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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-MP-2014-001

**SUBPOENA DUCES TECUM FOR
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

Pursuant to Idaho Rules of Civil Procedure 26, 30(b)(5) and 34, and IDAPA 37.01.01.525, you are instructed to bring to your deposition, set to commence on the 4th day of March, 2014, at the hour of 10:00 a.m. at the law office of May, Browning & May, PLLC, 516 Hansen Street East, Twin Falls, ID 83301 the following items:

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 user 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: _____

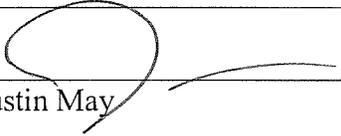

J. Justin May

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 8 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</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/></p>

dtranmer@pocatello.us	E-Mail <input checked="" type="checkbox"/>
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	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"/>
C. Thomas Arkoosh ARKOOSH LAW OFFICES 802 West Bannock, Suite 900 Boise, ID 83701 tom.arkoosh@arkoosh.com	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"/>
W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, ID 83318 wkf@pmt.org	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"/>
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	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"/>



 J. Justin May