

Robyn M. Brody (ISB No. 5678)
Brody Law Office, PLLC
P.O. Box 554
Rupert, ID 83350
Telephone: (208) 434-2778
Facsimile: (208) 434-2780
robynbrody@hotmail.com

J. Justin May (ISB No. 5818)
May, Browning & May, PLLC
1419 W. Washington
Boise, Idaho 83702
Telephone: (208) 429-0905
Facsimile: (208) 342-7278
jmay@maybrowning.com

Fritz X. Haemmerle (ISB No. 3862)
Haemmerle & Haemmerle, PLLC
P.O. Box 1800
Hailey, ID 83333
Telephone: (208) 578-0520
Facsimile: (208) 578-0564
fxh@haemlaw.com

RECEIVED
MAR 03 2014
DEPARTMENT OF
WATER RESOURCES

Attorneys for Rangen, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

**IN THE MATTER OF THE MITIGATION
PLAN FILED BY THE IDAHO GROUND
WATER APPROPRIATORS FOR THE
DISTRIBUTION OF WATER TO WATER
RIGHT NOS. 36-02551 AND 36-07694 IN
THE NAME OF RANGEN, INC.**

Docket No. CM-DC-2014-001

**NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
FRANK ERWIN**

**Tuesday, March 4, 2014
10:00 a.m.**

**May, Browning & May, PLLC
516 Hansen Street East
Twin Falls, ID 83301**

TO: FRANK ERWIN AND HIS COUNSEL OF RECORD

PLEASE TAKE NOTICE that Rangen, Inc., will take the deposition of Frank Erwin before a certified Court Reporter, in accordance with the Rules of Civil Procedure of the State of Idaho, on the 4th day of March, 2014, at the hour of 10:00 a.m. at the Offices of May, Browning & May, PLLC, 516 Hansen Street East, Twin Falls, ID 83301.

NOTICE OF TAKING DEPOSITION DUCES TECUM OF FRANK ERWIN - 1

The Deponent is further required to identify and bring with him the following documents:

1. All documents, books, papers, recordings, electronic data, emails, communications, photographs, or other documents or items reviewed in preparation for this deposition.

2. Map showing Billingsley Creek and all authorized points of diversion.

3. A list or summary of all water rights that identify Billingsley Creek as the source and the diversion rate and beneficial use of said rights.

4. Copies of all documents which reflect the shut off of a Billingsley Creek water right in the past 30 years because of a water shortage.

5. Copies of all documents which reflect who is authorized to divert water from the Sandy Pipeline.

6. Copies of all agreements or other documents which authorize the use of water from the Sandy Pipeline. This includes, but is not limited to, agreements between Northside Canal Company and/or North Snake Groundwater District, and/or Howard "Butch" Morris.

7. Copies of all documents which reflect the amount of water that has been delivered to the Sandy Pipeline since it became operational.

8. Copies of all documents which reflect the amount of water delivered to the Sandy Ponds since they became operational.

9. Copies of all documents which reflect the amount of water that has been diverted from the Sandy Pipeline for use by Howard "Butch" Morris since the Sandy Pipeline became operational.

10. Copies of all documents which reflect the amount of water that has been diverted from the Martin-Curren Tunnel by Howard "Butch" Morris.

11. Copies of all documents which reflect the amount of water that has been diverted from the Sandy Pipeline for use by J. and/or Tim Musser since the Sandy Pipeline became operational.

12. Copies of all documents which reflect the amount of water that has been diverted from the Martin-Curren Tunnel for use by J. Musser, T. Musser or their heirs.

13. Copies of all documents which reflect the amount of water that has been diverted from the Sandy Pipeline for use by Walter and/or Margaret Candy.

14. Copies of all documents which reflect the amount of water that has been diverted from the Martin-Curren Tunnel for use by Walter and/or Margaret Candy.

15. Copies of all documents which reflect the amount of water that has been diverted from the Sandy Pipeline for use by any other water users not identified herein.

The term "document" as used above includes, but is not limited to, notes (oral or written), memoranda, reports, studies, maps, surveys, plans, drawings, photographs, calculations, spreadsheets and any computer analyses, whether written or electronic in format.

All parties and their counsel are invited to attend. The oral examination will continue from day to day until completed.

DATED this 3 day of March, 2014.

MAY, BROWNING & MAY, PLLC

By: 

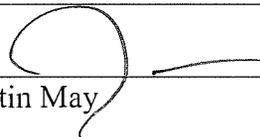
J. Justin May

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 3 day of March, 2014 I caused a true and correct copy of the foregoing document to be served using the methods indicated upon the following:

<p>Original: Director Gary Spackman Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098 Deborah.Gibson@idwr.idaho.gov</p>	<p>Hand Delivery <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Garrick Baxter Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov</p>	<p>Hand Delivery <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Randall C. Budge Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED P.O. Box 1391 101 South Capitol Blvd, Ste 300 Boise, ID 83704-1391 Fax: 208-433-0167 rcb@racinelaw.net cmm@racinelaw.net tjb@racinelaw.net</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Sarah Klahn Mitra Pemberton WHITE & JANKOWSKI Kittredge Building, 511 16th Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com mitrap@white-jankowski.com</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>

<p>John K. Simpson Travis L. Thompson Paul L. Arrington Barker Rosholt & Simpson, L.L.P. 195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 Facsimile: (208) 735-2444 tlt@idahowaters.com jks@idahowaters.com</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>C. Tom Arkoosh ARKOOSH LAW OFFICES 802 West Bannock, Suite 900 Boise, ID 83701 tom.arkoosh@arkoosh.com</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, ID 83318 wkf@pmt.org</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>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</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>



J. Justin May