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DEPARTMENT OF
WATER RESOURCES

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

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16845.0014 and 18975.0004

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. 37-00111 37-00112
37-00116 37-00475 37-00477

**SINCLAIR AND NEWFOUNDLAND'S
MOTION TO COMPEL**

COME NOW Sinclair Oil Corporation d/b/a Sun Valley Company and
Newfoundland Partners LP (collectively "Objectors"), through undersigned counsel of record
and move this Court to compel claimants Estate of James Ivan Eakin and Grace Eakin
("Claimant") to adequately respond to Objectors' outstanding discovery requests, as follows:

1. Produce documents in the Claimant's possession, custody, or control
which are responsive to Request for Production Nos. 1, 3, 4, 7, 8, 9, 10, 11, 12, and 13.

2. Make a reasonable inquiry and subsequently produce any electronically stored information responsive to the propounded interrogatories and requests for production.

3. Provide Objectors with a privilege log that complies with Idaho Rule of Civil Procedure 26(b)(5)(A).

4. Respond with dates for inspection of the Claimant's irrigation system(s) while the system(s) is operating during the irrigation season.

5. Provide responsive, full, complete and non-evasive answers to Interrogatory Nos. 1, 2, 5, 6, and 7.

Objectors further request that, after opportunity for hearing, the Court require the Claimant or its counsel to pay the reasonable expenses incurred by the Objectors in bringing this Motion, including attorney's fees, pursuant to Rule 37(a)(4).

This Motion is brought following extensive attempts to confer with Claimant to secure discovery responses, pursuant to Rule 37(a), Idaho Rules of Civil Procedure, and this Court's Administrative Order 1; and, is supported by the accompanying memorandum of law, the Affidavit of Dr. Charles Brockway, and the Affidavit of Tara Martens.

DATED this 10th day of September, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Tara L. Martens
Tara L. 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 10th day of September, 2009, I caused a true and correct copy of the foregoing **SINCLAIR AND NEWFOUNDLAND'S MOTION TO COMPEL** to be served by the method indicated below, and addressed to the following:

Albert P Barker
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P.O. Box 2139
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*Representing: Grace Eakin and Estate of James
Ivan Eakin*

(X) U.S. Mail, Postage Prepaid
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() Overnight Mail
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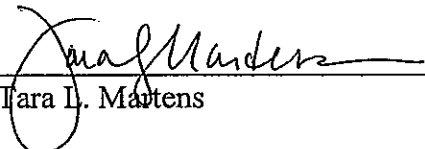
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Director
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Tara L. Martens