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Albert P. Barker, ISB #2867
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

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SEP 01 2009

DEPARTMENT OF
WATER RESOURCES

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

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	)	Subcase Nos. 37-60, 37-61, 37-62, 37-63A,
	)	37-64A, 37-66A, 37-67B, 37-68A, 37-69B,
Case No. 39576	)	37-70, 37-71B, 37-230, 37-231B, 37-232,
	)	37-577AZ, 37-2492, 37-4266, 37-22050,
	)	37-22051, 37-22052
	)	
	)	
	)	FIRST INTERROGATORIES,
	)	REQUESTS FOR ADMISSION, AND
	)	REQUESTS FOR PRODUCTION OF
	)	GERALD BASHAW, GRACE EAKIN,
	)	JOHN STEVENSON, PEPIN CORSO-
	)	HARRIS, PETE VAN DER MEULEN,
	)	ROCKY SHERBINE, AND TOM
	)	O'GARA TO SUN VALLEY RANCH,
	)	LLC

COMES NOW, the Objectors, Gerald Bashaw, Grace Eakin, John F. Stevenson, Pepin Corso-Harris, Pete Van Der Meulen, Rocky Sherbine, and Tom O'Gara by and through their attorneys of record, Barker Rosholt & Simpson LLP, and submits their **FIRST INTERROGATORIES, REQUESTS FOR ADMISSION, AND REQUESTS FOR PRODUCTION TO SUN VALLEY RANCH, LLC** pursuant to Rules 26, 33, 34 and 36 of the Idaho Rules of Civil Procedure.

GENERAL INSTRUCTIONS

1. Objectors request that Sun Valley Ranch, LLC answer the following interrogatories, requests for admission and requests for production separately and fully, in writing, under oath, and in accordance with Rules 26, 33, 34 and 36 of the Idaho Rules of Civil Procedure, and produce the documents requested, either by providing the Objectors with photocopies or by producing the responsive documents for inspection and copying, in accordance with Rules 25 and 34 of the Idaho Rules of Civil Procedure.

2. When answering these interrogatories and requests for production, please type the interrogatory or request as well as your response or objection in accordance with all provisions of Rules 33, 34 and 36 of the Idaho Rules of Civil Procedure. Please serve the original typewritten responses to **FIRST INTERROGATORIES, REQUESTS FOR ADMISSION, AND REQUESTS FOR PRODUCTION TO SUN VALLEY RANCH, LLC** with a copy of your notice of service on the Objectors.

3. These interrogatories, requests for admission, and requests for production of documents are deemed continuing in nature, and your responses are to be supplemented as additional information and knowledge becomes available or known to you as provided in Rule 26(e) of the Idaho Rules of Civil Procedure.

4. In answering these interrogatories, requests for admission, and requests for production of documents, furnish all information which is known or available to you, however obtained, including, but not limited to, information known of your personal knowledge, hearsay information, information obtainable by the diligent search of sources of information available to you, and all information in the possession of or available to any person or persons acting on your behalf or under your control or under the control of

any of your attorneys, accountants, agents, employees, experts, subcontractors, independent contractors, insurers, investigators, representatives, or others with whom you have a relationship and from whom you are capable of deriving information, documents, or material.

5. If you withhold any information, in whole or in part, which is called for in an interrogatory or request for production on the ground that it is subject to attorney-client privilege, or other privilege, please provide the following information:

- (a) Principals. The name, title, and address(es) of the author(s), sender(s), and recipients(s). Identify each person or entity having knowledge of the basis for each claim of privilege or other objection.
- (b) Date. The date the document was originated.
- (c) Publications. The date and title of each person to whom the contents of the document has been communicated (by copy, exhibition, reading, summarization, or otherwise).
- (d) Descriptions. A description of the nature and subject matter of the document.
- (e) Privilege. A statement of the privilege and the grounds upon which it is asserted. Notwithstanding a claim that a document is privileged, any document so withheld must be produced with the portion claimed to be protected excised.

6. If you object to or otherwise decline to answer any portion of an interrogatory or request for production for reasons other than privilege, please state that a complete response is not provided, state the reason for the incomplete response, and provide all information requested which is not subject to the objection or refusal to answer. If you object to an interrogatory on the ground that to provide an answer would constitute an undue burden, provide all requested information that can be supplied without undertaking an undue burden.

7. If you are unable to produce any document requested, state the reason you are unable to produce the document and identify the document with as much accuracy as possible.

8. Identify each person who provided information for or participated in the preparation of the responses to these requests for production, interrogatories, and requests for production of documents. Identify the specific interrogatories and/or requests for which each such person provided information.

INSTRUCTIONS FOR INTERROGATORIES

1. Responses to these interrogatories, and objections if any, must be served upon the Objectors within thirty (30) days of service hereof in accordance with Rule 33(a) of the Idaho Rules of Civil Procedure. The response shall first set forth each interrogatory asked, followed by the answer or objection of the party given under oath.

