

RECEIVED

JUN 01 2021

DEPARTMENT OF
WATER RESOURCES

Albert P. Barker [ISB No. 2867]
Travis L. Thompson [ISB No. 6168]
Michael A. Short [ISB No. 10554]
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
PO Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-07000
Facsimile: (208) 344-6034
Email: apb@idahowaters.com
tlt@idahowaters.com
mas@idahowaters.com

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
DONALD TABER**

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 DONALD TABER, before an officer authorized to administer oaths on **Friday May 28, 2021 at 1:30 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 (DONALD TABER) 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



Travis L. Thompson

*Attorneys for South Valley Ground Water
District*

EXHIBIT A

1. Any and all documents which reflect or concern each water right that you or any entity identified in your May 23, 2021 Declaration that you contend is being injured.
2. 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 (qv),
- 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:

IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
322 East Front Street
Boise, ID 83702
Fax: (208) 287-6700
Megan.Jenkins@idwr.idaho.gov

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Gary L. Spackman
Director
IDAHO DEPARTMENT OF WATER RESOURCES
PO Box 83720
Boise, ID 83720-0098
gary.spackman@idwr.idaho.gov

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

James R. Laski
Heather E. O' Leary.
Lawson Laski Clark, PLLC
675 Sun Valley Rd., Ste. A
P.O. Box 3310

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

jrl@lawsonlaski.com
heo@lawsonlaski.com
efiling@lawsonlaski.com

Matthew A. Johnson
Brian T. O'Bannon
White, Peterson, Gigray & Nichols, P.A.
5700 East Franklin Road, Suite 200
Nampa, Idaho 83687, 7901
mjohnson@whitepeterson.com
bobannon@whitepeterson.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Laird B. Stone
Stephan, Kvanvig, Stone & Trainor
P.O. Box 83
Twin Falls, Idaho 83303-0083
sks&t@idaho-law.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Jerry R. Rigby
Rigby, Andrus & Rigby, Chartered
25 North Second East
Rexburg, Idaho 83440
irigbv@rex-law.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Joseph F. James
James Law Office, PLLC
125 5th Ave. West
Gooding, Idaho 83330
joe@jamesmvlaw.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
P.O. Box 50130
1000 Riverwalk Drive, Suite 200
Idaho Falls, Idaho 83405
rharris@holdenlegal.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Rusty Kramer, Secretary
P.O. Box 507
Fairfield, Idaho 83327
waterdistrict37b@outlook.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Brendan L. Ash
James Law Office, PLLC
125 5th Ave. West
Gooding, Idaho 83330
efile@jamesmvlaw.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Alton Huyser
72 North, Hwy 75
Shoshone, Idaho 83352
bigwoodfarmllc@gmail.com
cooper.brossy@gmail.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Richard T. Roats
Lincoln County Prosecuting Attorney
P.O. Box 860
Shoshone, Idaho 83352
rtr@roatslaw.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Paul Bennett
114 Calypso Lane
Bellevue, Idaho 83313
info@swiftsureranch.org

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

J. Evan Robertson
Robertson & Slette, PLLC
P.O. Box 1906
Twin Falls, Idaho 83303-1906
erobertson@rsidaholaw.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Ann Y Vonde
P.O. Box 83720
Boise, Idaho 83720-0010
ann.vonde@ag.idaho.gov

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

James P. Speck
Speck & Aanestad
P.O. Box 987
Ketchum, Idaho 83340
jim@speckandaanestad.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

John K. Simpson
Barker Rosholt & Simpson LLP
1010 Jefferson St., Ste. 102
P.O. Box 2139
Boise, Idaho 83701-2139
jks@idahowaters.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Lawrence Schoen
Napisunaih
18351 U.S. Highway 20
Bellevue, Idaho 83313
lschoen@naramail.net

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Idaho Ranch Hands Property Management
218 Meadowbrook
Hailey, Idaho 83333
idahoranchhands@gmail.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Southern Comfort Homeowner's Association
P.O. Box 2739
Ketchum, Idaho 83340

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☐ E-mail

W. Kent Fletcher
Fletcher Law Office
P.O. Box 248
Burley, Idaho 83316
wkf@pmt.org

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Candice McHugh
Chris M. Bromley
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, Idaho 83702
cmchugh@mchughbromley.com
cbromley@mchughbromley.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Norman M. Semanko
Parsons Behle & Latimer
800 West Main Street, Ste. 1300
Boise, Idaho 83702
nsemanko@parsonsbehle.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Sarah A. Klahn
Somach Simmons & Dunn
2033 11th St., Ste. 5
Boulder, CO 80302
sklahn@somachlaw.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail

Randall C. Budge
Thomas J. Budge
Racine, Olson, Nye, Budge & Bailey, CHTD.
201 E. Center Street
P.O. Box 1391
Pocatello, ID 83201
randy@racineolson.com
tj@racineolson.com

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Fax
☒ E-mail



Travis L. Thompson