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APR 22 2010

Department of Water Resources  
Eastern Region

COPY

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. 22-13689, 22-13690, 22-13691  
and APPLICATION FOR TRANSFER NO.  
72904 IN THE NAME OF BOYD SMITH  
TRUST

**AFFIDAVIT OF MICHAEL C. CREAMER  
IN SUPPORT OF VESTS' MOTION TO  
VACATE SCHEDULED HEARING DATE,  
TO COMPEL DISCOVERY AND FOR  
EXPEDITED HEARING AND ORDER**

STATE OF IDAHO, )  
 ) ss.  
County of Ada. )

MICHAEL C. CREAMER, being first duly sworn upon oath, deposes and states as follows:

1. I am the attorney of record in the above-captioned matter for Ruskin and Karen Vest. I have personal knowledge of the matters set forth herein and make this Affidavit in support of the contemporaneously filed *Ruskin and Karen Vest's Motion to Vacate Scheduled Hearing Date, to Compel Discovery and for Expedited Hearing and Order*.

2. On February 26, 2010, Vests served the Applicant with their First Combined Discovery Requests to Applicant Boyd Smith Trust (“Vests’ Discovery Requests”).

**AFFIDAVIT OF MICHAEL C. CREAMER IN SUPPORT OF VESTS' MOTION TO VACATE SCHEDULED HEARING DATE , TO COMPEL DISCOVERY AND FOR EXPEDITED HEARING AND ORDER - 1**

3. On April 15, 2010 I received the Applicant's Response to Vests' Discovery Requests ("Applicant's Response"). A true and correct copy of the Applicant's Response received from the Applicant (without the documents produced) is attached hereto as Exhibit A.

4. The Applicant's Response correctly restates Request For Production No. 6 propounded by Vests to the Applicant.

5. Applicant's Response to Vest's Request for Production No. 6. states as follows:

Since receiving these discovery requests, counsel for the Applicant has communicated with counsel for the Vests, and have determined that rather than producing the MODFLOW documents, Brockway Engineering, the consultant for the Applicant, will be made available to answer any questions from the expert retained by the Vests.

6. Although I have had numerous communications with Counsel for the Applicant, none of those communications involved the Applicant providing the opportunity for Vests' expert to ask Brockway Engineering questions about the Applicant's Ground Water Model in lieu of the Applicant producing the Ground Water Model and its documentation as requested by Request for Production No. 6. None of my communications with Counsel for the Applicant involved any objection by the Applicant to producing the Ground Water Model and its documentation as requested in Vests' Discovery Requests.

7. The Applicant's Response included a copy of a report dated April 12, 2010 prepared by Brockway Engineering that summarizes a Ground Water Model for the South Leigh Creek area in Teton County, Idaho. Based upon review of this report by myself and by Vests' consultant and expert, Ed Squires of Hydro Logic, it is apparent that the April 12, 2010 version of the Ground Water Model incorporates new and different parameters and assumptions and produces different results than the September 14, 2009 Ground Water Model offered by the Applicant in support of the Applications.

8. The full extent to which the April 12, 2010 version differs from the September 14, 2009 Ground Water Model cannot be determined except by examination of the model documentation, which was requested in Vests' Discovery Requests, and which has not been produced.

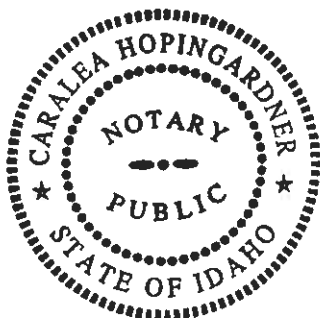
9. Even if the requested Ground Water Model documentation could be produced immediately, there is insufficient time prior to the hearing for Vests' experts Ed Squires and Mark Utting of Hydro Logic to reasonably and fully evaluate the Ground Water Models, the differences between versions, their reliability for predicting effects of the proposed Applications on ground and surface water sources and existing water rights or, the nature and extent of conditions that may be necessary for any permit that might be approved by the Department.

