

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

*Attorneys for Rangen, Inc.*

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

**IN THE MATTER OF THE SECOND  
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.**

**“TUCKER SPRINGS”**

Docket No. CM-MP-2014-003

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

**FRIDAY MAY 16, 2014  
9:00 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 Friday, the 16th day of May, 2014, at the hour of 9:00 a.m. at the Offices of May, Browning & May, PLLC, 516 Hansen Street East, Twin Falls, ID 83301.

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 Tucker Springs and all authorized points of diversion.
3. Map showing Riley Creek and all authorized points of diversion.
4. Map showing Big Bend Ditch and all authorized points of diversion.
5. A list or summary of all water rights that identify Tucker Springs, Big Bend Ditch, and/or Riley Creek as the source and/or point of diversion and the diversion rate and beneficial use of said rights.
6. Copies of all documents reflecting or indicating a shortage of water in Tucker Springs, Big Bend Ditch, and/or Riley Creek in the past 30 years.
7. Copies of all documents which reflect the shut off or threatened shut off of a Tucker Springs or Riley Creek or Big Bend Ditch water right in the past 30 years because of a water shortage.
8. Copies of all documents or agreements related to any efforts made to address water shortages in Tucker Springs, Big Bend Ditch, Riley Creek and/or Billingsley Creek.
9. Copies of all documents, including, but not limited to any notes you have made, concerning the use of Tucker Springs, Big Bend water to mitigate Rangen's delivery call or any other efforts to mitigate Rangen's delivery call.
10. Copies of all documents which reflect measurements of water at Tucker Springs.
11. Copies of all documents which reflect measurements of water on Riley Creek.
12. Copies of all documents which reflect measurements of water on Big Bend Ditch.

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 14 day of May, 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 19 day of May, 2014 he caused a true and correct copy of the foregoing document to be served upon the following by the indicated method:

Director Gary Spackman Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098 deborah.gibson@idwr.idaho.gov	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"/>
Garrick Baxter Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov kimi.white@idwr.idaho.gov	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"/>
Randall C. Budge Thomas J. Budge RACINE OLSON NYE BUDGE & BAILEY CHARTERED 201 E. Center St. P.O. Box 1391 Pocatello, ID 83204 rcb@racinelaw.net tjb@racinelaw.net bjh@racinelaw.net	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"/>
John K. Simpson Paul Arrington BARKER ROSHOLT & SIMPSON, LLP 195 River Vista Place, Suite 204 Twin Falls, Idaho 83301-3029 jks@idahowaters.com pla@idahowaters.com jlw@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"/>
Timothy J. Stover WORST FITZGERALD & STOVER PLLC P.O. Box 1428 Twin Falls, Idaho 83303 tjs@magicvalleylaw.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"/>
Michael J. Henslee, V.P. Salmon Falls Land & Livestock Co. 95-A Bell Rapids Road Hagerman, Idaho 83332	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/>

<u>mjhenslee@gmail.com</u>	E-Mail <input checked="" type="checkbox"/>
Leo E. Ray Big Bend Trout, Inc. P.O. Box 479 Hagerman, Idaho 83330 <u>fpi@fishbreedersofidaho.com</u>	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"/>
Almer Huntley, Jr., President Big Bend Irrigation & Mining Co., Ltd. 2721 South 900 East Hagerman, Idaho 83332 <u>plspe@hotmail.com</u>	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"/>
M&M Court Reporting Services 421 W. Franklin Street Boise, ID 83702 Fax No. (208) 345-8800 Email: <u>anniew@m-mservice.com</u>	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"/>

  


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 J. Justin May