2. Where exact statistical or numerical information, including dates, or times, cannot be furnished, supply estimated or approximate information and, state in detail the reason(s) why exact statistical or numerical information cannot be furnished. Where an estimation or approximation is supplied, it should be so indicated, and an explanation provided as to the basis upon which the estimate or approximate information was derived.

INSTRUCTIONS FOR REQUESTS FOR ADMISSIONS

1. Please answer the following requests for admissions separately and fully, in writing, under oath, and in accordance with Rule 36(a) of the Idaho Rules of Civil Procedure within thirty (30) days of service hereof.

2. When answering these requests for admissions, please type the request for admission as well as your response in accordance with all provisions of Rules 33 and 36

of the Idaho Rules of Civil Procedure. Please serve the original typewritten responses to these Requests for Admissions with a copy of your notice of service on the Defendants.

3. In answering these requests for admissions, furnish all information which is known or available to you, however obtained, including, but not limited to, information known of your personal knowledge, hearsay information, information obtainable by the diligent search of sources of information available to you, and all information in the possession of or available to any person or persons acting on your behalf or under your control or under the control of any of your attorneys, accountants, agents, employees, experts, subcontractors, independent contractors, insurers, investigators, representatives, or others with whom you have a relationship and from whom you are capable of deriving information, documents, or material.

4. Identify each person who provided information for or participated in the preparation of the responses to these requests for admissions. Identify the specific requests for which each such person provided information.

INSTRUCTIONS FOR REQUESTS FOR PRODUCTION

1. Please provide, within thirty (30) days from the date of service of these requests, clear and legible photocopies of the requested documents by mailing them to the undersigned in accordance with Rule 34(b) of the Idaho Rules of Civil Procedure together with your responses to interrogatories and requests for production. Inspection and copying will be conducted by the undersigned attorneys or their agents and will continue from time to time and from day to day until completed. If you will make the originals of the requested documents available at a subsequent time, upon reasonable notice, including trial, then the requests for productions of documents may be satisfied by

mailing true, correct, and legible copies of each and every requested document to Albert P. Barker, Barker Rosholt & Simpson LLP, 1010 W. Jefferson St., Ste. 102, P.O. Box 2139, Boise, Idaho 83701-2139 within the prescribed time.

2. Each document to be produced shall be provided in a manner which preserves its sequential relationship with other documents being produced and shall include the file folder and folder tabs associated with its file location. If the file location is not apparent on the folder and tabs, the document shall be accompanied by information indicating from where the file was taken and such additional information sufficient to indicate the file's origin.

3. You are requested to provide a response within thirty (30) days of service. If you refuse to produce any document, you must identify it as specified in these instructions and state the legal grounds for non-production. If any document requested cannot be located, describe in detail:

- (a) the type of document;
- (b) the types of information contained therein;
- (c) the effort made to locate the document;
- (d) the person (name, affiliation, title, business address and telephone number) who made such an effort;
- (e) the source and custodian of documentation consulted and searched;
- (f) the identity of all persons having knowledge of the contents thereof;
- (g) whether any government agencies would have retained a copy of any of the documents;
- (h) whether the document was destroyed, and if so, at whose direction, when, and the reasons for its destruction; and

- (i) whether the document was lost, and if so, at what approximate date, by whom, and under what circumstances.

DEFINITIONS

In answering these interrogatories, requests for admission, and requests for production of documents, all terms retain their normal meaning. Terms used in these interrogatories when used in the singular shall be construed to include the plural, and vice versa. Words used with reference to a person of the male gender shall also be construed to refer to a person of the female gender, and vice versa. The following terms, in addition to their commonly understood definitions, shall have the following meanings:

1. The words "Sun Valley Ranch, LLC," "you," or "SVR" refers to Sun Valley Ranch, LLC, the Claimant in this action, and your present and former attorneys, officers, directors, employees, agents, representatives, subcontractors, material suppliers, consultants, investigators and any other persons who were and/or are presently authorized to act or purporting to act in your behalf.
2. The word "agent" when used without a qualifying adjective, means all persons or entities presently or formerly associated with you, including employees, officers, directors, consultants, insurance company agents, contractors, subcontractors, representatives, investigators, shareholders, attorneys, trustees, and any other person authorized to act in your behalf.
3. The term "person" as used herein, includes any natural person, corporation, partnership, or other business association or entity recognized by law, and the employees or independent contractors thereof, and any domestic or foreign

government body, commission, board, agency, branch, department, component or element thereof.

