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September 25, 2012

Sarah Klahn
White & Jankowski
Kittredge Building
511 Sixteenth Street
Suite 500
Denver, CO 80202

Re: Deposition Document Requests

Dear Ms. Klahn:

We are in receipt of your letter dated September 20, 2012. We have had the opportunity to review those requests and Rangen has searched its records for the information requested. The following is an outline of Rangen's responses:

1. **Electronic copy of Excel spreadsheet containing historic flow data from 1966 to present.** Rangen will provide this computer file. I will upload it to the "box." If I am not successful for some reason (I have not actually tried uploading formats other than pdf) I will mail you and Ms. McHugh a thumb drive with the document on it. Rangen has provided multiple paper copies of this document in the past and a paper copy is also attached to Rangen's Petition for Delivery Call. The first time an *electronic* copy of the document was requested was at Mr. Courtney's deposition.
2. **Electronic file of production/sales data summary tables related to Deposition Exhibit 32.** Rangen will provide the computer files that it has. I will upload them to the "box." If I am not successful for some reason (I have not actually tried uploading formats other than pdf) I will mail you and Ms. McHugh a thumb drive with the files on them. Rangen has provided paper copies of these documents in the past. The first time an *electronic* copy of these documents was requested was at Mr. Kinyon's deposition. Please note that I have redacted unrelated information (e.g., Woods production information and financial information) from the electronic copies. There is no way to mark the electronic files confidential, but we are designating them as such and subject to the Protective Order.
3. **Caroline Peterschmidt's fish production summaries in electronic form.** Rangen will provide the computer files that it has. I will upload them to the "box." If I am not successful for some reason (I have not actually tried uploading formats other than pdf) I

will mail you and Ms. McHugh a thumb drive with the files on them. Rangen has provided paper copies of these documents in the past. The first time an *electronic* copy of these documents was requested was at Mr. Kinyon's deposition. Please note that I have redacted unrelated information (e.g., Woods production information and financial information) from the electronic copies. There is no way to mark the electronic files confidential, but we are designating them as such and subject to the Protective Order.

4. **Grading Rack.** I will provide you with a photograph of the grading rack. I will upload it to the "box" as soon as I have it. It should be before the end of the week.
5. **Unredacted copy of Exhibit 47.** I will upload this to the "box."
6. **Curren Tunnel Log Book.** I will upload this book to the "box" as soon as I have it scanned. It should be before the end of the week.
7. **Date when Last Research Was Done.** It appears that Rangen had a small 49 day feed trial that ended in January 2011. I will upload the final research report and charts that show when the trial ended.
8. **Research Documents.** I spoke with Ms. McHugh about this request this morning. I will upload to the box a list of fish research studies and shrimp research studies that Rangen maintains. The lists go back to approximately 1984. You will see that each proposal/study has a code assigned to it. I understand that the code is assigned when a proposal is made. The first study on the fish research index is designated as 420-N-84-01. I understand that the "420" designation is for accounting purposes. "N" means it is a nutrition study. "H" means it is a husbandry study and there are other letter designations that correspond with the types of studies that have been done. The studies are broken down by categories on the list. The "84" means it was a 1984 proposal and the "01" means it was the first proposal of 1984.

Rangen was able to find electronic copies of final reports for some of the more recent projects on a computer at the research laboratory. I will upload those reports to the "box." Rangen keeps the hard copy research records associated with each project in a bedroom size storage room in the basement of one of the homes on the property. There are multiple rows of 3 ring binders and composition-style research notebooks on shelves that run along one wall. There are also file cabinets of file folders, bankers boxes of documents and file cabinets of microscopic slides. The binders and notebooks typically have the "code" printed on the spine although that is not always the case. I could see that some binders and notebooks were arranged chronologically, but it was by no means uniform. I have no way of accurately estimating how long it would take to copy all of the documents, but suffice it to say that it would be a very long process and would require lots of time standing at a

Ms. Klahn
September 25, 2012
Page - 3

copier placing page after page on the glass (much of the documentation could not be fed through an automatic feeder).

I am not trying to suggest what information may be of value to you, but I am suggesting that you are probably not interested in everything that is in the basement. If you want to come and review the research documents please call me and we can make arrangements for you to do so. You will need to make arrangements to have any copy/scanning equipment brought to the facility because Rangen does not have equipment on site that will be suitable for this kind of job.

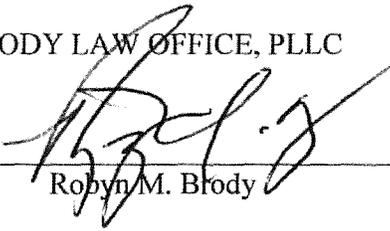
9. **TSS/DO Records.** I recently learned that Rangen has composition-style lab notebooks where it initially records the water quality testing done for the research facility and other customers. These results are then reported on the DMRs that are sent to the EPA. Do you want these initial data recordings? I ask because the information has already been produced in the DMRs and it will take a lot of effort and expense to produce because of all of the redactions that have to be made (most of the recordings pertain to Rangen's customers, not the research facility). Please let me know.

I understand from talking with Ms. McHugh this morning that you will be discussing the research documents. Please let me know how you would like to proceed.

Very truly yours,

BRODY LAW OFFICE, PLLC

By: _____


Robyn M. Brody

cc: Candice McHugh, Director Spackman

Gibson, Deborah

From: Robyn Brody [robynbrody@hotmail.com]
Sent: Tuesday, September 25, 2012 1:07 PM
To: Sarah Kahn; Mitra Pemberton; Candice McHugh; TJ Budge; Gibson, Deborah
Subject: Response to Deposition Document Production Requests
Attachments: Klahn120925.pdf

Dear All,

Attached please find Rangen's response to Ms. Klahn's letter dated September 20, 2012. No hard copy will be mailed.

Robyn Brody

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