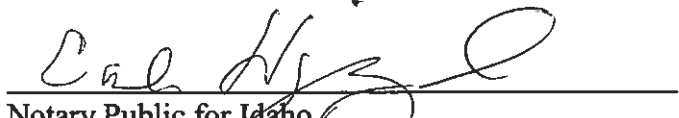
10. The Vests will be severely prejudiced in presenting their case to the Department in the above-captioned matter if they are required to go to hearing without having obtained the requested discovery and had sufficient time for their experts to review the produced Ground Water Model and its documentation.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
Michael C. Creamer

SUBSCRIBED AND SWORN TO before me this 20<sup>th</sup> day of April, 2010.



  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 5/8/2010

## CERTIFICATE OF SERVICE

I hereby certify that on this 20<sup>th</sup> day of April, 2010, a true and correct copy of the foregoing was sent by **e-mail and U.S. Mail**, postage prepaid, to the following:

Idaho Department of Water Resources  
Eastern Division  
c/o Lyle Swank  
900 N. Skyline, Suite A  
Idaho Falls, ID 83402  
[lyle.swank@idwr.idaho.gov](mailto:lyle.swank@idwr.idaho.gov)

Lyn Benjamin  
Friends of the Teton River  
P.O. Box 768  
Driggs, ID 83452  
[lyn@tetonwater.org](mailto:lyn@tetonwater.org)

Fremont-Madison Irrigation District  
PO Box 15  
St. Anthony, ID 83445

Boyd Charles Smith and Jill Johnson Smith Trust  
c/o Robert L. Harris and Luke H. Marchant  
Holden Kidwell Hahn & Crapo PLLC  
1000 Riverwalk Drive, Suite 200  
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I hereby certify that on this 20<sup>th</sup> day of April, 2010, a true and correct copy of the foregoing was sent by **U.S. Mail**, postage prepaid, to the following:

Charles Cook  
406 North 500 West  
Tetonia, ID 83452

Ed Pitzer  
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Driggs, ID 83422

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Sugar City, ID 83448

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Tetonia, ID 83452

Dale Breckenridge  
494 North 500 West  
Tetonia, ID 83452

Lloyd Fullmer  
225 East 500 North  
Tetonia, ID 83452

William B. Moulton  
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Ken Dunn  
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Tetonia, ID 83452

Idaho Department of Fish and Game  
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Idaho Falls, ID 83401

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Greater Yellowstone Coalition  
162 N. Woodruff  
Idaho Falls, ID 83401

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APR 15 2010  
GIVENS PURSLEY, LLP

Attorneys for the Boyd Charles Smith and Jill Johnson Smith Trust

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION  
FOR PERMIT NO. 22-13689, 22-13690,  
22-13691 IN THE NAME OF THE  
BOYD SMITH TRUST

**APPLICANT'S RESPONSE TO  
PROTESTANTS RUSKIN VEST AND  
KAREN VEST'S FIRST COMBINED  
DISCOVERY REQUESTS TO APPLICANT  
BOYD SMITH TRUST**

The Boyd Smith Trust, by and through its counsel of record Robert L. Harris of the firm Holden, Kidwell, Hahn & Crapo, P.L.L.C., hereby answers and responds to Protestants Ruskin Vest and Karen Vest's First Combined Discovery Requests as follows:

**GENERAL OBJECTIONS**

1. The Applicant objects to these requests for Admissions, Interrogatories and Requests for Production, and to the definitions and instructions, to the extent they purport to require discovery responses beyond that required under the local rules and orders of the Idaho Rules of Civil Procedure. These responses are provided in accordance with the Idaho Rules of Civil Procedure irrespective of any definitions and instructions that may accompany the discovery requests.

2. These responses are made subject to all objections as to competence, relevance,

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materiality, and admissibility. These responses are subject to all objections that would require the exclusion of any statement, material, or information herein provided if such requests were asked of, or any statement, material, or information provided or made by a witness present and testifying in Court. All such objections are reserved and may interpose at the time of trial.

3. Applicant specifically objects to these discovery requests to the extent they seek information protected by the attorney-client privilege, the accountant-client privilege, the work product doctrine, and the rules governing discovery related to experts as set forth in Rule 26(b)(4). This objection is intended to apply to each of the discovery requests that seeks such information and will not be repeated specifically for each request for which it applies. Applicant, to the extent possible, construed each request as requesting only information and/or documents not subject to any applicable protection.

