

RECEIVED
OCT 07 2010
DEPARTMENT OF
WATER RESOURCES

Randall C. Budge, ISB #1949
Candice M. McHugh, ISB #5908
Thomas J. Budge, ISB #7465
RACINE OLSON NYE
BUDGE & BAILEY, CHARTERED
101 S. Capitol Blvd., Suite 208
Boise, Idaho 83702
Telephone: (208) 395-0011
Facsimile: (208) 433-0167
rcb@racinelaw.net
cmm@racinelaw.net
tjb@racinelaw.net

ORIGINAL

ATTORNEYS FOR THE NORTH SNAKE AND MAGIC VALLEY GROUND WATER DISTRICTS

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-
02356A, 36-7210, AND 36-07427,

(Blue Lakes Delivery Call)

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-
4013A, 36-04013B, AND 36-07148

(Clear Springs Delivery Call)

Docket No. CM-DC-2010-02
CM-DC-2010-03

**NOTICE OF TAKING RULE 30(b)(6)
DEPOSITION DUCES TECUM OF BLUE
LAKES**

TO: BLUE LAKES TROUT FARM, INC. AND ITS ATTORNEYS OF RECORD:

YOU WILL PLEASE TAKE NOTICE that counsel for the Ground Water Users will take the testimony upon oral examination under Rules 26, 30(a) and 30(b)(6) of the Idaho Rules of Civil Procedure, and the *Order Setting Hearing Schedule and Order Limiting Scope of Hearing* of the designated person or persons who is or are designated as most knowledgeable concerning

the following enumerated matters. Said deposition shall take place before a court reporter, a Notary Public, or in case of their inability to act or be present, before some other officer authorized to administer oaths, to commence **Wednesday, October 20, 2010 at 10:00 a.m. at the offices of Racine Olson Nye Budge and Bailey, 101 S. Capitol, Blvd., Boise, ID 83702** or if preferred by deponent at Blue Lakes Trout Farm, Inc.'s offices. Oral examination will continue from time to time until completed and you are hereby notified to appear and take part in the examination.

THE RULE 30(b)(6) DESIGNEE IS TO BE THE MOST KNOWLEDGEABLE ABOUT THE FOLLOWING MATTERS AND IS REQUESTED TO HAVE THE FOLLOWING DOCUMENTS AVAILABLE FOR INSPECTION AND COPY:

1. Any and all documents you have reviewed and will review in preparation for this deposition.
2. Please produce all documents that state the basis for your contention that water right number 36-7210 has been materially injured by groundwater pumping.
3. Please produce all engineering reports and agreements that relate to water right number 36-7210.
4. Please produce all diversion and spring discharge records relating to spring discharges including spot measurements from 1971 to the date of issuance of the partial decree in the Snake River Basin Adjudication for water right number 36-7210.
5. Please produce all diversion and spring discharge records relating to spring discharges including spot measurements from the date of issuance of the partial decree in the Snake River Basin Adjudication to the present time for water right number 36-7210.

6. Please produce all records relating to spring construction and improvements, collection systems, diversion facilities, measurement devices, including maps, construction plans and designs, drilling records, contractor information, calendars, notes, memoranda, relating to the same for water right number 36-7210 from 1971 to the date of issuance of the partial decree in the Snake River Basin Adjudication.

7. Please produce all records relating to spring construction and improvements, collection systems, diversion facilities, measurement devices, including maps, construction plans and designs, drilling records, contractor information, calendars, notes, memoranda, relating to the same for water right number 36-7210 from the date of issuance of the partial decree in the Snake River Basin Adjudication to the present time.

8. Please produce all documents that relate to the seasonal variations prior to pumping by hydraulically connected juniors.

9. Please produce all documents that evidence the trim line or 10% margin of error that the Interim Director has applied is in error and should not pertain to water right number 36-7210.

10. Please produce all investigations, analysis or studies done on the effects on the springs from a particular well or groups of wells or surface water management practices or changes of those practices such as lining canals and all records or documents showing the effects that such wells or activities have on the springs or pressurized ground water upon which you rely.

11. Produce all records, documents and information that shows the annual fish production from the Blue Lakes Trout Farm, Inc., facility that uses water right no 36-7210 from 1971 to the present.

12. Please produce a current or set(s) of drawings and maps of the entire Blue Lakes Trout Farm, Inc. facility.

13. Please produce all documents and data related to measured flows at the Blue Lakes Trout Farm, Inc. facility and the measured flows at the discharge of the spring source, Alpheus Creek. This information should include the timing of when the measurements were taken, location of measurements, and recorded flows.

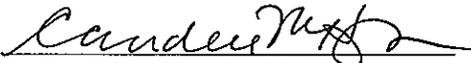
14. Please provide all studies, analysis and reports relating to water use, efficiency, need, and quantity required of the water supply at Blue Lakes Trout Farm, Inc. This includes all such studies, analysis and reports relating to water at the spring source(s) as well as at discharge.

15. Please produce all records and documents you have associated with any wells, well pumps, groundwater production, and groundwater quality located above the rim on the Eastern Snake Plain.

16. Please produce all documents and records you have associated with hydrogeologic or geologic investigations in the vicinity of Blue Lakes Trout Farm, Inc., including locations above the rim on the Eastern Snake Plain.

DATED this 5th day of October, 2010.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By: 
RANDALL C. BUDGE
CANDICE M. MCHUGH
THOMAS J. BUDGE
Attorneys for the Ground Water Districts

CERTIFICATE OF MAILING

I hereby certify that on this 5th day of October, 2010, the foregoing was served to those as follows:

Candee Wagle
Signature of person mailing form

Gary Spackman, Interim Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
victoria.wigle@idwr.idaho.gov
garrick.baxter@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

John Simpson
Travis L Thompson
Barker, Rosholt
PO Box 2139
Boise, ID 83701-2139
jks@idahowaters.com
tlt@idahowaters.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

Daniel V Steenson
Charles L Honsinger
Ringert Clark
PO Box 2773
Boise, ID 83701-2773
dvs@ringertclark.com
clh@ringertclark.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

Mike Creamer
Jeff Fereday
Givens Pursley
PO Box 2720
Boise ID 83701-2720
mcc@givenspursley.com
jefffereday@givenspursley.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

Michael S. Gilmore
Attorney General's Office
P.O. Box 83720
Boise ID 83720-0010
Mike.gilmore@ag.idaho.gov

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

J. Justin May
May Sudweeks & Browning
1419 W. Washington
Boise ID 83702
(208) 429-0905
jmay@may-law.com
Robert E. Williams
Fredericksen Williams Meservy
153 E. Main St.
P.O. Box 168
Jerome, ID 83338-0168
rewilliams@cableone.net

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail