

RECEIVED
JAN 12 2010
DEPARTMENT OF
WATER RESOURCES

Patrick D. Brown, ISB #4413
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Attorneys for **Claimant City of Hailey**

IN THE DISTRICT COURT OF THE 5th JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase Nos. 37-00296A, 37-00717,
	)	37-01216 and 37-07854
Case No. 39576	)	
	)	CLAIMANT'S RESPONSES TO
	)	REQUESTS FOR ADMISSION
_____	)	

STATE OF IDAHO	)
	{ ss.
County of Twin Falls	)

PATRICK D. BROWN, being first duly sworn on oath, deposes and states he is counsel for Claimant City of Hailey and as such party he gives the following Responses to ICROA's 12-11-09 FIRST REQUEST FOR ADMISSIONS.

Discovery is continuing and Claimant reserves the right to supplement these Responses as discovery progresses:

REQUEST FOR ADMISSION 1: Please admit that the attached Exhibit A is authentic.

RESPONSE NO. 1: Admitted.

REQUEST FOR ADMISSION 2: Please admit that attached Exhibit A is an extant

enforceable agreement between you and the Indian Creek Ranch Owners Association, Inc.

RESPONSE NO. 2: Respondent objects to this request on the grounds it is overbroad, vague, and ambiguous and beyond the scope of Rule 36 as it improperly seeks to have Respondent speculate as to whether or not some court somewhere, at some unspecified time, might find the agreement enforceable on whole, rather than properly limiting itself to a discrete fact or specific opinion or specific application of law to fact. There is also no way to fairly know which of the multiple meanings of "enforceable" Respondent would be admitting or denying. Therefore the request is denied.

REQUEST FOR ADMISSION 3: Please admit that attached Exhibit A requires you to maintain a specific year round minimum flow in Indian Creek regardless of any other need, requirement, agreement, decision or factor.

RESPONSE NO. 3: Denied.

REQUEST FOR ADMISSION 4: Please admit that attached Exhibit A disproves SRBA claim 37-717.

RESPONSE NO. 4: Denied.

REQUEST FOR ADMISSION 5: Please admit that attached Exhibit A disproves SRBA claim 37-1216.

RESPONSE NO. 5: Denied.

REQUEST FOR ADMISSION 6: Please admit that attached Exhibit A disproves SRBA claim 37-7854.

RESPONSE NO. 6: Denied.

REQUEST FOR ADMISSION 7: Please admit that the piping leading from your collection points at Indian Creek Spring has never been able to carry more than a total of 3 cfs.

RESPONSE NO. 7: Denied.

REQUEST FOR ADMISSION 8: Please admit that the piping leading from your collection points at Indian Creek Spring has never been able to carry more than a total of 4 cfs.

RESPONSE NO. 8: Denied.

REQUEST FOR ADMISSION 9: Please admit that the piping leading from your collection points at Indian Creek Spring has never been able to carry as much water as you are claiming in this litigation.

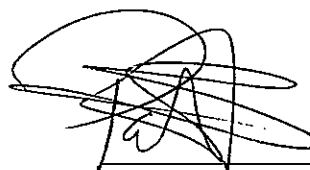
RESPONSE NO. 9: Denied.

REQUEST FOR ADMISSION 10: Please admit that you have previously asserted that you hold only a 2.59 cfs domestic water right to the Indian Creek Spring through use.

RESPONSE NO. 10: Denied.

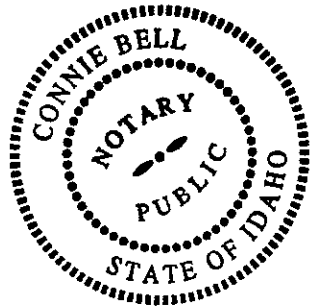
REQUEST FOR ADMISSION 11: Please admit that you have never knowingly increased your domestic use of water originating from Indian Creek Spring since the time you made the assertion that you held only a 2.59 cfs domestic water right from Indian Creek Spring.

RESPONSE NO. 11: Denied.

A handwritten signature in black ink, appearing to be "Patrick D. Brown", written over a horizontal line.

Patrick D. Brown

SUBSCRIBED and SWORN to before me this 11th day of January, 2010.



Connie Bell

NOTARY PUBLIC

Residence: Twin Falls

My Commission Expires: 11-24-12