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OCT 30 2012

DEPARTMENT OF  
WATER RESOURCES

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*ATTORNEYS FOR IDAHO GROUND WATER APPROPRIATORS, INC. (IGWA)*

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

IN THE MATTER OF THE PETITION )  
FOR DELIVERY CALL OF WATER ) Docket No. CM-DC-2011-004  
RIGHT NOS. 36-02551 AND 36-07694 )  
) **POCATELLO AND IGWA'S SECOND**  
(RANGEN, INC.) ) **MOTION TO ISSUE SUBPOENA DUCES**  
) **TECUM**

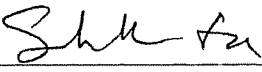
COMES NOW City of Pocatello ("Pocatello") and Idaho Ground Water Appropriators, Inc. ("IGWA") to request an order from the Director issuing the attached Subpoena Duces Tecum. The grounds for such an order are set forth below.

POCATELLO AND IGWA'S SECOND MOTION TO ISSUE SUBPOENAS DUCES TECUM

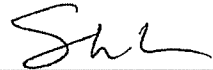
1. The parties have cooperated to schedule the continued deposition of Doug Ramsey.
2. Counsel for Rangen accepted service of Notice of Deposition, and such notice was served on October 29, 2012.
3. Pocatello and IGWA also desire that certain documents be made available for examination at the deposition, identified in the attached subpoena duces tecum.
4. Idaho Rule of Civil Procedure 30 provides for the issuance of a subpoena duces tecum to require the production of documents at deposition. I.R.C.P. 30(b)(1).
5. IDWR "may issue subpoenas upon a party's motion or upon its own initiative." IDAPA 37.01.01.525.
6. Pocatello and IGWA respectfully request that the Director issue the attached subpoena for Doug Ramsey.


Respectfully submitted this 30<sup>th</sup> day of October 2012.

CITY OF POCATELLO ATTORNEY'S OFFICE

By   
A. Dean Tranmer


WHITE & JANKOWSKI, LLP

By   
Sarah A. Klahn

By   
Mitra M. Pemberton

ATTORNEYS FOR CITY OF POCATELLO

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CHARTERED

By   
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\*Candice M. McHugh  
Thomas J. Budge

ATTORNEYS FOR IDAHO GROUND WATER  
APPROPRIATORS, INC.

## CERTIFICATE OF SERVICE

I hereby certify that on this 30<sup>th</sup> day of October, 2012, I caused to be served a true and correct copy of the foregoing Pocatello and IGWA's Second Motion to Issue Subpoenas Duces Tecum for Docket No. CM-DC-2011-004 upon the following by the method indicated:



\_\_\_\_\_  
Sarah Klahn, White & Jankowski, LLP

<p>Gary Spackman, Director State of Idaho, Dept of Water Resources 322 E Front St PO Box 83720 Boise ID 83720-0098 <a href="mailto:deborah.gibson@idwr.idaho.gov">deborah.gibson@idwr.idaho.gov</a></p>	<p><input checked="" type="checkbox"/> Original sent via U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail – Federal Express <input type="checkbox"/> Facsimile – 208-287-6700 = Phone – 208-287-4942 <input checked="" type="checkbox"/> Email</p>
<p>J. Justin May May Browning 1419 W Washington Boise ID 83702 <a href="mailto:jmay@maybrowning.com">jmay@maybrowning.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-342-7278 <input checked="" type="checkbox"/> Email</p>
<p>Robyn Brody Brody Law Office PO Box 554 Rupert ID 83350 <a href="mailto:rbrody@cableone.net">rbrody@cableone.net</a> <a href="mailto:robynbrody@hotmail.com">robynbrody@hotmail.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile - 208-260-5482 <input checked="" type="checkbox"/> Email</p>
<p>Fritz Haemmerle Haemmerle Haemmerle PO Box 1800 Hailey ID 83333 <a href="mailto:fxh@haemlaw.com">fxh@haemlaw.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-578-0564 <input checked="" type="checkbox"/> Email</p>
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<p>Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-234-6297 <input checked="" type="checkbox"/> Email</p>

<p>C. Thomas Arkoosh          Capitol Law Group          PO Box 32          Gooding ID 83330  <a href="mailto:tarkoosh@capitolawgroup.net">tarkoosh@capitolawgroup.net</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-934-8873  <input checked="" type="checkbox"/> Email</p>
<p>John K. Simpson          Travis L. Thompson          Paul L. Arrington          Barker Rosholt &amp; Simpson          195 River Vista Place Ste 204          Twin Falls ID 83301-3029  <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a>  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>  <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-735-2444  <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher          Fletcher Law Office          PO Box 248          Burley, ID 83318  <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-878-2548  <input checked="" type="checkbox"/> Email</p>
<p>Jerry R. Rigby          Rigby Andrus &amp; Rigby          PO Box 250          Rexburg ID 83440-0250  <a href="mailto:jrigby@rex-law.com">jrigby@rex-law.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-356-0768  <input checked="" type="checkbox"/> Email</p>

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DEPARTMENT OF  
WATER RESOURCES

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION  
OF WATER TO WATER RIGHT NOS. 36-  
02551 & 36-07694

Docket No.: CM-DC-2011-004

## CONFIDENTIAL INFORMATION

The enclosed is subject to the terms of the *Protective Order* entered on August 31, 2012 and is being disclosed pursuant to its terms. The enclosed documents may not be used other than in connection with the above-referenced delivery call.