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DEPARTMENT OF
WATER RESOURCES

Scott L. Campbell, ISB No. 2251
Norman M. Semanko, ISB No. 4761
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
slc@moffatt.com
nms@moffatt.com
mjm@moffatt.com
16845.0025
16845.0026

Attorneys for Sun Valley Company

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHTS HELD BY MEMBERS OF THE BIG WOOD & LITTLE WOOD WATER USERS ASSOCIATION DIVERTING FROM THE BIG WOOD RIVER	Docket No. CM-DC-2015-001
IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHTS HELD BY MEMBERS OF THE BIG WOOD & LITTLE WOOD WATER USERS ASSOCIATION DIVERTING FROM THE LITTLE WOOD RIVER	Docket No. CM-DC-2015-002 **NOTICE OF DEPOSITION DUCES TECUM**

TO: **KAYSI SHARON HUBSMITH AND HER COUNSEL OF RECORD**

PLEASE TAKE NOTICE Sun Valley Company will take testimony upon oral examination of Kaysi Sharon Hubsmith, before an officer authorized to administer oaths on **Monday, September 28, 2015**, at **10:00 a.m.**, and continuing thereafter from day to day until completed, at the offices of Moffatt Thomas Barrett Rock & Fields, Chtd., located at 101 S. Capitol Boulevard, 10th Floor, Boise, Idaho, at which time and place you are notified to appear and take such part in the examination as you may deem proper.

The deponent shall be prepared to testify as a witness on the areas of inquiry attached and identified as **Exhibit A.**

The deponent is requested to bring all documents responsive to your water right number 37-472, and everything related to the above issue captioned.

This deposition shall be taken pursuant to the Idaho Rules of Civil Procedure.

DATED this 21st day of August, 2015.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By _____
Matthew J. McGee – Of the Firm
Attorneys for Sun Valley Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of August, 2015, I caused a true and correct copy of the foregoing **NOTICE OF DEPOSITION DUCES TECUM** to be served by U.S. Mail to the following:

