

Randall C. Budge (ISB# 1949)  
Thomas J. Budge (ISB# 7465)  
RACINE OLSON NYE BUDGE  
& BAILEY, CHARTERED  
201 E. Center St. / P.O. Box 1391  
Pocatello, Idaho 83204  
(208) 232-6101 – phone  
(208) 232-6109 – fax  
rcb@racinelaw.net  
tjb@racinelaw.net

*Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)*

**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.

Docket No. CM-MP-2014-003

**Notice of Taking Deposition  
Duces Tecum of Charles  
Brockway, Sr.**

**TO: Charles Brockway, Sr., and Rangen’s counsel of record**

PLEASE TAKE NOTICE that Idaho Ground Water Appropriators, Inc. (IGWA) will take the deposition of Chuck Brockway before a certified Court Reporter, in accordance with the Rules of Civil Procedure of the State of Idaho, on **Monday, June 2nd, 2014, at 10:00 a.m.** at the office of **Racine, Olson, Nye, Budge & Bailey, Chartered, 201 East Center, Pocatello, Idaho**. Pursuant to Idaho Rules of Civil Procedure 26, 30(b)(5), and 34, you are required to identify and bring with you to the deposition the following documents:

1. Copies of all maps, diagrams, blue prints, photographs, and drawings showing Tucker Springs or the Rangen fish hatchery.
2. Copies of your entire file related to IGWA’s Second Mitigation Plan, including, but not limited to, memos, notes, drawings, sketches, maps, spreadsheets, and drafts thereof.

3. Copies of all documents that reflect communications with water users who may be impacted by IGWA's Second Mitigation Plan, including, but not limited to, the protestants in this matter.

4. Copies of all documents provided to you by Rangen that relate to IGWA's Second Mitigation Plan or Rangen's defenses to the Plan.

5. Copies of all documents that reflect sampling or testing of water at the Rangen fish hatchery (whether taken at the Curren Tunnel, Billingsley Creek, or any other location on the Rangen property), Tucker Springs, or the Idaho Fish & Game (IFG) Hagerman Hatchery supplied by Tucker Springs.

6. Copies of all documents that pertain to or reflect issues or problems with water quality or fish disease or illness at the IFG Hagerman Fish Hatchery.

7. Copies of all documents evidencing communications pertaining to Rangen's delivery call or efforts by IGWA or others to provide mitigation to Rangen, including, but not limited to, letters, emails, notes of conversations, and meeting notes.

8. Copies of all documents 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.

9. 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.

10. Copies of all documents evidencing communications with the State of Idaho Department of Environmental Quality related to IGWA's Second Mitigation Plan.

11. Copies of all documents evidencing communications with the U.S. Army Corps of Engineers or the U.S. Environmental Protection Agency related to IGWA's Second Mitigation Plan.

12. Copies of all documents related to water rights that may be injured by IGWA's Second Mitigation Plan.

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.

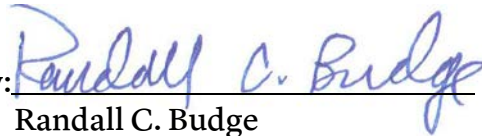
You are required to bring with you all of the above-identified documents in your possession or the possession of Brockway Engineering or any of its employees, agents, or subcontractors.

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

DATED this 29<sup>th</sup> day of May, 2014.

IDAHO GROUND WATER  
APPROPRIATORS, INC.

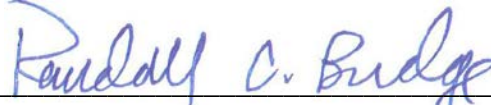
By:



Randall C. Budge  
Thomas J. Budge

## CERTIFICATE OF MAILING

I certify that on this 29th day of May, 2014, the foregoing document was served on the following persons in the manner indicated.

  
 \_\_\_\_\_  
 Signature of person mailing form

<b>Original:</b> Director, Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Attn: Deborah Gibson <a href="mailto:Deborah.Gibson@idwr.idaho.gov">Deborah.Gibson@idwr.idaho.gov</a> <a href="mailto:Kimi.white@idwr.idaho.gov">Kimi.white@idwr.idaho.gov</a>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
John K. Simpson Paul Arrington BARKER ROSHOLT & SIMPSON, LLP 195 River Vista Place, Suite 204 Twin Falls, Idaho 83301-3029 <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a> <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a> <a href="mailto:jlw@idahowaters.com">jlw@idahowaters.com</a>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Leo E. Ray Big Bend Trout, Inc. P.O. Box 479 Hagerman, Idaho 83330 <a href="mailto:fpi@fishbreedersofidaho.com">fpi@fishbreedersofidaho.com</a>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Michael J. Henslee, V.P. Salmon Falls Land & Livestock Co. 95-A Bell Rapids Road Hagerman, Idaho 83332 <a href="mailto:mjhenslee@gmail.com">mjhenslee@gmail.com</a>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Timothy J. Stover WORST FITZGERALD & STOVER PLLC P.O. Box 1428 Twin Falls, Idaho 83303 <a href="mailto:tjs@magicvalleylaw.com">tjs@magicvalleylaw.com</a>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail

<p>Almer Huntley, Jr., President          Big Bend Irrigation &amp; Mining Co., Ltd.          2721 South 900 East          Hagerman, Idaho 83332  <a href="mailto:plspe@hotmail.com">plspe@hotmail.com</a></p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> E-mail</p>
<p>Robyn Brody          Brody Law Office, PLLC          P.O. Box 554          Rupert, ID 83350-0554  <a href="mailto:robynbrody@hotmail.com">robynbrody@hotmail.com</a></p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> E-Mail</p>
<p>J. Justin May          May Browning &amp; May PLLC          1419 W Washington          Boise, ID 83702-5039  <a href="mailto:jmay@maybrowning.com">jmay@maybrowning.com</a></p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> E-Mail</p>
<p>Fritz X. Haemmerle          Haemmerle Haemmerle          P.O. Box 1800          Hailey, ID 83333-1800  <a href="mailto:fxh@haemlaw.com">fxh@haemlaw.com</a></p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> E-Mail</p>