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Attorneys for Rangen, Inc.

RECEIVED
MAY 16 2014
DEPARTMENT OF
WATER RESOURCES

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

**NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
LYNN TOMINAGA**

**MAY 21, 2014
3:30 p.m.**

**May, Browning & May, PLLC
1419 West Washington
Boise, ID 83702**

TO: LYNN TOMINAGA AND IGWA’S COUNSEL OF RECORD

PLEASE TAKE NOTICE that Rangen, Inc. will take the deposition of Lynn Tominaga before a certified Court Reporter, in accordance with the Rules of Civil Procedure of the State of Idaho, on Tuesday, the 21st day of May, 2014, at the hour of 3:30 p.m. at the Offices of May, Browning & May, PLLC, 1419 West Washington, Boise, ID 83702.

NOTICE OF TAKING DEPOSITION DUCES TECUM OF LYNN TOMINAGA - 1

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

1. Copies of all maps, diagrams, blue prints, photographs, and drawings showing Tucker Springs.
2. Copies of all letters of intent, memoranda of agreement, agreements or other documents which pertain to or reflect the use of Tucker Springs water to mitigate Rangen's delivery call.
3. Copies of all documents pertaining to the use of the Aqua Life facility by Idaho Fish and Game,
4. Copies of all documents pertaining to improvements or changes to the Aqua Life facility to be made by IGWA or any of its member Groundwater Districts.
5. Copies of all documents pertaining to easements, rights of way, licenses or other agreements allowing access to property for the installation and operation of the proposed Tucker Springs pipeline to the Rangen Research Hatchery.
6. Copies of all documents which reflect communications with water users who may be impacted by the Tucker Springs mitigation plan proposed by IGWA, including, but not limited to, the protestants in this matter.
7. Copies of all documents which reflect or pertain to water users who may be impacted by the Tucker Springs mitigation plan proposed by IGWA, including, but not limited to, the protestants in this matter.
8. Copies of all documents which reflect water testing or sampling done by IGWA, IGWA's agents or representatives, or any of IGWA's experts at the Rangen Research Hatchery.

9. Copies of all documents which reflect water testing or sampling done by IGWA, IGWA's agents or representatives, or any of IGWA's experts at Tucker Springs.
10. Copies of all documents which reflect water testing or sampling done by IGWA or IGWA's agents or representatives, or any of IGWA's experts at the Idaho Fish and Game Hagerman Fish Hatchery.
11. Copies of all documents in IGWA's possession (including, IGWA's agents, employees, representatives or experts) which pertain to or reflect water testing or sampling done by any other person or entity at the Idaho Fish and Game Hagerman Fish Hatchery in the past ten (10) years.
12. Copies of all documents in IGWA's possession (including, IGWA's agents, employees, representatives or experts) which pertain to or reflect fish diseases or illnesses at the Idaho Fish and Game Hagerman Fish Hatchery in the past ten (10) years.
13. Copies of all documents in your possession (including, you, your agents, employees, representatives or experts retained by you) which pertain to or reflect issues or problems with the Idaho Fish and Game Hagerman Fish Hatchery related to water quality in the past ten (10) years.
14. Copies of all SPF Memoranda, including all drafts, concerning the Second Mitigation Plan, including, but not limited to the draft memo from Jason Thompson that was sent from Randy Budge to Dallas Burkhalter on March 31, 2014.
15. Copies of all documents evidencing communications between IGWA and IDWR pertaining to efforts to Rangen's delivery call or efforts to mitigate Rangen's

delivery call. This request for documents includes, but is not limited to correspondence, emails, notes of conversations and meeting notes. Rangen is not seeking documents that have been filed by IGWA or IDWR in CM-MP-2014-001, CM-MP-2014-003, or CM-DC-2011-004 or documents to which Rangen is a party.

16. Copies of all documents evidencing communications between IGWA and the Idaho Department of Fish & Game or its Board of Commissioners pertaining to Rangen's delivery call or efforts to mitigate Rangen's delivery call.
17. Copies of all documents obtained by IGWA from IDWR pertaining to Rangen's delivery call or efforts to mitigate Rangen's delivery call. Rangen is not seeking documents filed in CM-MP-2014-001, CM-MP-2014-003, or CM-DC-2011-004 or any documents to which Rangen was a party.
18. Copies of all documents obtained by IGWA from the State of Idaho or any of its agencies, political subdivisions or representatives pertaining to Rangen's delivery call or efforts to mitigate Rangen's delivery call. Rangen is not seeking documents filed in CM-MP-2014-001, CM-MP-2014-003, or CM-DC-2011-004 or any documents to which Rangen was a party.
19. Copies of all documents related to any environmental studies or environmental assessments that have been done or will be done in connection with IGWA's Second Mitigation Plan.
20. Copies of all documents which evidence communications with the State of Idaho Department of Environmental Quality concerning IGWA's Second Mitigation Plan.

21. Copies of all documents which evidence communications with the US Army Corps of Engineers and/or the National Environmental Protection Agency concerning IGWA's Second Mitigation Plan.
22. Copies of all documents pertaining to any condemnation proceedings that may be needed or are contemplated in connection with IGWA's Second Mitigation Plan.
23. Copies of all documents pertaining to or reflecting communications between Lynn Tominaga and Butch Morris. This includes, but is not limited to, notes of conversations, texts, and emails.
24. Copies of all documents pertaining to or reflecting communications between IGWA (including, but not limited to, any of its employees, agents, representatives, members, board members, member Ground Water Districts and their respective members or board members) and Butch Morris.
25. Copies of all documents pertaining to water rights that may be injured by IGWA's proposed Second Mitigation Plan and any efforts or plans to mitigate those injuries.
26. Copies of all documents pertaining to insurance policies or bonds related to the construction and operation of IGWA's Second Mitigation Plan. This includes, but is not limited to insurance policies or bonds covering the loss of fish in the event of a pump failure.

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 16 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 16 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 checked="" 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 checked="" 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.	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/>

<p>95-A Bell Rapids Road Hagerman, Idaho 83332 <u>mjhenslee@gmail.com</u></p>	<p>Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Leo E. Ray Big Bend Trout, Inc. P.O. Box 479 Hagerman, Idaho 83330 <u>fpi@fishbreedersofidaho.com</u></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>Almer Huntley, Jr., President Big Bend Irrigation & Mining Co., Ltd. 2721 South 900 East Hagerman, Idaho 83332 <u>plspe@hotmail.com</u></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>M&M Court Reporting Services 421 W. Franklin Street Boise, ID 83702 Fax No. (208) 345-8800 Email: <u>anniew@m-mservice.com</u></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