4. The term "document" includes all items identified in Idaho Rule of Civil Procedure 34(a)(1), and, also is used in this first set of interrogatories and requests for production in its broad and literal sense and at a minimum means any written, drawn, typed, printed, recorded, Photostatted, computer generated, microfiched, microfilmed or graphic matters, whether produced, reproduced, or stored on paper, cards, disc, tape, film, electronic facsimile, computer storage or any other media, whether an original, master or duplicate including, but not limited to accounts, advertisements, affidavits, agreements, analyses, appraisals, applications, appointment books, appointment calendars, bank checks, bills, blueprints, books, bookkeeping entries, bulletins, cablegrams, cache logs, calculations, canceled checks, cashier's checks, catalogs, charts, check stubs, circulars, communications, compilations, computer printouts, computer source codes and object codes, contracts, correspondence, court filings, day books, data, declarations, depositions, desk calendars, diagrams, diaries, diary entries, documents, drafts, drawings, electronic mail, electronic files stored on a computer disk, CD-ROM, or other computer disk or tape technology, expense reports, field notebooks, files, financial statements, flowcharts, forecasts, graphs, invoices, itineraries, interview notes, ledgers, letters, lists, log books, mailgrams, manuals, memoranda, minutes, notebooks, note pads, notes, pamphlets, papers, periodicals, photographs, plans, projections, proposals, prospectuses, publications, receipts, records, reports, returns, sketches, sound recordings, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, summaries or records of meetings, conferences or legislative, judicial, or

other public hearings, summaries or reports of investigations or negotiations, opinions and/or reports of consultants, tax returns, telefax, telegrams, telephone logs, tickets, time records, time sheets, transcriptions, transcripts, travel reports, travel vouchers, vouchers, working papers, worksheets, and all other papers, writings, drawings, recordings, or physical things containing information, including all original and amended versions of the documents, preliminary and subsequent drafts or marginal notes appearing on any documents, however denominated or described by the parties to whom the particular interrogatories and/or requests for production are directed. The term "document" shall further collectively include the original, duplicate original, and any or all copies or reproductions of the original document, to the extent that any or all copies are different in any way from the original document, whether by interlineations, receipt stamps, notation, indication of copies sent or received otherwise, which are in your possession, custody or control.

5. "Describe in detail" or "state in detail" as used herein, means the following:

Describe fully by reference to the underlying facts, rather than the ultimate facts or conclusions of law or facts, and particularize as to:

- (a) the identity of each person involved in each such event, including, but not limited to persons employed by you and those persons purporting to act for you;
- (b) the specific acts of each person in participation in each such event;
- (c) the date and time of each such event;
- (d) the address and location of such an event; and
- (e) the identity of each person present during each such event.

6. "Identify" or identity" shall have the following meaning:
- (a) When used in reference to an organization, the response shall state the full name and present or last known address of the corporation, partnership, firm or other entity.
 - (b) When used in reference to an individual, the response shall state his or her full name, present or last known address, present or last known business affiliation and job description, any past or present affiliation with plaintiff or defendant, and the manner in which he or she relates to any of the issues or facts in this litigation, and the source and extent of his or her knowledge about any of these facts or issues. If you do not know the present address or present employer of any such person, please so indicate.
 - (c) When used in reference to a document, the response shall state the type of document (e.g., memorandum, letter, note, contract), its date, author(s), addressee(s) (if any), synopsis of content, and present location. In lieu of providing this information, plaintiff may attach a copy of the document to its answers.
 - (d) When used in reference to a source of information, the response shall identify each individual providing information. The response shall also state whether the information has been reduced to writing or other tangible form. If so, this writing or other record shall be identified in the manner described in subparagraph (9) above.

7. The word "substantiate" means to: identify with precision, specificity and particularity each document upon which you rely in making the reference, contention, or response; to identify each person whose statements are or will be relied upon to support the reference, contention, or response; to state with precision, specificity and particularity any other facts relating to the reference, contention, or response; and to identify any and all legal bases (including common law, statutes, regulations, etc.) for the reference, contention or response.

8. Documents to be identified or facts to be stated are described as those that "relate to" any entity, a person, an action, a document or event. For purposes of responding to these interrogatories, the term "relate to" shall mean to name, to refer to either directly or indirectly, to comment upon, analyze, review, report on, form the basis of, be considered in the preparation of, result from, be in any way connected with, emanate from, or have any logical relation to the entity, person, document, event, or action.

9. "Water Rights" mean Water Right claim Nos. 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-230, 37-231B, 37-232, 37-577AZ, 37-2492, 37-2538, 37-22050 and 37-22051, unless the context states otherwise.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that the map attached as Exhibit A accurately depicts areas you have identified as "jurisdictional wetlands" and "existing forest cover" within the Places of Use (POU) for these "water rights."

INTERROGATORIES

INTERROGATORY NO. 1: With respect to Request for Admission No. 1, if you deny the map attached as Exhibit A accurately depicts the areas you have identified as "jurisdictional wetlands" and "existing forest cover" within the POU for these "water rights," please identify areas that you contend are not areas you have identified as "jurisdictional wetlands" and "existing forest cover" within the POU for these "water rights."

