

RECEIVED

MAR 18 2013

DEPARTMENT OF
WATER RESOURCES

A. Dean Tranmer (ISB # 2793)
City of Pocatello
P. O. Box 4169
Pocatello, ID 83201
(208) 234-6149
(208) 239-6986 (Fax)
dtranmer@pocatello.us

Sarah A. Klahn (ISB #7928)
Mitra M. Pemberton
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, Colorado 80202
(303) 595-9441
(303) 825-5632 (Fax)
sarahk@white-jankowski.com

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 300
Boise, Idaho 83702
Telephone: (208) 395-0011
rcb@racinelaw.net
emm@racinelaw.net
tjb@racinelaw.net

*ATTORNEYS FOR THE IDAHO GROUND WATER
APPROPRIATORS*

ATTORNEYS FOR THE CITY OF POCATELLO

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

**IN THE MATTER OF DISTRIBUTION
OF WATER TO WATER RIGHT NOS. 36-
02551 & 36-07694
(RANGEN, INC.)**

Docket No.: CM-DC-2011-004

**JOINT NOTICE OF CONTINUED
DEPOSITION DUCES TECUM OF JOY
KINYON**

To: **JOY KINYON**

Please take notice, that counsel for the City of Pocatello and Idaho Ground Water Appropriators Inc. ("IGWA") will continue taking the testimony upon oral examination of **JOY KINYON** pursuant to Rule 30, I.R.C.P., other applicable rules of the Idaho Rules of Civil Procedure and applicable rules of the Idaho Department of Water Resources Procedural Rules,

IDAPA 37.01.01. The continued 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 on **Thursday, March 19, 2013 at 9:00 a.m.** and continue from day to day until completion, at the **Offices of May, Browning and May, PLLC, 516 Hansen Street East, Twin Falls, ID 83301**, 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 that demonstrate that Rangen, Inc. (“Rangen”) has a specific plan and intent to beneficially use additional water flows if the Director finds Rangen to be injured orders delivery by curtailment or mitigation.
2. All documents that demonstrate that Rangen can and will beneficially use the water demanded under this delivery call.
3. All documents kept in the ordinary course of Rangen’s business that reflect the number of employees and nature of the positions held from 1990 to the present.
4. All flow measurements taken by Rangen’s personnel from January 1, 2013 to the present.

For purposes of this notice, “document” includes but is not limited to memoranda, notes (field, meeting, or otherwise), emails, reports, studies, maps, photographs, calculations, spreadsheets, emails and any computer generated documents including electronic spreadsheets, CDs or DVDs of information, or any other means of recording or reporting information relevant to the requests made above.

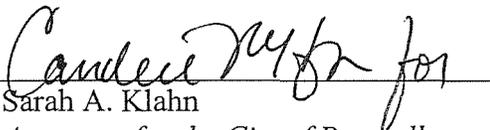
For purposes of this notice, “specific plan or intent” refers to documents that reflect that

Rangen, Inc. requires at least 17 c.f.s. to implement fixed plans to beneficially use the water it seeks under this delivery call.

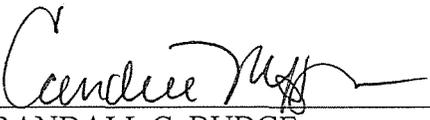
For purposes of this notice, “can and will beneficially use” refers to documents that reflect Rangen’s determinations that its fixed plans to beneficially use the water it seeks in this delivery call are financially and/or technical feasible.

Respectfully submitted this 18th day of March, 2013.

WHITE & JANKOWSKI

By 
Sarah A. Klahn
Attorneys for the City of Pocatello

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By 
RANDALL C. BUDGE
CANDICE M. McHUGH
THOMAS J. BUDGE
Attorneys for IGWA

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2013, I caused to be served a true and correct copy of the foregoing **JOINT NOTICE OF CONTINUED DEPOSITION DUCES TECUM OF WAYNE COURTNEY**, upon the following by the method indicated:


Signature of person serving form

Original:

Director, Gary Spackman
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098
Attn: Deborah Gibson
Deborah.Gibson@idwr.idaho.gov
Kimi.white@idwr.idaho.gov

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

Garrick Baxter, Deputy Attorney General
Chris Bromley, Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
garrick.baxter@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

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

Robyn M. Brody
Brody Law Office, PLLC
PO Box 554
Rupert, ID 83350
robynbrody@hotmail.com

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

Fritz X. Haemmerle
Haemmerle & Haemmerle, PLLC
PO Box 1800
Hailey, ID 83333
fxh@haemlaw.com

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

J. Justin May
May, Browning & May, PLLC
1419 West Washington
Boise, ID 83702
jmay@maybrowning.com

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

Sarah Klahn
Mitra Pemberton
WHITE JANKOWSKI, LLP
511 16th St., Suite 500
Denver, Colorado 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com

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

Dean Tranmer
City of Pocatello
PO Box 4169
Pocatello, ID 83201
dtranmer@pocatello.us

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

C. Thomas Arkoosh
ARKOOSH LAW OFFICES
PO Box 2900
Boise, ID 83701
Tom.arkoosh@arkoosh.com

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

John K. Simpson
Travis L. Thompson
Paul L. Arrington
Barker Rosholt & Simpson
195 River Vista Place, Suite 204
Twin Falls, ID 83301-3029
tlt@idahowaters.com
jks@idahowaters.com
pla@idahowaters.com

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

W. Kent Fletcher
Fletcher Law Office
PO Box 248
Burley, ID 83318
wkf@pmt.org

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

Jerry R. Rigby
Hyrum Erickson
Robert H. Wood
Rigby, Andrus & Rigby, Chartered
25 North Second East
Rexburg, ID 83440
jrigby@rex-law.com
herickson@rex-law.com
rwood@rex-law.com

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