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DEPARTMENT OF
WATER RESOURCES

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Attorneys for South Valley Ground Water District

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF BASIN 37
ADMINISTRATIVE PROCEEDING

Docket No. AA-WRA-2021-001

**NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
CHUCK NEWELL**

PLEASE TAKE NOTICE, that the SOUTH VALLEY GROUND WATER DISTRICT (“SVGWD”), by and through its attorneys of record, BARKER ROSHOLT & SIMPSON LLP, and pursuant to the Director’s *Order Authorizing Discovery*, will take testimony upon oral examination of CHUCK NEWELL, before an officer authorized to administer oaths on **Tuesday June 1, 2021 at 3:30 p.m.** (MST), and continuing thereafter from day to day until completed, at the office of Barker Rosholt & Simpson LLP, **163 Second Ave. West, Twin Falls, Idaho 83301**, at which time and place you are notified to appear and take such part in the examination as you may deem proper.

SVGWD requires the deponent (CHUCK NEWELL) to produce and make available for inspection and/or photocopying any and all documents identified in the attached Exhibit A.

NOTICE OF TAKING DEPOSITION DUCES TECUM - 1

Dated this 25th day of May, 2021.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in blue ink, appearing to read 'T. Thompson', is written above a horizontal line.

Travis L. Thompson

*Attorneys for South Valley Ground Water
District*

EXHIBIT A

1. Any and all documents which reflect the:
 - a. Water right number, water source and date of priority for each such water right,
 - b. Purpose of and current use of each such water right,
 - c. Current authorized and actual point(s) of diversion and common diversion name or water district diversion identifier, if applicable, and IDWR metal tag number / point of diversion identifier for each such water right,
 - d. Historic quantities of water actually diverted at the point of diversion under each such water right and when such diversion commenced and ended each year for each crop,
 - e. Current place of use for each such water right, and any and all maps and descriptions of such properties,
 - f. All water rights and sources of water provided from any individual or entity, such as Big Wood Canal Company and American Falls Reservoir District #2, or groundwater, that is available for use on the lands referenced in (e) above,
 - g. Historic number of acres actually irrigated within the place of use for each such water right and location of such acreage and crop rotation for each acreage,
 - h. Complete description of the diversion, measuring device and delivery system for the water used under each such water right, including information such as canal headings, points of injection and re-diversion, commingling of water from various sources, and how the watermaster accounts for water delivered,
 - i. Historic conveyance losses (actual, assigned, or assumed) for each identified channel or delivery path, including any canals, ditches, etc.,
 - j. Method for measuring, determining or calculating the conveyance losses (actual, assigned or assumed) for each identified channel or delivery path, including any canals, ditches, etc.,
 - k. Historical methods of irrigation water application for each irrigation water right and crops being raised,
 - l. Any and all records of crop yields on the places of use under the water rights referenced in (a) above,
 - m. Any and all government crop reports or records, including Farm Service Agency reports, on the places of use under the water rights referenced in (a) above,
 - n. Any and all water delivery and water use efficiency projects, including any funded by a government program such as NRCS, that you have implemented on the places of use under the water rights referenced in (a) above,
 - o. Any and all lease agreements affecting the places of use under the water rights referenced in (a) above,
 - p. Any and all crop insurance policies, including drought insurance, that cover the places of use under the water rights referenced in (a) above,
 - q. Any and all communications with the Water District 37 Watermaster Kevin Lakey or prior watermasters,
 - r. Any and all communications with the Idaho Department of Water Resources,
 - s. Any and all communications and leases of water shares from the City of Shoshone or any other Basin 37 water right holder,

- t. Any and all communications and leases of water from the Water District 01 rental pool, or any private leases with spaceholders within Water District 01,
- u. Any and all documents that support your assertion that Silver Creek flows have increased when groundwater pumps in Basin 37 are shut off,
- v. The quantity of injury for each water right identified in (a) and the method of determining the amount of injury,
- w. The evidence supporting the quantity of injury reported in (v),
- x. Any exhibits you intend to introduce at the hearing scheduled in this matter on June 7-11, 2021,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of May, 2021, the above and foregoing was served on the following by the method(s) indicated below:

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