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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
Matthew J. McGee, ISB No. 7979
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
16845.0014 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. 37-02502 37-02618
37-07663 37-07758 37-07800

**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 claimant Thomas O'Gara Family Trust ("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.

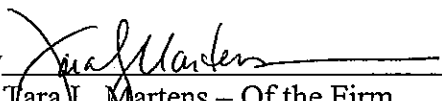
2. Make a reasonable inquiry and subsequently produce any electronically stored information responsive to the propounded interrogatories and requests for production.
3. Provide Objectors with a privilege log that complies with Idaho Rule of Civil Procedure 26(b)(5)(A).
4. Respond with dates for inspection 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. 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 Scott King, and the Affidavit of Tara Martens.

DATED this 10th day of September, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
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
BARKER ROSHOLT & SIMPSON
1010 W Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Representing: Thomas M. O'Gara Family Trust

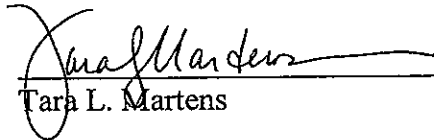
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☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile

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
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☐ () Facsimile


Tara L. Martens