual capacities¹ (hereafter "CWU") as follows:

**I.
INTRODUCTION**

In responding to these discovery requests, 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 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 requests, 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 to the individuals described in the preceding paragraph. If any item has subparts, answer each part separately and in full. If you cannot answer any of the following requests 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 request on the ground that the information sought is privileged and non-discoverable, please state the basis for your claim of privilege and, in the case

¹ Idaho law requires that an objector to a water right in the SRBA is also a water right claimant in the SRBA. IDAHO CODE § 42-1412(1). SRBA court records do not reflect any water right claims submitted by the "Concerned Water Users" or Blaine County Ranchers, Inc., the entity for which "Concerned Water Users" is an assumed name. Under these circumstances, the eight individual members of the CWU whose names appear on the CWU's Objections are parties to these subcases in their individual capacities, and the "Concerned Water Users" is simply a term of convenience. Therefore, the CWU members will be individually bound by the responses to these discovery requests.

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 claim of privilege.

These requests are deemed to be continuing. If, after responding to these requests, you acquire any further information responsive to them, you are hereby requested, pursuant to Idaho Rule of Civil Procedure 26(e), to file and serve supplemental answers or responses containing such further information.

If you fail to respond to one or more of these requests or if your response to one or more of these requests is evasive or incomplete, SVC may move the Court for an order compelling you to fully respond to these requests 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 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 respond to any of these requests in full or fail to supplement your answers or responses as requested, SVC may move the Court for an order precluding you from introducing into evidence, or otherwise using either at trial or on motion for summary judgment, any testimony, witness, exhibit, document, record, publication, or other item or information not timely disclosed in your responses to these requests.

II. DEFINITIONS

The term “communication(s)” shall include, without limitation, any dissemination of information or transmission of a statement from one person to another or in the presence of another, whether written, oral, or by action or conduct.

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, orders, meeting minutes, design manuals, inventories, audits, acknowledgments, diaries, findings, forecasts, tests, appraisals, reports, memoranda, 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, transcripts, recordings, photographs, witness statements, pictures, films, videotapes, computer programs, computer databases, models, 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.”

The term “drawing(s)” shall include, without limitation, any and all drawings, as-builts, mylars, designs, blueprints, sketches, maps, plans, notes, graphic depictions, schematics,

or similar items, whether prepared by an engineer, architect, surveyor, other licensed professional, or other person.

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

- (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, title, 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 please include:

- (a) The nature or type of record or document (*e.g.*, letter, photograph, map, drawing, tape recording, 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.

III. INTERROGATORIES

INTERROGATORY NO. 19: Please identify, in full and complete detail, any records or documents obtained by you from Sun Valley Water and Sewer District or produced to you by Sun Valley Water and Sewer District pursuant to public records request or otherwise.

INTERROGATORY NO. 20: Other than counsel, please identify each and every individual who participated in the preparation of the Objections filed by the Concerned Water Users in these Subcases and detail the areas and subjects of each individual's participation.

**IV.
REQUEST FOR PRODUCTION**

REQUEST FOR PRODUCTION NO. 13: Please produce copies of any and all documents relied upon in, identified in, or responsive to your answers to the above-stated interrogatories.

DATED this 15th day of June, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Tara Martens
Tara Martens – Of the Firm
Attorneys for Sinclair Oil Corporation
d/b/a Sun Valley Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2009, I caused a true and correct copy of the foregoing **SECOND SET OF INTERROGATORIES, AND REQUESTS FOR PRODUCTION TO MEMBERS OF THE "CONCERNED WATER USERS"** to be served by the method indicated below, and addressed to the following:

Albert P. Barker
BARKER, ROSHOLT & SIMPSON, LLP
P.O. Box 2139
Boise, ID 83701
Fax: (208) 344-6034

Attorneys for Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pete Van Der Muelen, and Pepin Corso-Harris

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

Craig Hobdey
HOBDEY & HOBDEY
P.O. Box 176
Gooding, ID 83330
Fax: (208) 934-4420

Attorneys for Big Wood Canal Company

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

James P. Speck
SPECK & AANESTAD
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
Fax: (208) 726-0752

Attorneys for Barker Living Trust, Chaney Creek Ranch LLC, Charles L. Mattiesen, 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, William B. Gordon

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☐ Overnight Mail
☐ Facsimile

Fritz X. Haemmerle
Special Master
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax: (208) 578-0564

*Attorney for Flying Heart Ranch II, Howard and
Carol Knight, and James and Evelyn Phillips*

(X) U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front St., 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

(X) U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile


Tara Martens