

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](mailto:apb@idahowaters.com)  
[tlth@idahowaters.com](mailto:tlth@idahowaters.com)  
[mas@idahowaters.com](mailto: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  
NICK WESTENDORF**

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 NICK WESTENDORF, before an officer authorized to administer oaths on **Tuesday June 1, 2021 at 11:00 a.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 (NICK WESTENDORF) 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 25<sup>th</sup> 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 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 25<sup>th</sup> 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](mailto: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](mailto:gary.spackman@idwr.idaho.gov)  
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

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](mailto:jrl@lawsonlaski.com)  
[heo@lawsonlaski.com](mailto:heo@lawsonlaski.com)  
[efiling@lawsonlaski.com](mailto: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](mailto:mjohnson@whitepeterson.com)  
[bobannon@whitepeterson.com](mailto: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](mailto: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](mailto:irigbv@rex-law.com)

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

Joseph F. James  
James Law Office, PLLC  
125 5<sup>th</sup> Ave. West  
Gooding, Idaho 83330  
[joe@jamesmvlaw.com](mailto: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](mailto: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](mailto:waterdistrict37b@outlook.com)

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

Brendan L. Ash  
James Law Office, PLLC  
125 5<sup>th</sup> Ave. West  
Gooding, Idaho 83330  
[efile@jamesmvlaw.com](mailto: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](mailto:bigwoodfarmllc@gmail.com)  
[cooper.brossy@gmail.com](mailto: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](mailto:rtr@roatslaw.com)

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

Paul Bennett  
114 Calypso Lane  
Bellevue, Idaho 83313  
[info@swiftsureranch.org](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:wkf@pmt.org)

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

Candice McHugh  
Chris M. Bromley  
McHugh Bromley, PLLC  
380 S. 4<sup>th</sup> St., Ste. 103  
Boise, Idaho 83702  
[cmchugh@mchughbromley.com](mailto:cmchugh@mchughbromley.com)  
[cbromley@mchughbromley.com](mailto: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](mailto:nsemanko@parsonsbehle.com)

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

Sarah A. Klahn  
Somach Simmons & Dunn  
2033 11<sup>th</sup> St., Ste. 5  
Boulder, CO 80302  
[sklahn@somachlaw.com](mailto: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](mailto:randy@racineolson.com)  
[tj@racineolson.com](mailto:tj@racineolson.com)

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



Travis L. Thompson