4. No incidental or implied admissions are intended. The fact that Applicant has responded to any discovery request or part thereof should not be taken as an admission that Applicant accepts that the discovery request or the response or objection thereto constitutes admissible evidence. Similarly, the fact that Applicant has responded to all or part of a request is not intended to, and shall not be construed to be a waiver by Applicant of all or part of any objection to other requests. Applicant's answers to any discovery request herein does not constitute a waiver of its right to object to any future additional, or supplemental discovery request regarding the same or similar matters.

5. Each of these objections is incorporated into the response to each of the Interrogatories and each of the Requests for Production of Documents as though set forth verbatim therein.

## **I.** **ANSWERS TO INTERROGATORIES**

**INTERROGATORY NO. 1:** Please state the name, address and telephone number of each and every person who has knowledge of facts concerning the subject matter of this action, and for each such person, state:

- a. His or her residence address and telephone number;
- b. His or her business address and telephone number;
- c. Whether you, your agents, representatives and/or attorneys have spoken with said person and, if so, whether any oral or written statement has been obtained from said person;
- d. Identify each and every document, writing, photograph or other item of tangible or documentary evidence obtained by you, your agents, representatives and/or attorneys from said person or known to you, your agents, representatives and/or attorneys to be in the possession of said person.

**ANSWER TO INTERROGATORY NO. 1:** Objection, we do not know the names, address, and telephone numbers of each and every person who has knowledge of the facts concerning this matter. The applicant further objects because some of the documentary evidence requested is protected by the attorney/client and/or work product privileges. Without waiving said objection, the

attached documents have been obtained by us regarding this matter. Without waiving said objections, the following individuals have knowledge of the subject matter of this action.

1. Boyd and Jill Smith; 3201 Ash St., Palo Alto, CA 94306-2240; 650-327-7878. These are the applicants in this matter and have personal knowledge of the matter. See attached documents.
2. William Bill Jackson; 1020 E. 6300 N., Tetonia, ID 83452; 208-569-9152. A representative and agent of the applicant who assists with water rights and water distribution matters, and was primarily responsible for measuring water on Teton Ranch and elsewhere. See attached documents and South Leigh Creek Measurements.
3. Tom Mann; 187 Aspen Trail, Victor, ID 83455, 208-569-8324. A representative and agent of the applicant who assists with water rights and water distribution matters. See attached documents.
4. Marv Hill; 669 N. 4700 E., Ashton, ID 83420, 208-351-3884. Mr. Hill leases the Teton Ranch from the Applicants, and has for a number of years. He has knowledge of crops grown on the property, water use on the property, and water distribution on the property. See attached documents.
5. Charles Brockway; Brockway Engineering; 2016 Washington St. North, Twin Falls, ID 83301; 208-736-8543. Representatives and agents of the applicant have spoken with this individual. Written statements have been obtained from this individual relating to their technical expertise and review of the recharge project. See attached documents.
6. G. Erick Powell; Brockway Engineering; 2016 Washington St. North, Twin Falls, ID 83301; 208-736-8543. Representatives and agents of the applicant have spoken with this individual. Written statements have been obtained from this individual relating to their technical expertise and review of the recharge project. See attached documents.
7. Ryan Colyer; Biota Research and Consulting, Inc.; PO Box 8578, 140 E. Broadway, Ste. 23, Jackson, WY 83002; 307-733-4216. Representatives and agents of the applicant have spoken with this individual. Written statements have been obtained from this individual relating to their technical expertise and review of the recharge project. See attached documents.

**INTERROGATORY NO. 2.:** Please set forth the name, address and telephone number of each and every person you expect to call as a lay witness at the hearing of this matter, and for each such person, state the substance of his or her expected testimony.

**ANSWER TO INTERROGATORY NO. 2.:** We anticipate calling the following individuals as fact witnesses and reserve the right to supplement this list with the formal witness and exhibit list required to be submitted on April 14, 2010.

1. Boyd and/or Jill Smith: Will testify about the Teton Ranch, his irrigation practices, upgrade of irrigation diversion works and delivery pipes/ditches, measurement devices, concern about environmental matters, water measurement, and desire for supplemental ground water to provide additional water for his property.
2. William "Bill" Jackson: As the ranch manager, Bill will testify about the ranch's operation, irrigation practices, concern about environmental matters, and his practices and procedures to obtain water measurements on South Leigh Creek.
3. Tom Mann: Same as Bill Jackson.
4. Marv Hill: Mr. Hill is the current farm lessee of the Teton Ranch, and will testify of his irrigation practices, observations, and water utilization.
5. All Protestants and their representatives may be called as witnesses to further understand the basis for their protests, supporting documentation, and historic use of water.

