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DEPARTMENT OF  
WATER RESOURCES

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ATTORNEYS FOR THE CITY OF POCATELLO

BEFORE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION )  
OF WATER TO WATER RIGHT NOS. ) Docket No. CM-DC-2011-004  
36-02551 AND 36-07694 )  
) AFFIDAVIT OF J. RYLAND HUTCHINS  
(RANGEN, INC.) )  
\_\_\_\_\_)

STATE OF COLORADO )  
) ss.  
County of Denver )

J. Ryland Hutchins, being first duly sworn upon oath, deposes and says:

1. I am one of the attorneys of record for the City of Pocatello. I am over the age of 18 and state the following based upon my own personal knowledge.
2. Attached hereto are true and correct copies of excerpts from the final deposition transcripts of the following depositions, as referenced in Pocatello's accompanying Response to Rangen's Motion for Summary Judgment Re: Source:
  - a. Excerpts from the deposition of Lonny Tate, taken September 11, 2012, attached as Exhibit A.

AFFIDAVIT OF J. RYLAND HUTCHINS

- b. Excerpts from the deposition of David Colvin, taken March 4, 2013, attached as Exhibit B
  - c. Excerpts from the deposition of Charlie Smith, taken March 7, 2013, attached as Exhibit C.
3. Attached hereto is a true and correct copy of a hand drawn map which was excerpted from Deposition Exhibit 213, attached as Exhibit D.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 22nd day of March, 2013.

WHITE & JANKOWSKI, LLP

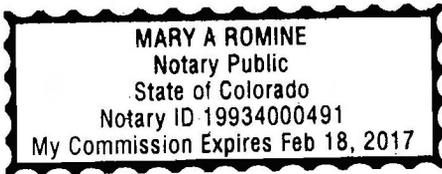
By   
J. Ryland Hutchins

ATTORNEYS FOR CITY OF POCATELLO

BEFORE ME, the undersigned, a Notary Public, in and for said County and State on this 22nd day of March, 2013, personally appeared J. Ryland Hutchins who executed the above as his free and voluntary act.

Mary A Romine  
Notary Public  
511 16<sup>th</sup> St B500  
Denver Co 80202

My Commission Expires: 2/18/2017



## CERTIFICATE OF SERVICE

I hereby certify that on this 22<sup>nd</sup> day of March, 2013, I caused to be served a true and correct copy of the foregoing **Affidavit of J. Ryland Hutchins** for **Docket No. CM-DC-2011-004** upon the following by the method indicated:



Sarah Klahn, White & Jankowski, LLP

<p>Gary Spackman, Director State of Idaho, Dept of Water Resources 322 E Front St PO Box 83720 Boise ID 83720-0098 deborah.gibson@idwr.idaho.gov</p>	<p><input checked="" type="checkbox"/> Original sent via U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail – Federal Express <input type="checkbox"/> Facsimile – 208-287-6700 = Phone – 208-287-4803 <input checked="" type="checkbox"/> Email</p>
<p>J. Justin May May Browning 1419 W Washington Boise ID 83702 jmay@maybrowning.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-342-7278 <input checked="" type="checkbox"/> Email</p>
<p>Robyn Brody Brody Law Office PO Box 554 Rupert ID 83350 robynbrody@hotmail.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile - 208-434-2780 = Phone 208-434-2778 <input checked="" type="checkbox"/> Email</p>
<p>Fritz Haemmerle Haemmerle Haemmerle PO Box 1800 Hailey ID 83333 fxh@haemlaw.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-578-0564 <input checked="" type="checkbox"/> Email</p>
<p>Garrick L. Baxter Chris M. Bromley Deputy Attorneys General – IDWR PO Box 83720 Boise ID 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov kimi.white@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile - 208-287-6700 <input checked="" type="checkbox"/> Email</p>
<p>Randall C. Budge Candice M. McHugh Racine Olson Nye Budge &amp; Bailey 101 S Capitol Blvd Ste 300 Boise ID 83702 reb@racinelaw.net cnm@racinelaw.net bjh@racinelaw.net</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-433-0167 <input checked="" type="checkbox"/> Email</p>
<p>Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 dtranmer@pocatello.us</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-234-6297 <input checked="" type="checkbox"/> Email</p>

<p>C. Thomas Arkoosh  Arkoosh Law Offices  PO Box 2900  Boise ID 83701  tom.arkoosh@arkoosh.com  erin.cecil@arkoosh.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-343-5456  <input checked="" type="checkbox"/> Email</p>
<p>John K. Simpson  Travis L. Thompson  Paul L. Arrington  Barker Rosholt &amp; Simpson  195 River Vista Place Ste 204  Twin Falls ID 83301-3029  tlt@idahowaters.com  jks@idahowaters.com  pla@idahowaters.com  jlf@idahowaters.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-735-2444  <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher  Fletcher Law Office  PO Box 248  Burley, ID 83318  wkf@pmt.org</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-878-2548  <input checked="" type="checkbox"/> Email</p>
<p>Jerry R. Rigby  Hyrum Erickson  Robert H Wood  Rigby Andrus &amp; Rigby  PO Box 250  Rexburg ID 83440-0250  jrigby@rex-law.com  herickson@rex-law.com  rwood@rex-law.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-356-0768  <input checked="" type="checkbox"/> Email</p>

BEFORE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION )  
OF WATER TO WATER RIGHT NOS. )  
36-02551 AND 36-07694 )  
(RANGEN, INC.) )  
\_\_\_\_\_ )

Docket No. CM-DC-2011-004

**CONFIDENTIAL INFORMATION**

The enclosed is subject to the terms of the *Protective Order* entered on August 31, 2012 and is being disclosed pursuant to its terms. The enclosed documents may not be used other than in connection with the above-referenced delivery call.

Exhibits to J. Ryland Hutchins's Affidavit  
March 22, 2013

Exhibit A

select pages from deposition of Lonnie Tate, 09-11-12

Exhibit B

select pages from deposition of David Colvin, 03-04-13

Exhibit C

select pages from deposition of Charlie Smith, 03-07-13

Exhibit D

select page from Deposition Exhibit 213