JOSEPH F JAMES
BROWN & JAMES
130 FOURTH AVENUE WEST
GOODING ID 83330

ALBERT BARKER
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139

PATRICK D BROWN
PATRICK D BROWN PC
PO BOX 125
TWIN FALLS ID 83303

RANDALL C BUDGE
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391

SUSAN E BUXTON
CHERESE D MCLAIN
MOORE SMITH
950 W BANNOCK ST STE 520
BOISE ID 83702

ED REAGAN
COURIER NEWS
PO BOX 339
FAIRFIELD ID 83327

MICHAEL C CREAMER
MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

S BRYCE FARRIS
SAWTOOTH LAW PLLC
PO BOX 7985
BOISE ID 83707

FRITZ X HAEMMERLE
HAEMMERLE LAW PLLC
PO BOX 1800
HAILEY ID 83333

JAMES R LASKI
HEATHER E O'LEARY
LAWSON LASKI CLARK & POGUE
PO BOX 3310
KETCHUM ID 83340

DYLAN LAWRENCE
VARIN WARDWELL LLC
PO BOX 1676
BOISE ID 83701-1676

CHAS F MCDEVITT
MCDEVITT & MILLER LLP
PO BOX 2564
BOISE ID 83701

EILEEN MCDEVITT
732 FALLS VIEW DR
TWIN FALLS ID 83301

CANDICE MCHUGH
CHRIS BROMLEY
MCHUGH BROMLEY
380 S 4TH ST STE 103
BOISE ID 83702

J EVAN ROBERTSON
ROBERTSON & SLETTE PLLC
PO BOX 1906
TWIN FALLS ID 83303-1906

JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139

JAMES P SPECK
SPECK & AANESTAD PC
PO BOX 987
KETCHUM ID 83340

LAIRD B STONE
STEPHAN KVANVIG STONE
PO BOX 83
TWIN FALLS ID 83303-0083

TRAVIS THOMPSON
PAUL L ARRINGTON
BARKER ROSHOLT & SIMPSON
195 RIVER VISTA PL STE 204
TWIN FALLS ID 83301-3029

ANTHONY & JUDY D ANGELO
PO BOX 3267
KETCHUM ID 83340

BARBARA CALL
PO BOX 4
ROSS CA 94957

BERNARD I FRIEDLANDER PHD
116 VALLEY CLUB DR
HAILEY ID 83333

BLACK BUTTE HILLS LLC
PO BOX 333
FAIRFIELD ID 83327

BLUEGROUSE RIDGE HOA
BRIAN MCCOY
PO BOX 3510
KETCHUM ID 83340

BRIAN LAMAR SMITH
DIANE STEFFEY-SMITH
PO BOX 629
BELLEVUE ID 83313

BRITTA S HUBBARD
PO BOX 1167
KETCHUM ID 83340

BRUCE & KAREN TRUXAL
PO BOX 431
BELLEVUE ID 83313

CANADIAN CLUB
HOMEOWNERS ASSN
PO BOX 4041
KETCHUM ID 83340

CLARE & KAREN OLSON
OKC RANCHES
PO BOX 136
HILL CITY ID 83337

COLD SPRINGS WATER COMPANY
PO BOX 254
KETCHUM ID 83340

DAVID A & KAREN L SIMON
PO BOX 545
FAIRFIELD ID 83327

DAVID BERMAN
PO BOX 1738
CAVE CREEK AZ 85327

DEBORAH L & MATT A MCLAM
PO BOX 253
FAIRFIELD ID 83327

DOUGLAS C WALTON
DIANA L WHITING
109 RIVER GROVE LN
HAILEY ID 83333

ERNEST & JUDITH GETTO
TRUST ERNEST J GETTO
417 ENNISBROOK DR
SANTA BARBARA CA 93108

GARY HOFFMAN
PO BOX 1529
KETCHUM ID 83340

GREGORY R BLOOMFIELD
REVOCABLE TRUST
PO BOX 757
HAILEY ID 83333

GWINN RICE RANCH INC
PO BOX 131
HILL CITY ID 83337

HARRY S RINKER
949 SOUTH COAST DR STE 500
COSTA MESA CA 92626

HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 92658

H PHILLIP CASH
607 E 200 S
FAIRFIELD ID 83327

HULEN MEADOWS WATER
COMPANY AND ASSN INC
PO BOX 254
KETCHUM ID 83340

INNOVATIVE MITIGATION
SOLUTIONS LLC
2918 N EL RANCHO PL
BOISE ID 83704

JAMES D WHITE
PO BOX 367
BELLEVUE ID 83313

JARED R WILLIAMS
REVOCABLE TRUST
PO BOX 99658
SEATTLE WA 98139

JIM W KOONCE
PO BOX 2015
HAILEY ID 83333

KATHERINE BRECKENRIDGE
B BAR B INC
PO BOX 685
PICABO ID 83348

KEN SANGHA
ASAM TRUST
PO BOX 9200
KETCHUM ID 83340

KEVIN D LAKEY
107 W 1ST
SHOSHONE ID 83352

LAWRENCE SCHOEN
18351 US HWY 20
BELLEVUE ID 83313

LUBOFF SENAVSKY &
CHARLES TIMOTHY FLOYD
PO BOX 1240
EAGLE ID 83616

MARLYS J SCHMIDT
10901 HWY 75
BELLEVUE ID 83313

NANCIE C TATUM &
THOMAS F HENNIG
PO BOX 1365
SUN VALLEY ID 83353

PAUL & POLLY CARNEY LLOYD & DEAN
RICHINS MARK & SUSAN WILLIAMS FISI
CREEK RESERVOIR RANCH, LLC
384 2 2900 E
PAUL ID 83347

PAUL & TANA DEAN
40 FREEDOM LOOP
BELLEVUE ID 83313

PETER ZACH SEWELL
LORI SEWELL
PO BOX 3175
HAILEY ID 83333

PHILIP J VANDERHOEF
KATHLEEN MCKAY
5069 HAROLD PL NE
SEATTLE WA 98105

POPPY ENGLEHARDT
10965 HIGHWAY 75
BELLEVUE ID 83313

RALPH P CAMPANALE II
PO BOX 3778
KETCHUM ID 83340

ROBERT BOUTTIER
PO BOX 476
BELLEVUE ID 83313

ROBERT & JUDITH PITTMAN
121 LOWER BROADFORD RD
BELLEVUE ID 83313

ROBERT J STRUTHERS
762 ROBERT ST PICABO ROUTE
BELLEVUE ID 83313

RUSTY KRAMER
PO BOX 591
FAIRFIELD ID 83327

SAGE SPRINGS HOMEOWNERS
ASSN INC
PO BOX 254
KETCHUM ID 83340

SILVER SAGE OWNERS ASSN INC
C/O CAROLS BOOKKEEPING
PO BOX 1702
KETCHUM ID 83340

SMOKEY DOME LLC
PO BOX 333
FAIRFIELD ID 83327

SOUTH COVE VENTURES LLC
PO BOX 333
FAIRFIELD ID 83327

STARWEATHER OWNERS ASSN INC
PO BOX 254
KETCHUM ID 83340

STEVEN C FUNK
90 FREEDOM LOOP
BELLEVUE ID 83313

SV RANCH LLC
PO BOX 333
FAIRFIELD ID 83327

THOMAS & AMY MISTICK
149 ASPEN LAKES DR
HAILEY ID 83333

USDA FOREST SERVICE
ATTN JAMIE GOUGH
324 25TH ST
OGDEN UT 84401

VALLEY CLUB OWNERS ASSN INC
PO BOX 254
KETCHUM ID 83340

WILLIAM R & KATHRYN L RATLIFFE
206 BAYHORSE RD
BELLEVUE ID 83313

WOOD RIVER LAND TRUST
119 E BULLION ST
HAILEY ID 83333

Matthew J. McGee

EXHIBIT A

1. Any and all documents which reflect or concern each water right you contend is being injured.

2. Any and all documents which reflect the:

   (a) water right number and date of priority for each such water right,

   (b) purpose of and current use of each such water right,

   (c) current authorized and actual point(s) of diversion and common diversion name or water district diversion identifier, if applicable, and IDWR metal tag number / point of diversion identifier for each such water right,