**INTERROGATORY NO. 3.:** Please state the name, address and telephone number of each and every person you expect to call as an expert witness at the trial of this matter, and for each such person, state:

- a. the qualifications upon which you intend to rely to establish said person as an expert witness;
- b. The substance of the facts and opinions to which he or she is expected to testify; and
- c. Set forth specifically and in detail the underlying facts and data upon which expert's opinion and testimony is based.

**ANSWER TO INTERROGATORY NO. 3.:** We anticipate calling the following individuals as fact witnesses and reserve the right to supplement this list with the formal witness and exhibit list required to be submitted on April 14, 2010.

1. Charles G. Brockway: Dr. Brockway has obtained a Ph.D. and P.E., and has specialized in hydrology with Brockway Engineering. Dr. Brockway will testify about construction of the ground water model associated with the Applications, hydrologic principles, structure of the Applications as filed in this matter, rebuttal of other expert testimony, and other general engineering, hydrologic, and scientific matters pertaining to surface/ground water interaction, hydrology, ground water modeling, stream hydrology, etc.
2. G. Erick Powell: Dr. Powell has obtained a Ph.D. and P.E., and has also specialized in hydrology and ground water modeling with Brockway Engineering. Dr. Powell

will testify about construction of the ground water model associated with the Applications, hydrologic principles, structure of the Applications as filed in this matter, rebuttal of other expert testimony, and other general engineering, hydrologic, and scientific matters pertaining to surface/ground water interaction, hydrology, ground water modeling, stream hydrology, etc.

3. Ryan Colyer: Mr. Colyer is a Fisheries Biologist/Fluvial Morphologist with Biota Research and Consulting, Inc. Mr. Colyer will testify regarding environmental matters associated with the Teton Ranch Property, the proposed stream channel alterations to improve Yellowstone Cutthroat Trout (YCT) habitat, stream flow measurements for 2008 and 2009 supervised by Mr. Colyer, YCT issues on South Leigh Creek, and all matters set forth in the Habitat Enhancement Plan for Teton Ranch Property (see attached).

**INTERROGATORY NO. 4.:** Please describe each and every documentary, written or tangible item of evidence that you expect to introduce or use, or may use at the hearing of the above-described matter. Please provide sufficient detail (e.g. date, author, subject matter, etc.) so each such item may be identified and distinguished from other items of documentary, written or tangible evidence produced or used in this case.

**ANSWER TO INTERROGATORY NO. 4.:** See attached documents. The exhibits are:

1. *Teton Ranch Groundwater Model, Teton County, Idaho* Report, prepared by Brockway Engineering, P.L.L.C. See attached.
2. *Summary Report of Teton Ranch Proposed Managed Recharge Plan and Groundwater Modeling*, Brockway Engineering, P.L.L.C. See attached.
3. Teton Ranch Powerpoint presentation, prepared by Brockway Engineering, P.L.L.C. See attached.
4. *Statement of Qualifications*, Brockway Engineering, P.L.L.C. See attached.
5. *Habitat Enhancement Plan, South Leigh Creek Project Area, Teton Ranch Property, Teton County, Idaho*, prepared by Biota Research and Consulting (August 25, 2009). See attached.
6. *Ryan F. Colyer Resume*, prepared by Ryan F. Colyer of Biota Research and Consulting.
7. Letter to Tom Bassista (Stream Protection Specialist, Idaho Department of Water Resources), from Steve Schmidt, Idaho Department of Fish and Game, November 13, 2009 (*RE: IDWR Stream Channel Alteration Application-#22-20119, South Leigh Creek*). See attached.
8. Hand recorded measurements from South Leigh Creek from 2008 and 2009 by Teton Ranch personnel (mainly Bill Jackson), and associated documents and photographs. See attached.
9. Map of Teton Ranch Property showing property boundary and other features. Similar maps have already been submitted to you.
10. All documents submitted in conjunction with the applications for permit, and attachments thereto, in this matter may be used as exhibits. These documents are available on IDWR's website
11. All documents and exhibits submitted by the protestants in this matter.
12. All documents and exhibits submitted at the hearing on this matter by any of the protestants.

