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JUN 19 2009
DEPARTMENT OF
WATER RESOURCES

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

Scott L. Campbell, ISB No. 2251
Tara Martens, ISB No. 5773
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
16845.14 and 18975.4

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. 37-02629 37-02658
 37-07584 37-07651

**SINCLAIR AND NEWFOUNDLAND'S
SECOND SET OF INTERROGATORIES,
REQUESTS FOR PRODUCTION AND
REQUEST FOR INSPECTION TO A. W.
MOLYNEUX**

Please take notice that Sinclair Oil Corporation, d/b/a Sun Valley Company, and Newfoundland Partners, LP (hereafter the "Objectors"), by and through their 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 submit their Second Set of Interrogatories, Requests for Production, and Request for Inspection to A. W. Molyneux as follows:

I. INSTRUCTIONS

1. In responding to these Interrogatories, Requests for Production, and Request for Inspection, 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.

2. 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.

3. 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 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.

4. 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.

5. 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, Objectors 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.

6. If you fail to produce documents and records requested herein on the grounds 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.

7. If you fail to respond to any of these requests in full or fail to supplement your answers or responses as requested, Objectors 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

1. 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.

2. 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, operations manuals, installation 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.”

3. 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.

4. 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.

5. 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. 8: Please identify each and every individual known to you who has any knowledge of, or who claims to have knowledge of, the claims before the Snake River Basin adjudication in Subcases 37-02629, 37-02658, 37-07584, and 37-07651, hereinafter referred to collectively as “Rights.”

INTERROGATORY NO. 9: With respect to the Rights claimed, please identify the location(s) and type(s) of any and all diversions for irrigation, stockwater, or other uses, and describe the conveyance and distribution system associated with each diversion structure; please include, but not limited to identification of pump specifications, topographic mapping of piping and ditch diagrams.

INTERROGATORY NO. 10: Please identify any and all engineering, survey or other data, calculations or drawings depicting the location and/or hydraulic design of the diversions and/or distribution system related to the Rights.

INTERROGATORY NO. 11: Please identify each and every individual known to you who has any knowledge of, or who claims to have knowledge of, the diversion, irrigation or distribution system, together with their address, associated expertise and qualifications, and registration as a professional, if applicable.

INTERROGATORY NO. 12: Please identify any and all reports, data and results of evaluation of properties of soils or other materials underlying the place of use associated with the Rights.

INTERROGATORY NO. 13: Please identify any and all measurements, tests, evaluation or other analysis of operational seepage rates performed on any ditches or other channels conveying water pursuant to the Rights and/or any evaporation from any ponds or impoundments associated with irrigation under the Rights.

INTERROGATORY NO. 14: Please identify all calculations, drawings, design or other data associated with sprinkler irrigation systems installed on the real property associated with the Rights.

INTERROGATORY NO. 15: Please identify any and all data or analysis related to water quality performed on any water associated with the Rights, specifically including, but not limited to ground and surface water evaluation of dissolved oxygen, temperature, nutrients, and/or chemical evaluations.

INTERROGATORY NO. 16: Please identify each and every individual known to you who has any knowledge of, or who claims to have knowledge of, technical aspects of the irrigation facilities associated with the Rights, including, but not limited to irrigation operations, facilities, use of facilities, equipment, design, construction, irrigation system wells, water measuring devices, surface water control, scheduling data and procedures, surface runoff rate and control and irrigation water management. Your answer should include identification of both governmental and private individuals.

IV. REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 14: Please produce copies of any and all documents relied upon, identified in, or responsive to your answers to each of the above-stated interrogatories.

REQUEST FOR PRODUCTION NO. 15: Please produce specifications and other data regarding any flow measuring devices installed and/or operational for measurement of the total ditch flow and/or diversions discharge.

REQUEST FOR PRODUCTION NO. 16: Please produce the results, data and/or analysis of any flow measuring device installed and/or operational for measurement of the total ditch flow and/or diversion discharge.

REQUEST FOR PRODUCTION NO. 17: Please produce any and all Farm Service Agency crop data or imagery, specifically including, but not limited to acreages and crop type for farms served by irrigation water associated with the Rights.

REQUEST FOR PRODUCTION NO. 18: Please produce any and all water master delivery records associated with the Rights for the preceding twenty (20) years.

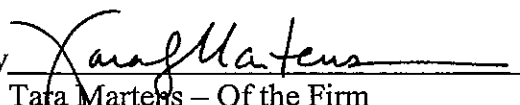
REQUEST FOR PRODUCTION NO. 19: Please produce any and all discharge measurement data and records and pump power records for wells (with place of use identified) associated the Rights.

V.
REQUEST FOR INSPECTION

Please make arrangements to permit entry upon irrigated land in your control to enable inspection, analyses, measuring, surveying, and testing of the facilities, soils and operations.

DATED this 18th day of June, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of June, 2009, I caused a true and correct copy of the foregoing SINCLAIR AND NEWFOUNDLAND'S SECOND SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION AND REQUEST FOR INSPECTION TO A. W. MOLYNEUX to be served by the method indicated below, and addressed to the following:

Albert P Barker
BARKER RSHOLT & SIMPSON
1010 W Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Representing: A. W. Molyneux

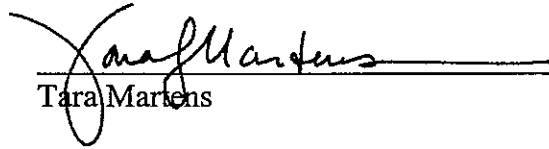
☒ (X) U.S. Mail, Postage Prepaid
☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile

Michael C. Creamer
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Fax: (208) 388-1300
Representing: Dana Dowers and The Valley Club

☒ (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

☒ (X) U.S. Mail, Postage Prepaid
☐ () Hand Delivered
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Tara Martens

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**NOTICE OF SERVICE OF SINCLAIR AND
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PRODUCTION AND REQUEST FOR
INSPECTION TO A. W. MOLYNEUX**

NOTICE IS HEREBY GIVEN that on the 18th day of June, 2009, a copy of
SINCLAIR AND NEWFOUNDLAND'S SECOND SET OF INTERROGATORIES, REQUESTS FOR
PRODUCTION AND REQUEST FOR INSPECTION TO A. W. MOLYNEUX and a copy of the
foregoing NOTICE OF SERVICE were served by U.S. Mail, prepaid, and addressed to the
following at the address shown below:

**NOTICE OF SERVICE OF SINCLAIR AND NEWFOUNDLAND'S
SECOND SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION
AND REQUEST FOR INSPECTION TO A. W. MOLYNEUX- 1**

Client:1261495.1

Albert P Barker
BARKER ROSHOLT & SIMPSON
1010 W Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139

Michael C. Creamer
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720

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


Tara Martens