   (d) historic quantities of water actually diverted at each point of diversion under each such water right and when such diversions commenced and ended each year,

   (e) current place of use for each such water right,

   (f) historic number of acres actually irrigation within the place of use for each such water right and location of such acreage,

   (g) complete description of the diversion and delivery system for the water used under each such water right,

   (h) historic conveyance losses (actual, assigned, or assumed) for each identified channel or delivery path,

   (i) method for measuring, determining or calculating the conveyance losses (actual, assigned, or assumed) for each identified channel or delivery path,

   (j) historical methods of irrigation water application for each irrigation water right, and

   (k) soil type(s) of the irrigated acreage comprising the place of use of each such water right.

3. Any and all documents which reflect or concern any other water right(s) that authorize you to deliver water to each and every actual place of use or stock location ("Overlapping Water Right").

4. Any and all documents which reflect the:

   (a) the water right number and date of priority for each Overlapping Water Right,

   (b) the source of water authorized by each Overlapping Water Right,

(c) the current authorized and actual point(s) of diversion and IDWR metal tag number / point of diversion identifier for each Overlapping Water Right,

(d) the historic quantities of water actually diverted at each point of diversion under each Overlapping Water Right and when such diversions commenced and ended each year,

(e) the historic quantities of water diverted under each Overlapping Water Right that is actually delivered to the acreage or stock location,

(f) the current place(s) of use for each Overlapping Water Right,

(g) the historic number of acres actually irrigation within the place of use for each Overlapping Water Right and location of such acreage,

(h) a complete description of the diversion and delivery system for the water under each Overlapping Water Right,

(i) the historic conveyance losses (actual, assigned, or assumed) for each identified channel or delivery path,

(j) the method for measuring, determining or calculating the conveyance losses (actual, assigned, or assumed) for each identified channel or delivery path,

(k) the well number, well identification number or IDWR metal tag number that identifies the well(s) from which each Overlapping Water Right is diverted, and

(l) the location of the well and the driller's report(s) associated with each well, if applicable.

5. Any and all documents which reflect the nature, source and amount of any application of tail water or waste water to the historic number of acres actually irrigated within the place of use for each injured water right, as well as any run-off from such acreage.

6. Any and all documents or records which reflect or concern any water measurement devices or water measurement and recording devices used at any place within the delivery system that delivers water to your actual place of use for your water rights, including without limitation documents reflecting the size, type, manufacturer, model, serial number, installation date, IDWR identification number, location and date(s) on which each such device was calibrated or checked by a watermaster, IDWR, groundwater district hydrographer or other person or entity, and the identity of such person(s).

7. Any and all documents or records which reflect information, measurements, calibrations, data, or study results concerning water use, water measurement, water availability, or injury for each of your water right(s).

8. Any and all documents or records, including but not limited to maps, GIS shape files, charts, photographs, schematics or other representations that illustrate or show the water delivery system for each of your water rights.

9. Any and all documents, including but not limited to financial and other accountings, Excel, Quickbooks or other accounting spreadsheets, invoices and receipts setting forth your expenses associated with the delivery of water under each of your water rights.

10. Any and all documents which reflect your crop records, including crop reports, crop yields, crop rotations, and crop receipts over the period for which you have such records.

11. Any and all documents which reflect your shares, assessments, ownership, rights or interests in any organized or incorporated irrigation delivery entity, including without limitation canal companies, lateral ditch water users' associations, or irrigation districts, and in any organized or incorporated drainage entity.

12. Any and all organizational and governance documents for the Big Wood & Little Wood Water Users Association, including without limitation any articles of incorporation, organization or association, operating agreements, rules, regulations, bylaws, meeting minutes, and member lists.

DEFINITIONS

A. The terms "Document(s)" and/or "Record(s)," as used herein, mean any tangible thing upon which has been placed handwriting, typewriting, printing, photocopying, photographing, digital or computerized date, or any other form of recording, communication or representation, including but not limited to letters, words, pictures, sounds, magnetic impulses, electronically stored information, symbols, numbers or any combination thereof, whether or not visible to the unassisted human eye. This definition shall include, but is not limited to, any and all originals, copies or drafts of any and all of the following: correspondence, e-mail, records, notes, summaries, schedules, contracts, agreements, drawings, blueprints, sketches, invoices, orders, acknowledgments, diaries, reports, findings, forecasts, tests, appraisals, engineering reports, memoranda, medical records, telephone recordings, telephone logs, letters, telegrams, telexes, facsimiles, cables, tapes, tape recordings, statements, receipts, invoices, check registers, transcripts, recordings, photographs, witness statements, pictures, films, videotapes, computer programs, models, things and materials of any nature whatsoever. Any document which contains any comment, notation, addition, insertion or marking of any kind which is not part of another documents is to be considered as a separate document.

B. The terms "Historic" or "Historical," refers to the entire time period for which you have, or have access to, knowledge, information, documents or records about a subject, or the last ten (10) years, whichever is longer.