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Attorneys for A&B Irrigation District

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

IN THE MATTER OF DISTRIBUTION OF)
 WATER TO WATER RIGHT NOS. 36-02356a,) **CM-MP-2009-002**
 36-07210 & 36-07247)
)
) **NOTICE OF TAKING DEPOSITION**
 IN THE MATTER OF THE MITIGATION) **DUCES TECUM OF GARY**
 PLAN FILED BY A&B IRRIGATION) **OTTMAN**
 DISTRICT)
)
 (Blue Lakes Delivery Call))
 _____)

**TO: GARY OTTMAN
 ERIKA MALMEN (COUNSEL FOR Unit A Association)**

PLEASE TAKE NOTICE, that counsel for A&B Irrigation District will take the testimony upon oral examination of GARY OTTMAN pursuant to Rule 30 and other applicable rules of the Idaho Rules of Civil Procedure. The deposition will take place before a court reporter and Notary Public with the firm of M & M Court Reporting Service, on **Wednesday, March 24, 2010 at 8:30 a.m.**, and continuing from day to day until completion, at the offices of **A&B Irrigation District, 414 11th St., Rupert, Idaho 83350**, at which time and place you are notified to appear and take part in such examination.

Pursuant to Idaho Rules of Civil Procedure 26, 30(b)(5), and 34, you are further instructed to bring to the deposition:

(1) Any and all documents you have reviewed and will review in preparation for this deposition.

(2) Any and all documents that describe, from the years 1993 to 2009:

a. The lands you own within the A&B Irrigation District and the types and amounts of crops irrigated.

b. The irrigation method employed on each field you own within the A&B Irrigation District, i.e. flood irrigation, pivots, wheel lines, hand lines, etc.

c. All water measurement documents and records that you maintain, including records demonstrating daily diversion rate data; daily, weekly, monthly, and annual volume water use data; and any other records related to water use on the lands you own within the A&B Irrigation District.

d. All documents, claims or other data submitted by you for all farming activities on lands you own within the A&B Irrigation District to the Farm Services Agency, the Federal Crop Insurance Corporation or other entity, that reflect crop type and yield.

e. All reports, records or receipts that indicate crop yield or production given to you by an purchasers or warehouses for your crops produced from lands that you own within the A&B Irrigation District.

(3) Any and all documents or records relating to “water rights” in your name that are used on land you own within the A&B Irrigation District.

(4) Any and all documents, records, reports, notes, calendars, memoranda, letters, whether written or electronic, that relate to or were relied upon in your answers to *A&B Irrigation District’s First Discovery Requests to Unit A Association*.

(5) Copies of any notes, emails or other written material in your possession of conversations with other members of the Unit A Association.

(6) A copy of the “petition for separation” referenced in the April 16, 2007 meeting

minutes of the Unit A Association.

(7) A copy of the report titled “A Closer Look at Damages and Cost Observations” referenced in the March 24, 2006 meeting minutes of the Unit A Association.

(8) A copy of the presentation and summary of “Unit A Water User Concerns” referenced in the March 24, 2006 meeting minutes of the Unit A Association.

(9) A copy of all “Estimated Loss Due to Water Curtailment” surveys completed by any and all Unit A Association members referenced in the August 23, 2005 meeting minutes.

(10) Copies of any correspondence between the Unit A Association, or any of its members, or its attorneys, and the State of Idaho Attorney General’s Office.

(11) Map of your farm showing parcels irrigated from 1993-2009.

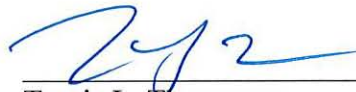
(12) All documents and records that support the statement made in your *Direct Testimony* that “implementation of the Mitigation Plan will injure Unit A landowner Association members by reducing the quantity of water that will be available for irrigation of Unit A lands as a result.”

(13) All documents and records that support the statement made in your *Direct Testimony* that “In short water years, Unit A landowners must generally plant less water-consumptive and less valuable crops, such as peas and barley, instead of more valuable crops such as potatoes, beans or sugar beets”.

For purposes of this notice, “document” includes but is not limited to memoranda, notes (field, meeting, or otherwise), reports, studies, maps, photographs, calculations, and spreadsheets and any other computer analyses.

Dated this 16th day of March, 2010.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

Attorneys for A&B Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of March, 2010, the above and foregoing **NOTICE OF TAKING DEPOSITION DUCES TECUM OF GARY OTTMAN** was sent to the following by e-mail at the listed e-mail addresses:

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