

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

IN THE MATTER OF DISTRIBUTION )  
OF WATER TO WATER RIGHT NOS. ) Docket No. CM-DC-2011-004  
36-02551 AND 36-07694 )  
) **MODIFIED SUBPOENA DUCES TECUM FOR**  
(RANGEN, INC.) ) **WAYNE COURTNEY**  
\_\_\_\_\_)

To: **Wayne Courtney, Vice-President Rangen, Inc.**

Pursuant to Idaho Rules of Civil Procedure 26, 30(b)(5) and 34, and IDAPA 37.01.01.525, you are instructed to bring to your deposition, set to commence at **8:30 a.m. on September 10, 2012**, and continue from day to day until completion, at the offices of **May, Sudweeks & Browning, LLP, 516 Hansen Street East, Twin Falls, ID 83301**, the following documents, subject to the Protective Order signed in this case, and to the terms and conditions of the Stipulation for Protective Order and Modified Subpoenas:

1. Documents maps, diagrams, drawings, and surveys showing all or any part of the Rangen facility not previously produced as part of the December 13, 2011 Petition in this matter.
2. All water right permits, licenses, and decrees under which the Rangen facility is operated, not previously produced as part of the December 13, 2011 Petition in this matter.
3. Rangen's Best Management Practices Plan ("BMPP") required under the Middle Snake Rock TMDL and October 25, 2007 Authorization to Discharge under the National Pollutant Discharge Elimination System, Permit No. IDG 130000 under which the Rangen facility is operated.
4. Any documents related to Rangen's BMPP (see preceding) regarding the development or execution of that BMPP, including draft BMPPs and correspondence with EPA or DEQ regarding Rangen's BMPP efforts.

5. Rangen's quarterly monitoring data for total phosphorus and total suspended solids collected as required by the Middle Snake Rock TMDL and October 25, 2007 Authorization to Discharge under the National Pollutant Discharge Elimination System, Permit No. IDG 130000.
6. Rangen's water quality materials, including data and scientific or technical studies, related to dissolved oxygen and total gas saturation within the Rangen facility.
7. All hatchery flow records, by raceway from 1966-2012, not previously produced to IGWA in response to IGWA's June 2012, discovery requests.
8. Records of pounds of fish feed used each month.
9. Hatchery fish production records by raceway and in the aggregate.
10. Disease treatment records.
11. Fish mortality records by raceway and in the aggregate.
12. Records reflecting final disposition of fish produced at Rangen (e.g., food fish, conservation fish, or other).
13. Provide all records and/or documents of beneficial use of Rangen's water rights, including but not limited to fish production as measured by pounds of fish per production cycle. .
14. Records of facility improvements..
15. Records of fish density indices.
16. Rangen's contracts to supply trout produced at the Rangen facility to Idaho Power or other hydropower providers, or other purchasers of trout produced at Rangen's facility, and any related documents.
17. All documents you have reviewed and will review in preparation for this deposition.

Unless otherwise indicated, the documents requested are for the period between 1987-2012. For purposes of this notice, "document" includes but is not limited to memoranda, notes (field, meeting,

or otherwise), reports, studies, maps, photographs, calculations, spreadsheets and any computer analyses.

SO ORDERED THIS 31<sup>st</sup> day of August, 2012.

A handwritten signature in black ink, appearing to read "Gary Spackman", written over a horizontal line.

GARY SPACKMAN

**DIRECTOR, IDAHO DEPARTMENT OF WATER  
RESOURCES**