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MAR 29 2013

DEPARTMENT OF  
WATER RESOURCES

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ATTORNEYS FOR THE CITY OF POCATELLO

**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 )  
) **AFFIDAVIT OF J. RYLAND HUTCHINS**  
(RANGEN, INC.) )  
\_\_\_\_\_ )

STATE OF COLORADO )  
) ss.  
County of Denver )

J. Ryland Hutchins, being first duly sworn upon oath, deposes and says:

1. I am one of the attorneys of record for the City of Pocatello. I am over the age of 18 and state the following based upon my own personal knowledge.
2. Attached hereto are true and correct copies of excerpts from the final deposition transcripts of the following depositions, as referenced in Pocatello's accompanying Reply in Support of Motion for Declaratory Order Regarding Rangen's Legal Obligation to Interconnect:
  - a. Excerpts from the first deposition of Doug Ramsey, taken September 12, 2012, attached as Exhibit A.
  - b. Excerpts from the first deposition of Joy Kinyon, taken September 10, 2012, attached as Exhibit B.

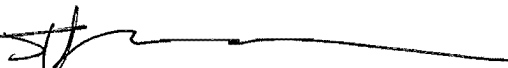
AFFIDAVIT OF J. RYLAND HUTCHINS

- c. Excerpts from the deposition of David Colvin, taken March 4, 2013, attached as Exhibit C.
  - d. Excerpts from the deposition of Charles Brockway, taken March 6, 2013, attached as Exhibit D.
  - e. Excerpts from the deposition of Charlie Smith, taken March 7, 2013, attached as Exhibit E.
  - f. Excerpts from the deposition of Lonny Tate, taken September 11, 2012, attached as Exhibit F.
3. Attached hereto as Exhibit G is a true and correct copy of IDWR's Order In the Matter of Distribution of Water to Water Rights Nos. 36-04013A, 36-04013B and 36-07148; and to Water Rights Nos. 36-07083 and 36-07568, issued July 8, 2005.
  4. Attached hereto as Exhibit H is a true and correct copy of an excerpt of Pocatello's First Set of Discovery Requests to Rangen, dated August 10, 2012.
  5. Attached hereto as Exhibit I is a true and correct copy of an excerpt of IGWA's First Set of Discovery Requests, dated May 23, 2012.
  6. Attached hereto as Exhibit J is a true and correct copy of the Modified Subpoena Duces Tecum for Doug Ramsey, dated August 31, 2012.

FURTHER AFFIANT SAYETH NAUGHT.

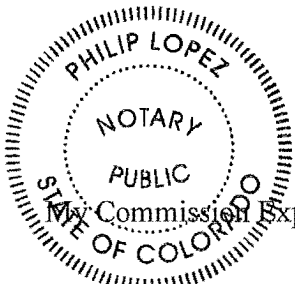
Dated this 28th day of March, 2013.

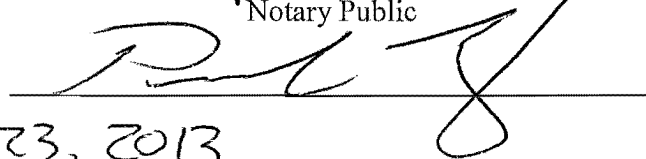
WHITE & JANKOWSKI, LLP

By   
 J. Ryland Hutchins

ATTORNEYS FOR CITY OF POCATELLO

BEFORE ME, the undersigned, a Notary Public, in and for said County and State on this 28th day of March, 2013, personally appeared J. Ryland Hutchins who executed the above as his free and voluntary act.

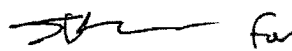


Philip Lopez  
 Notary Public  


My Commission Expires: July 23, 2013

## CERTIFICATE OF SERVICE

I hereby certify that on this 28<sup>th</sup> day of March, 2013, I caused to be served a true and correct copy of the foregoing **Affidavit of J. Ryland Hutchins** 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 deborah.gibson@idwr.idaho.gov</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 – 208-287-4803 <input checked="" type="checkbox"/> Email</p>
<p>J. Justin May May Browning 1419 W Washington Boise ID 83702 jmay@maybrowning.com</p>	<p><input 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 robynbrody@hotmail.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile - 208-434-2780 = Phone 208-434-2778 <input checked="" type="checkbox"/> Email</p>
<p>Fritz Haemmerle Haemmerle Haemmerle PO Box 1800 Hailey ID 83333 fxh@haemlaw.com</p>	<p><input 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>
<p>Garrick L. Baxter Chris M. Bromley Deputy Attorneys General – IDWR PO Box 83720 Boise ID 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov kimi.white@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile - 208-287-6700 <input checked="" type="checkbox"/> Email</p>
<p>Randall C. Budge Candice M. McHugh Racine Olson Nye Budge &amp; Bailey 101 S Capitol Blvd Ste 300 Boise ID 83702 rcb@racinelaw.net cmm@racinelaw.net bjh@racinelaw.net</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-433-0167 <input checked="" type="checkbox"/> Email</p>
<p>Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 dtranmer@pocatello.us</p>	<p><input 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  Arkoosh Law Offices  PO Box 2900  Boise ID 83701  tom.arkoosh@arkoosh.com  erin.cecil@arkoosh.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-343-5456  <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  tlt@idahowaters.com  jks@idahowaters.com  pla@idahowaters.com  jff@idahowaters.com</p>	<p><input 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  wkf@pmt.org</p>	<p><input 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  Hyrum Erickson  Robert H Wood  Rigby Andrus &amp; Rigby  PO Box 250  Rexburg ID 83440-0250  jrigby@rex-law.com  herickson@rex-law.com  rwood@rex-law.com</p>	<p><input 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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36-02551 AND 36-07694 )  
(RANGEN, INC.) )  
\_\_\_\_\_ )

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.

Exhibits to J. Ryland Hutchins's Affidavit  
March 28, 2013

Exhibit A

select pages from deposition of Doug Ramsey, 09-12-12

Exhibit B

select pages from deposition of Joy Kinyon, 09-10-12

Exhibit C

select pages from deposition of David Colvin, 03-04-13

Exhibit D

select pages from deposition of Charles Brockway, 03-06-13

Exhibit E

select pages from deposition of Charlie Smith, 03-07-13

Exhibit F

select pages from deposition of Lonnie Tate, 09-11-12