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DEPARTMENT OF  
WATER RESOURCES

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ATTORNEYS FOR THE NORTH SNAKE AND MAGIC VALLEY GROUND WATER DISTRICTS

ORIGINAL

**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  
CLEAR SPRINGS/SNAKE RIVER FARM**

TO: CLEAR SPRINGS FOODS, 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 pursuant to the 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

**NOTICE OF TAKING RULE 30(b)(6) DEPOSITION DUCES TECUM OF CLEAR SPRINGS/SNAKE RIVER FARM – Page 1**

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 on **Tuesday, October 19, 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 Clear Springs Foods, Inc.'s offices in Buhl, Idaho. 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 36-4013A has been materially injured by groundwater pumping.
3. Please produce all engineering reports and agreements that relate to water right number 36-4013A.
4. Please produce all diversion and spring discharge records relating to spring discharges including spot measurements from 1955 to the date of issuance of the partial decree in the Snake River Basin Adjudication for water right number 36-4013A.
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 36-4013A.

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 36-4013A from 1955 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 36-4013A 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 36-4013A.

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 Clear Springs/Snake River Farm facility that uses water right no 36-4013A

from 1955 to the present.

14. Please produce a current or set(s) of drawings and maps of the entire Clear Springs/Snake River Farm facility.

15. Please produce all documents and data related to measured flows at the Clear Springs/Snake River Farm 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.

16. Please provide all studies, analysis and reports relating to water use, efficiency, need, and quantity required of the water supply at Clear Springs/Snake River Farm. This includes all such studies, analysis and reports relating to water at the spring source(s) as well as at discharge.

17. Please produce all documents and records you have associated with hydrogeologic or geologic investigations in the vicinity of Clear Springs/Snake River Farm, 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:

*Victoria Wagle*

Signature of person mailing form

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