INTERROGATORY NO. 2: For each individual POU, please:

- a. Identify all acres that are classified as “seasonal wetlands” (as opposed to “permanent wetlands”) and identify the period of year any of those “seasonal wetlands” are seasonally inundated and/or saturated to the surface for a consecutive number of days, the number of days those “seasonal wetlands” are consecutively inundated and/or saturated to the surface and the basis on which the determination of “seasonal wetland” was made;
- b. Identify all acres that are classified as “permanent wetlands” (as opposed to “seasonal wetlands”) and identify the period of year those “permanent wetlands” are inundated and/or saturated to the surface and the basis on which the determination of “permanent wetland” was made; and
- c. Identify total acreage of all lands that are classified as “wetlands” (i.e., seasonal, jurisdictional, permanent, flood induced, etc.).

INTERROGATORY NO. 3: For each individual POU, please:

- a. Describe the basis for your claim of irrigated acres within each POU;
- b. Identify the location and acreage of all “jurisdictional wetlands” (as that term is used in the narrative supporting your 404 permit), the factual basis for determining that the lands are “jurisdictional wetlands” (including, but not limited to, hydrological, soil and/or vegetation data), the period of year any of those “jurisdictional wetlands” are seasonally inundated and/or saturated to the surface for a consecutive number of days, and the number of days those “jurisdictional wetlands” are consecutively inundated and/or saturated to the surface; and

- c. Identify what method of irrigation (i.e., sprinkler, flood, surface, sub-irrigation, etc.), if any, is used in each area identified as “jurisdictional wetlands,” and the period of year when these “jurisdictional wetlands” are irrigated by any method of irrigation identified in your answer.

INTERROGATORY NO. 4: For each individual POU, please:

- a. Identify the location and acreage of all areas you have described as “existing forest cover” (as that term is used in the narrative supporting your 404 permit) and provide the definition of “existing forest cover” on which these designations were based; and
- b. Identify what method of irrigation (i.e., sprinkler, flood, surface, sub-irrigation, etc.), if any, is used in areas identified as “existing forest cover” and the period of year those “existing forest cover” acres are irrigated by any method of irrigation identified in your answer.

INTERROGATORY NO. 5: For each individual POU, please identify the location and acreage of “flood irrigation induced wetlands” (as that term is used in the narrative supporting your 404 permit) that were subsequently removed from “jurisdictional wetland” delineation for purposes of Clean Water Act section 404 permitting, and the period of year when each distinct area of “flood irrigation induced wetlands” is flood irrigated.

INTERROGATORY NO. 6: For areas identified as “flood irrigation induced wetlands,” subsequently removed from “jurisdictional wetland” as identified above in Interrogatory No. 5, please identify the criteria used in that determination and identify any evidence that these areas are irrigated by surface irrigation and by sub-irrigation.

INTERROGATORY NO. 7: For each individual POU, please identify the location and acreage of all land that is irrigated due to sub-irrigation and the period of time of sub-irrigation.

INTERROGATORY NO. 8: Please identify all records of the delivery of water on the property by any and all ditches, when these records were created, the capacity of each of the ditches to carry water, including volume, size, the period of year when delivered in the ditches, and any operation and management records of the ditches identified. The ditches referred to in this interrogatory are those ditches included in Exhibit B, an aerial photograph and map of the ditches and waterways on the SVR property, prepared by Sun Valley Ranch and attached hereto as Exhibit B.

INTERROGATORY NO. 9: With respect to the new Parshall flume installed at the Blacks 61 measuring point:

- a. Please provide the specifications for the flume;
- b. Please describe in detail why the new Parshall flume was installed;
- c. Please identify the date of installation; and
- d. Please identify all measurements of water flow, including dates, and describe any differences in measurements between the prior measuring device or method and the new Parshall flume located at the Blacks 61 measuring point.

INTERROGATORY NO. 10: For each POU and point of delivery (POD), please identify and describe in detail all measuring devices and all delivery measurements of all claimed water rights. If there are no measuring devices, please explain how water delivery is measured at each point of delivery.

INTERROGATORY NO. 11: Please identify all pumps, including capacity, used for delivery of water on the SVR property and identify all records of use of the pumps.

INTERROGATORY NO. 12: With respect to Water Right Nos. 37-63B, 37-64B, 37-66B, 37-67A, 37-68B and 37-69A, please:

- a. Identify any interest in or claims you have to these water rights;
- b. Provide an accounting of any record of delivery of any of these water rights to SVR property or to any other property;
- c. Identify all evidence that SVR has to any interest in or claim to these rights; and
- d. Identify the POU(s) to which SVR claims those rights were delivered, and the basis for such a claim.

INTERROGATORY NO. 13: Please identify all other water rights you claim on any of the POUs, other than the “water rights” at issue in these subcases.

INTERROGATORY NO. 14: Please identify any accomplished transfers SVR is claiming for any of these “water rights” and basis for this claim.

INTERROGATORY NO. 15: Referring to the aerial photographs of SVR’s property taken in 1943, 1957 and 1964 (attached as Exs. C, D and E respectively), please identify how much land was irrigated on SVR’s property at each POU, at each date, and the basis for your contention.

INTERROGATORY NO. 16: When the Frost decree was issued in 1909, how many acres does SVR claim were under irrigation in each POU, and what is the basis for your contention?

INTERROGATORY NO. 17: Does SVR irrigate with water from Blacks Slough, Spring Creek or any other spring-fed creeks on the SVR property? If so, please describe the irrigation and diversion structures used. Include in your answer all areas of sub-irrigation from those sources.

INTERROGATORY NO. 18: For any artesian wells on the SVR property, please state whether they are lockable and under the control of the water master, and the evidence of any delivery records from those wells.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce all documents evidencing measurement of water from all points of diversion for each POU for your water rights on SVR property.

REQUEST FOR PRODUCTION NO. 2: Please produce any and all records of any water delivery on the SVR property by all ditches (i.e., the volume, size, when the water was used and in what amounts). (See Ex. B, aerial photograph and map of the ditches and waterways on the SVR property).

REQUEST FOR PRODUCTION NO. 3: Please produce any and all delivery records, for all water rights delivered by wells and all records of the rate and volume of water diverted from each well.

REQUEST FOR PRODUCTION NO. 4: Please produce all communications with IDWR, its representatives, agents and employees and all photographs, drawings and specifications regarding the installation of the Parshall flume at Blacks 61 measuring point and the measurements at Blacks 61 measuring point.

REQUEST FOR PRODUCTION NO. 5: Please produce any and all records of delivery rates from the Blacks 61 headgate in the river.

REQUEST FOR PRODUCTION NO. 6: Please produce any and all records of delivery to SVR property by way of the Bypass Extension.

REQUEST FOR PRODUCTION NO. 7: Please produce all communications, documents, notes, memoranda and other papers relevant to the consideration and installation of a new flume or other measuring device at the Blacks 61 measuring point.

REQUEST FOR PRODUCTION NO. 8: With respect to the installation of the new Parshall flume, please produce all communications, documents, notes, memoranda and other papers which provide a basis for comparing the preexisting and new Parshall flume water measurement, including any actual comparisons of the volume or rate of water measured between the two measuring devices.

REQUEST FOR PRODUCTION NO. 9: Please produce all communications, documents, notes, memoranda and other papers, identifying, describing or otherwise, relevant to all of the historical measurement points at each POD on the SVR property.

REQUEST FOR PRODUCTION NO. 10: Please produce all communications, documents, notes, memoranda, office manuals and other papers regarding the determination of “jurisdictional wetland” delineations in any POU with the U.S. Army Corps of Engineers, its representatives, agents and employees.

REQUEST FOR PRODUCTION NO. 11: Please produce all communications, documents, notes, memoranda, office manuals and other papers regarding the determination of “jurisdictional wetland” delineations in any POU with the U.S. Environmental Protection Agency, its representatives, agents and employees.

REQUEST FOR PRODUCTION NO. 12: Please produce all communications, documents, notes, memoranda, office manuals and other papers regarding the determination of “jurisdictional wetland” delineations in any POU with any other experts, consultants, or any other person.

REQUEST FOR PRODUCTION NO. 13: Please produce all communications, documents, notes, memoranda, office manuals and other papers regarding the removal of areas of “flood irrigation induced wetlands” from jurisdictional wetland delineation for purposes of Clean Water Act section 404 permitting.

REQUEST FOR PRODUCTION NO. 14: Please produce all communications, documents, notes, memoranda, office manuals and other papers which contain any information indicating which areas in the POUs are irrigated due to sub-irrigation and the period of time of any sub-irrigation.

REQUEST FOR PRODUCTION NO. 15: Please produce any and all diversion records for the Flood 64 POD.

REQUEST FOR PRODUCTION NO. 16: Please produce all measurements of groundwater levels on SVR property, including measurements taken when the property is irrigated and when it is not.

REQUEST FOR PRODUCTION NO. 17: Please produce all communications with IDWR (email, telephone, fax, letter, etc.) regarding SVR water rights.

REQUEST FOR PRODUCTION NO. 18: Please produce all soils data from each individual POU on SVR property.

REQUEST FOR PRODUCTION NO. 19: Please produce all crop records from each individual POU on SVR property.

REQUEST FOR PRODUCTION NO. 20: Please produce all records regarding the time of year that any jurisdictional wetlands in each individual POU are seasonally inundated and/or saturated to the surface for a consecutive number of days, and the number of days those “jurisdictional wetlands” are consecutively inundated and/or saturated to the surface.

REQUEST FOR PRODUCTION NO. 21: Please produce all photos and sketches of Blacks 61 headgate, Parshall Flume and prior measuring device(s) at Blacks 61 point of diversion.

REQUEST FOR PRODUCTION NO. 22: Please produce all documents which show the irrigated acres in each POU, at any time from 1909 to the present.

REQUEST FOR PRODUCTION NO. 23: Please produce all documents concerning the surface irrigation of each individual POU on SVR property.

