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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: **RODNEY FRED HUBSMITH AND HIS COUNSEL OF RECORD**

PLEASE TAKE NOTICE Sun Valley Company will take testimony upon oral examination of Rodney Fred Hubsmith, before an officer authorized to administer oaths on **Monday, September 28, 2015, at 1:00 p.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:

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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.