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BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE
PETITION FOR DELIVERY CALL
OF A&B IRRIGATION DISTRICT
FOR THE DELIVERY OF GROUND
WATER AND FOR THE CREATION
OF A GROUND WATER
MANAGEMENT AREA

Docket No.: 37-03-11-1

**NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
DAN TEMPLE**

TO: DAN TEMPLE

PLEASE TAKE NOTICE that counsel for the IDAHO GROUND WATER APPROPRIATORS, INC. and the CITY OF POCA TELLO will take the testimony on oral examination of DAN TEMPLE pursuant to Rule 30 and 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 or other duly qualified person in the above-captioned matter. Said deposition will commence at the hour of **10:00 a.m. on June 24, 2008** and continuing again at **9:00 a.m. on June 25, 2008** until completion, at the offices of the **Barker, Rosholt & Simpson, LLP 113 Main Ave. W, Ste 303, Twin Falls, ID 83303-0485** 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 the following materials:

- (1) All documents, lists, maps, logs or other information, whether in electronic or written form, and regardless of whether the document in question was originally in the custody of the Bureau of Reclamation or any predecessor agency, that relate to or contain information relating to A & B's wells, A & B's irrigation practices or the A & B project *also known as* the Minidoka Project, ID-WY, North Side Pumping Division, to the extent not previously produced.
- (2) All written policies or other instructions to district water users regarding the use of water pumped from private wells and used on lands within A&B's service area regardless of whether the lands are served by A&B wells or not, to the extent not previously produced.

- (3) Copies of all contracts between A&B and the Bureau of Reclamation, including any contracts that may no longer be in effect, to the extent not previously produced.
- (4) All documents that have not already been produced in response to IGWA's First and Second Set of Production Requests and Pocatello's First Interrogatories and Requests for Production.
- (5) To the extent not already produced, copies of all documents that support A&B's claim that "A&B has made major investment in infrastructure and efficiency improvements to remain viable . . ." and the remaining claims in paragraph 11.a. contained on pages 5-6 of its Motion to Proceed.
- (6) To the extent not already produced, copies of all documents that support A&B's claim that the "trend in ground water declines has become stronger and more pronounced which indicates that the declining ground water level problem is worsening" contained in paragraph 11.b on page 7 of its Motion to Proceed.
- (7) To the extent not already produced, copies of all documents that support A&B's claim that "the methods of diversion and use are consistent with the irrigation practices of the region . . . [and that shortages are] seriously affecting the economic use and employment of farm land within A&B that receive irrigation water from the ESPA for the growing of diversion crops" contained in paragraph 11.c on page 7 of its Motion to Proceed.
- (8) To the extent not already produced, copies of all documents that support A&B's claim that "A&B is unable to divert an average of 0.75 of a miner's inch per acre which is the minimum amount necessary to irrigate lands within A&B during the

peek [sic] periods when irrigation water is most needed" contained in paragraph 11.d. on p. 7 of its Motion to Proceed.

(9) To the extent not already produced, copies of all documents that support A&B's claim that "additional effort and expense by A&B to divert the quantity of water to which it is entitled is not economical and would be an unreasonable requirement, and in most instances impossible. . . ." contained in paragraph 11.e. on page 8 of its Motion to Proceed.

(10) To the extent not already produced copies of all documents that support A&B's claims in paragraph 11.h. on p. 9 of its Motion to Proceed.

(11) To the extent not already produced copies of all documents that support A&B's claims in paragraph 11.i. on p. 9 of its Motion to Proceed.

(12) To the extent not already produced copies of all documents that support A&B's claim in paragraph 12.d and e. on p. 11 of its Motion to Proceed.

(13) To the extent not already produced, copies of all documents that support A&B's claim that its wells and water right have been materially injured by junior ground water pumping.

(14) All documents you reviewed in preparation for this deposition.

For purposes of this notice, "document" includes but is not limited to memoranda, notes (field, meeting, or otherwise), reports, expert reports, studies, sketches, maps, photographs, calculations, summaries, interoffice communications, plats, worksheets, ledgers, flowcharts, manuals, plans, designs, drawings, data compilations, spreadsheets and any other computer analyses whether or not the document was created by A&B. "Document" shall further collectively include the original, duplicate original and any or all

copies or reproductions of the original document, to the extent that any or all copies are different in any way from the original document, whether by interlineations, notations, or indication of copies sent or received otherwise, which are within the possession, custody or control of A & B Irrigation District.

Dated this 2nd day of June, 2008.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED

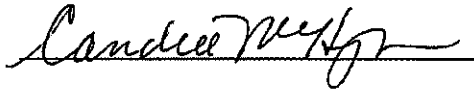

Candice M. McHugh

WHITE & JANKOWSKI, LLP


Sarah A. Klahn

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of June, 2008, the above and foregoing was served by email to those with email or by placing a copy in the U.S. Mail, postage prepaid and addressed to the following:



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