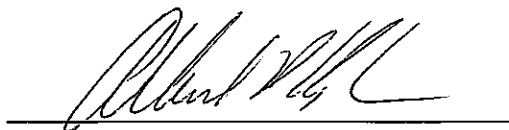
REQUEST FOR PRODUCTION NO. 24: Please produce all aerial photos of SVR property.

REQUEST FOR PRODUCTION NO. 25: Please produce all documents of historic irrigation practices on the SVR property.

REQUEST FOR PRODUCTION NO. 26: Please produce all documents which show, describe or illustrate the historic condition of the SVR property in each POU prior to the application of irrigation to the property.

DATED THIS 31st day of August 2009.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

Attorney for Gerald Bashaw, Grace Eakin,
John Stevenson, Pepin Corso-Harris, Pete
Van Der Meulen, Rocky Sherbine, and Tom
O'Gara

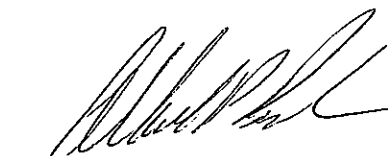
CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August 2009, I served a true and correct copy of the foregoing *FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION TO SUN VALLEY RANCH, LLC* along with a copy of the Notice of Service of a Discovery Document on the following by Facsimile and U.S. Mail, postage prepaid:

Jim Laski
Lawson Laski Clark & Pogue PLLC
675 Sun Valley Road, Suite A
P.O. Box 3310
Ketchum, ID 83340

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-00098

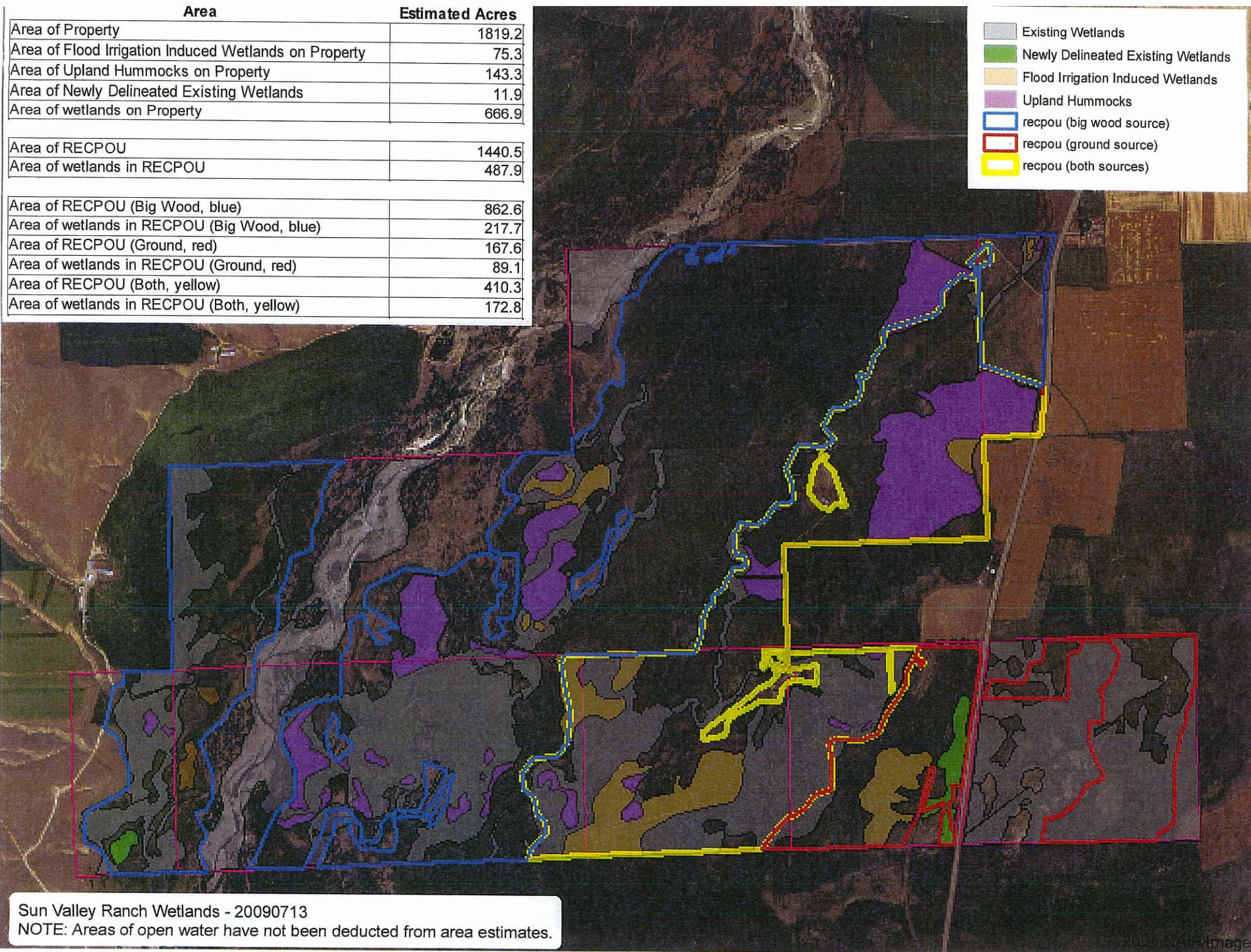


Albert P. Barker

EXHIBIT “A”

