

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

IN THE MATTER OF DISTRIBUTION)
OF WATER TO WATER RIGHT NOS.)
36-02551 AND 36-07694)
(RANGEN, INC.))

Docket No. CM-DC-2011-004

**SUBPOENA DUCES TECUM FOR
DAVID BROCK**

To: **DAVID BROCK**

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 **9:00 a.m.** on **January 22nd, 2013**, 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:

1. Your Curriculum Vitae, including a full record of publications in which you are listed as an author.
2. Communications between You and any of Rangen's employees or consultants (including Dr. Charlie Smith) regarding the captioned matter (the 2011 Rangen Delivery Call).
3. Rangen's Research Index is marked "Confidential" and *attached* as Exhibit 1 to this Subpoena Duces Tecum under seal. Highlighted on in blue on Exhibit 1 are the study numbers of all Final Reports produced to date by Rangen. The titles of those Final Reports which also contain Flow Information are highlighted in yellow.
 - a. Please produce any other Final Reports, other than those highlighted in yellow on Exhibit 1, which include Flow Information regarding Research conducted at the Rangen Facility.
 - b. Please produce any other Final Reports, other than those highlighted in blue on Exhibit 1, which pertain to Research completed at the Rangen Facility.
 - c. Please produce all Documents and Communications that discuss research projects which were attempted, forgone or otherwise not completed for any reason.
 - d. Please produce all Documents and Communications that discuss research projects which were attempted, forgone or otherwise not completed due to insufficient flows at the Rangen Facility.

4. A table of Documents in which David Brock is identified as a person with knowledge or involvement in various Rangen Research projects is attached as Exhibit 2 also under seal.
 - a. Please produce any additional Documents, other than those listed on Exhibit 2, in which David Brock is identified as a person with knowledge or involvement in Research conducted at the Rangen Facility.
5. All Documents You have reviewed and will review in preparation for this deposition.

DEFINITIONS

For purposes of this Subpoena Duces Tecum:

“Communication” includes but is not limited to Documents that reflect discussions in writing or in person regarding the subject identified in the subpoena request.

“Document” includes but is not limited to memoranda, oral or written notes (field, meeting, or otherwise), reports, studies, maps, photographs, calculations, spreadsheets and any computer analyses, whether written or electronic in format. As used in this Subpoena, “Document” expressly includes email communications.

“Research” is defined as follows: Any activity involving nutrition, husbandry, infectious diseases, genetics, physiology, toxicology, product development, or other factor involving in any manner fish or fish food at the Rangen Aquaculture Research Center facilities near Hagerman, Idaho (“Rangen Facility”), whether or not completed in whole or in part.

“Final Reports” is defined as follows: Any document that contains any summary of data, and description of completed research whether or not published, that discusses, identifies or otherwise addresses Research that was conducted or occurred at the Rangen, Inc. facilities located near Hagerman, Idaho, and which represents the culmination of any individual Research activity as listed on the index attached to this Subpoena Duces Tecum as Exhibit 1.

“Flow Information” is defined as follows: Any information regarding the flows used to conduct experiments at the Rangen Facility, including, but not limited to, a summary of the flow present in the portion of the Rangen Facility where the experiment was conducted at the time of the experiment, day to day records of any changes in flow during the experiment, or communications regarding the effect of flows on the validity of experiment results.

“Rangen Facility” is defined as follows: The Rangen Aquaculture Research Center, located at 2928 B. South 1175 East, Hagerman, Idaho, 83332 and all buildings, infrastructure, equipment, improvements and real property associated therewith.

The term **“You”** or **“Your”** is the deponent David Brock.

SO ORDERED THIS 16th day of January, 2013.


GARY SPACKMAN

DIRECTOR, IDAHO DEPARTMENT OF WATER
RESOURCES