**INTERROGATORY NO. 13.:** Please state the full name and address of the person(s) participating in answering this discovery.

**ANSWER TO INTERROGATORY NO. 5.:** Robert L. Harris, Holden, Kidwell, Hahn & Crapo, P.L.L.C., PO Box 50130, Idaho Falls, ID 83405-0130; 208-523-0620. Boyd Smith; 3201 Ash St., Palo Alto, CA 94306-2240; 650-327-7878.

**II.**  
**RESPONSES TO REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1.:** Please produce any and all documents and/or items of tangible evidence which you expect to introduce or use, or may use at trial of the above-described matter.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1.:** The attached documents may be introduced.

**REQUEST FOR PRODUCTION NO. 2.:** Please produce any and all documents, statements, reports, notes, diaries, or memoranda in any form whatsoever obtained by you, your attorneys or representatives, or anyone acting on your or their behalf, from any person believed by you or by your attorney to have knowledge of any of the events or happenings referred to in the pleadings in this case.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2.:** No pleadings have been filed in this case, as it is an administrative matter. To the extent this request refers to what was contained in the Applications for Permit, the Applicant objects based on attorney/client and work product privileges. Without waiving said objection, please see the attached documents.

**REQUEST FOR PRODUCTION NO. 3.:** Please produce any and all documents and/or items of tangible evidence seen, reviewed, maintained or generated by any expert witness who will testify on your behalf at the trial of this matter, including, but not limited to all documents which reflect, document or otherwise describe facts known and/or opinions held by any such expert witness.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3.:** See attached documents.

**REQUEST FOR PRODUCTION NO. 4.:** Please produce any and all documents and/or items of tangible evidence which were referred to, or contain information responsive to, any of the Interrogatories set out above and served contemporaneously herewith.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4.:** See attached documents.

**REQUEST FOR PRODUCTION NO. 5.:** Please produce any and all documents, including but not limited to data, records, reports, summaries, measurements or observations in your possession or reviewed by you, of historical stream flow conditions in, or water diversions from,

South Leigh Creek and North Leigh Creek, including but not limited to any and all water diversions made by you from South Leigh Creek or North Leigh Creek.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5.:** See attached documents.

**REQUEST FOR PRODUCTION NO. 6.:** Please produce the MODFLOW model for the Teton Ranch ("Ground Water Model") referenced in the Brockway Engineering, LLC Summary Report on Teton Ranch Proposed Managed Recharge Plan and Ground Water Modeling dated September 14, 2009 and every subsequent version thereof developed, used or capable of being used in analyzing, characterizing or simulating ground water and surface water interactions within the ground water domain encompassed by such Ground Water Model(s) including ground and surface water responses to the managed recharge and/or ground water pumping on the Teton Ranch proposed by the above-captioned applicants. In responding to this Request for Production, the Ground Water Model and each subsequent version thereof should be produced on computer-ready compact disk with all executable files, solvers used for modeling, water balance information used to develop the well files, all input data and source code.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6.:** Since receiving these discovery requests, counsel for the Applicant has communicated with counsel for the Vests, and have determined that rather than producing the MODFLOW documents, Brockway Engineering, the consultant for the Applicant, will be made available to answer any questions from the expert retained by the Vests.

**REQUEST FOR PRODUCTION NO. 7.:** Please produce all supporting data used or considered to develop parameter assumptions and/or inputs to the Ground Water Model, including but not limited to all supporting data used or considered to develop assumptions and/or inputs related to aquifer thickness, hydraulic conductivity, conductance and boundary conditions.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7.:** See Response to Request for Production No. 6 above.

**REQUEST FOR PRODUCTION NO. 8.:** Please produce all data, records, reports, summaries, measurements or observations of ground water conditions and ground water withdrawals from any points of diversion within the domain of the Ground Water Model, including pump performance curves, production data, discharge rates, pumping and hydraulic test data, and non-pumping and pumping ground water levels for such points of diversion.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8.:** No such requested data has been obtained by the Applicant.