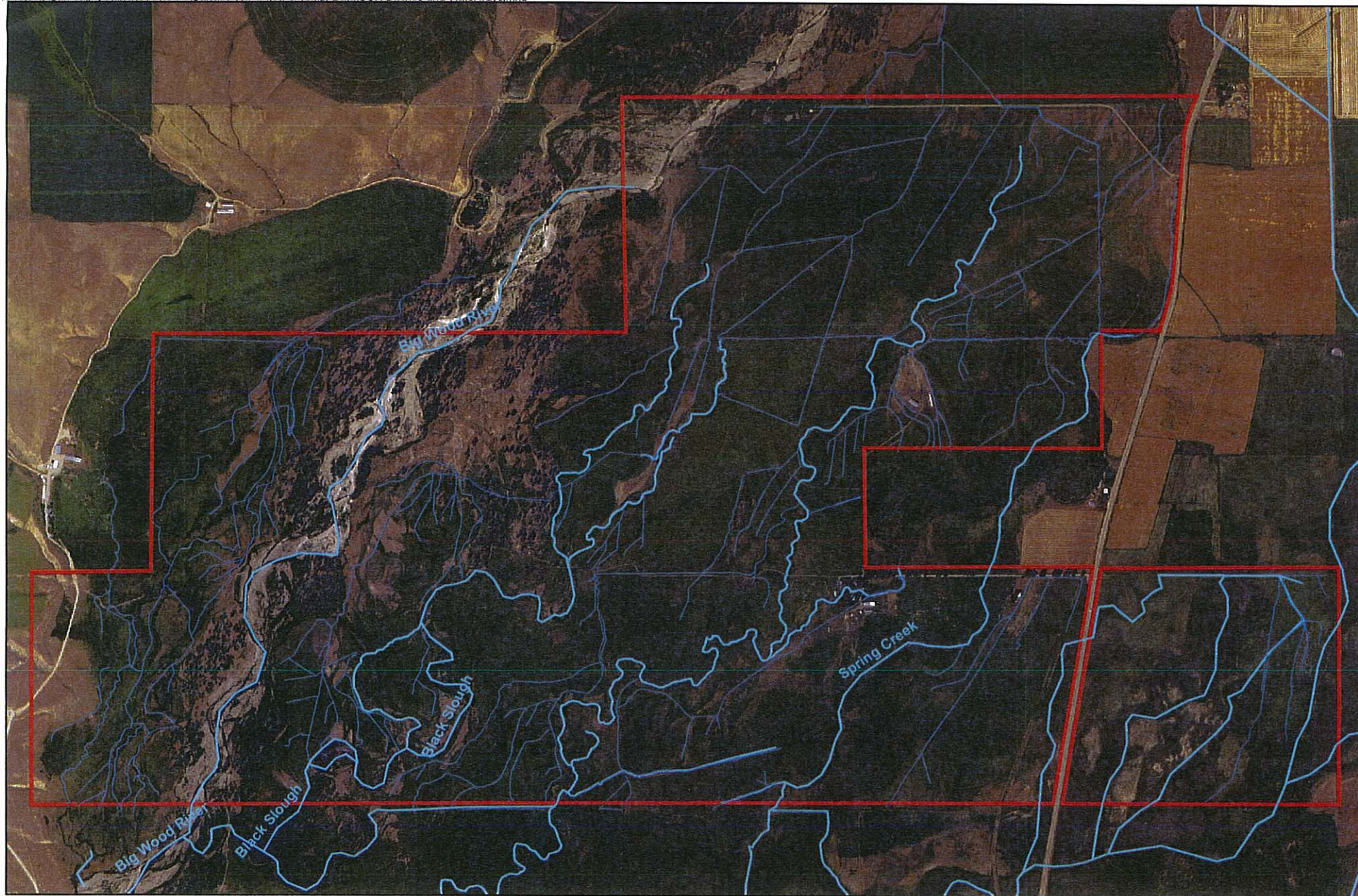
Area	Estimated Acres
Area of Property	1819.2
Area of Flood Irrigation Induced Wetlands on Property	75.3
Area of Upland Hummocks on Property	143.3
Area of Newly Delineated Existing Wetlands	11.9
Area of wetlands on Property	666.9
Area of RECPOU	1440.5
Area of wetlands in RECPOU	487.9
Area of RECPOU (Big Wood, blue)	862.6
Area of wetlands in RECPOU (Big Wood, blue)	217.7
Area of RECPOU (Ground, red)	167.6
Area of wetlands in RECPOU (Ground, red)	89.1
Area of RECPOU (Both, yellow)	410.3
Area of wetlands in RECPOU (Both, yellow)	172.8

-  Existing Wetlands
-  Newly Delineated Existing Wetlands
-  Flood Irrigation Induced Wetlands
-  Upland Hummocks
-  recpou (big wood source)
-  recpou (ground source)
-  recpou (both sources)



Sun Valley Ranch Wetlands - 20090713
 NOTE: Areas of open water have not been deducted from area estimates.

