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DEPARTMENT OF
WATER RESOURCES

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Valley Company

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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 THIRD
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
THIRD SUPPLEMENTAL ANSWERS AND RESPONSES TO
CONCERNED WATER USERS' FIRST SET OF DISCOVERY REQUESTS - 1**

Client:1285585.1

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.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 13: Sun Valley Company is in possession of a large aerial photograph and map prepared by Benchmark Associates (Photo Date September 14, 2008; Map Date October 14, 2008) 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.

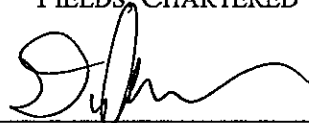
SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Please see the Supplemental Answer to Interrogatory No. 13 above. In addition, Sun Valley Company is also in possession of another aerial photograph and map prepared by Benchmark Associates (Photo Date 2005-2008; Map Date November 3, 2008) depicting the place of use for 37-00415 and 37-00416. Due to the size of this photograph, and pursuant to Idaho Rule of Civil Procedure 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.

DATED this 23rd day of July, 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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of July, 2009, I caused a true and correct copy of the foregoing SINCLAIR OIL CORPORATION d/b/a SUN VALLEY COMPANY'S THIRD 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*

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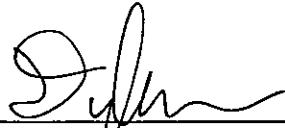
*Representing: Barker Living Trust, Chaney
Creek Ranch LLC, Charles L. Matthieson,
Charles T. Foley, Eagle Creek Irrigation Co,
ECD Inc, Elise G. Lufkin, Gimlet Property
Owners Assn, Gregory Ranch LLC, Lake Creek
Meadows Homeowners, Michael E. Willard,
Michael Engl, Myer Berlow, Ralph W. & Kandi
L. Girton, River Rock Ranch LP, Rivers Edge
Associates LLC, Roy R. Woods, Steven D.
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