**REQUEST FOR PRODUCTION NO. 9.:** Please provide all data, records, reports, summaries, measurements or observations of all water diversions to the Teton Ranch property made at anytime during the year. Without limiting this request, Vests seek documentation of any and all diversions from South Leigh Creek and from the Kilpack Canal or headgate to the Teton Ranch during both the irrigation season and the non-irrigation season.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9.:** Please see the attached.

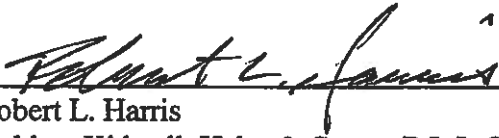
**REQUEST FOR PRODUCTION NO. 10.:** Please produce all documents supporting the assertion at page 3 of the report entitled "Revised Plan for Supplemental Water Supply, Managed Recharge, and Mitigation on the Teton Ranch, prepared by Brockway Engineering, LLC dated April 5, 2006 that the "reactivation" of the Teton Ranch water rights as a result of a futile call on determination by the watermaster for South Leigh Creek "typically occurs on August 15<sup>th</sup>."

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10.:** The applicant possess no such documentary evidence of the futile call scenario mentioned in this Request for Production.

**REQUEST FOR PRODUCTION NO. 11.:** Please produce all records of diversion of surface or ground water to aesthetic, recreation and/or wildlife uses on the Teton Ranch.

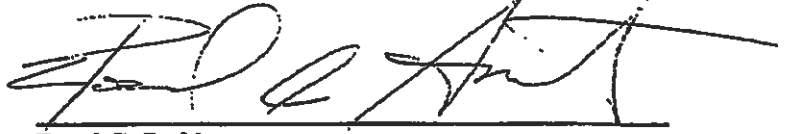
**RESPONSE TO REQUEST FOR PRODUCTION NO. 11.:** Objection, this Request for Production will not lead to the discovery of admissible evidence at the administrative hearing on this matter. The proposed applications do not seek surface or ground water for aesthetic, recreation or other wildlife uses on the Teton Ranch.

DATED this 14<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
Robert L. Harris  
Holden, Kidwell, Hahn & Crapo, P.L.L.C.  
Attorneys for Applicant

Boyd C. Smith, Being first duly sworn, deposes and says:

That he is Trustee of The Boyd Smith Trust, herein; that he has read the foregoing Responses to Protestants Ruskin Vest and Karen Vest's First Combined Discovery Requests to Applicant Boyd Smith Trust, knows the contents thereof and believes them to be true and correct to the best of his knowledge.



Boyd C. Smith  
Trustee, The Boyd Smith Trust

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF CALIFORNIA                    )  
                                                  )ss  
County of \_\_\_\_\_ )

Boyd C. Smith, Being first duly sworn, deposes and says:

That he is Trustee of The Boyd Smith Trust, herein; that he has read the foregoing Responses to Protestants Ruskin Vest and Karen Vest's First Combined Discovery Requests to Applicant Boyd Smith Trust, knows the contents thereof and believes them to be true and correct to the best of his knowledge.

\_\_\_\_\_  
Boyd C. Smith  
Trustee, The Boyd Smith Trust

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

\_\_\_\_\_  
Notary Public for the State of California  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

## CERTIFICATE OF SERVICE

I hereby certify that on this 14<sup>th</sup> day of April, 2010, I served a copy of the following described pleading or document on the attorneys listed below by mailing with the correct postage thereon, a true and correct copy thereof.

**DOCUMENT SERVED: APPLICANT'S RESPONSE TO PROTESTANTS RUSKIN VEST AND KAREN VEST'S FIRST COMBINED DISCOVERY REQUESTS TO APPLICANT BOYD SMITH TRUST**

**PARTIES/ATTORNEYS SERVED:**

Rusty Vest and Karen Vest  
c/o Jeff Fereday  
Givens Pursley, LLP  
PO Box 2720  
Boise, ID 83701-2720

( ☒ ) *First Class Mail*  
( ☐ ) *Hand Delivery*  
( ☐ ) *Facsimile*  
( ☐ ) *Overnight Mail*  
( ☐ ) *Email*

  
\_\_\_\_\_  
Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

G:\WPDATA\RLH\8527 Smith, Boyd\Discovery\Disc. Resp., Vest, 041310.wpd:cdv