EXHIBIT “B”



**SUN VALLEY RANCH LLC
T.01S R.18E B.M. BLAINE COUNTY, ID
EXISTING WATER WAYS AND DITCHES
2004 NAIP AERIAL PHOTOGRAPH**

1 inch equals 1,500 feet

Brockway Engineering, PLLC- 6/15/09

Legend

-  Ditches
-  Spring Fed Creeks and Rivers
-  Sun Valley Ranch LLC Property

EXHIBIT “C”

11-14-43

CV0-3B

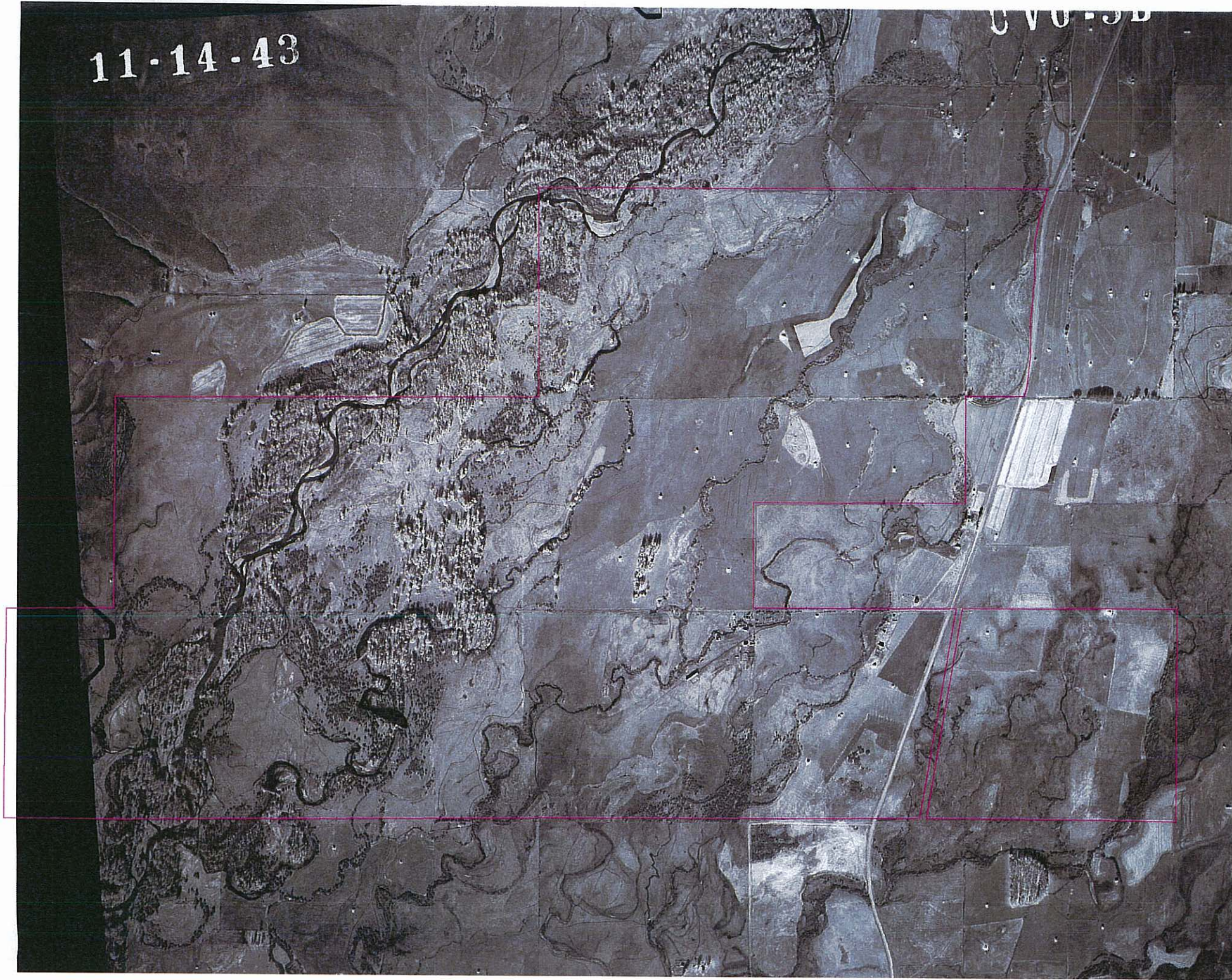


EXHIBIT “D”

-20-57

CVB-4T



EXHIBIT “E”

