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**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STRIDER CONSTRUCTION CO., INC.,

Plaintiff,

vs.

IDAHO WATER RESOURCE IWRB,

Defendant.

Case No. CV01-22-10932

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S IRCP 34 NOTICE TO
INSPECT PROPERTIES, MATERIAL
INVENTORIES, AND ACTIVITIES
AT PRIEST LAKE**

COMES NOW Defendant, Idaho Water Resource Board (“IWRB”), by and through its counsel of record, Kirton McConkie, and hereby submits this objection and response to Plaintiff’s IRCP 34 Notice to Inspect Properties, Material Inventories, and Activities at Priest Lake dated January 23, 2024. Defendant objects to this request on the grounds that the Request is overly broad, unduly burdensome, and fails to specify what Plaintiff wishes to inspect with sufficient particularity or even narrow the physical location of the items Plaintiff asserts it wishes to observe. Defendant also objects to this request to the extent it hinders and delays construction at the Priest Lake site. While Defendant has complied with requests for Defendant to be on the construction site to date, Defendant objects to Plaintiff’s representatives present for such inspections interrupting and questioning IWRB’s contractors who are working on site and also objects to continued efforts to remove any evidence from the scene outside of the rules of civil procedure governing this matter. Subject to and without waiving these objections, IWRB intends to continue to comply with all reasonable requests for inspection. IWRB notes that it can better accommodate such requests to the extent additional detail regarding the items and location of inspection is described with greater detail.

DATED this 13th day of February 2024.

KIRTON MCCONKIE

/s/ Jennifer Reinhardt-Tessmer
Jennifer Reinhardt-Tessmer
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of February 2024, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

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/s/ Jennifer Reinhardt-Tessmer
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