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

IN THE MATTER OF DISTRIBUTION
OF WATER TO VARIOUS WATER
RIGHTS HELD BY OR FOR THE
BENEFIT OF A&B IRRIGATION
DISTRICT, AMERICAN FALLS
RESERVOIR DISTRICT #2, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, AND TWIN
FALLS CANAL COMPANY

Docket No. CM-DC-2010-001

**CITIES' I.R.C.P 30(b)(6) NOTICE OF
TAKING DEPOSITION DUCES
TECUM OF TWIN FALLS CANAL
COMPANY**

TO: Twin Falls Canal Company and its counsel of record:

PLEASE TAKE NOTICE that counsel for the Cities of Bliss, Burley, Carey, Declo,
Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell
("Coalition of Cities"), by and through their attorneys of record, Candice M. McHugh and

Chris M. Bromley, the City of Idaho Falls, by and through its attorney of record, Robert L. Harris, and the City of Pocatello by and through its attorney of record Sarah A. Klahn (collectively the “Cities”), will take the deposition of the Twin Falls Canal Company (“TFCC”) before M&M Court Reporting (“M&M”) in accordance with the *Order Authorizing Discovery* issued on April 21, 2023, IDAPA 37.01.01.520.01.a and 37.01.01.520.02, and IRCP 26, 30(a), 30(b)(6), and 34. The deposition will commence at 10:00 a.m. on May 26, 2023, and continuing from day to day thereafter until completion, at the office of TFCC, 357 6th Ave. W., Twin Falls, Idaho. The deponent must be present in person. The court reporter will participate in person. Attorney may participate in person or via the Zoom video platform, hosted by M&M. Participants will receive a Zoom link via email from M&M the day before the deposition.

TFCC is required to designate one or more persons to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, including but not limited to the following:

1. TFCC project efficiencies and how they have changed over time;
2. TFCC irrigation water distribution system, including how it has changed over time;
3. TFCC irrigation water delivery records including collection and maintenance of such records;
4. Identification of any and all acres within the TFCC service area that have been “hardened”, i.e., can no longer produce crops due to the construction of permanent structures and/or acres that are enrolled in government programs, including but not limited to Conservation Reserve Program and/or Conservation Reserve Enhancement Program, thus foreclosing irrigation;
5. Information associated with TFCC farmer’s reliance on sources of irrigation water other than deliveries from TFCC, including but not limited to supplemental and/or primary ground water wells;

6. Records related to releases at Spring Creek and other releases of water below Milner dam from the TFCC system;
7. Discharge data and information including points of discharge and volume records, NDPES documents and reports;
8. Records maintained by TFCC ditch riders and/or other TFCC employees engaged in distributing water to TFCC farmers;
9. Records related to private leases of storage water from TFCC to entities other than TFCC;
10. Records related to leases of storage water from TFCC to Water District 01;
11. Identification of and records related to installed hydropower projects within the TFCC service area that use water diverted by TFCC to generate power;
12. Records of TFCC board meetings;
13. Records of TFCC-related revenues associated with hydro-power generation; and
14. Information related to discussions with IDWR staff, attorneys or the Director regarding the SWC delivery call, IGWA's "breach", need to update the methodology and use of modelling to address injury to TFCC, and TFCC's need for water.

In addition to making a deponent(s) available to answer questions on these topics, the Cities request that the deponent(s) provide any and all supporting documentary materials related to the above topics in electronic format **three (3) days prior** to the scheduled deposition to facilitate efficient examination. To the extent this request is not practical for some reason, the Deponent must bring such documents to the deposition. Electronic format is preferred.

For purposes of this notice, the term "document" is to be interpreted as broadly as Idaho Rule of Civil Procedure 34 allows and includes all written or graphic matter, whether physical or electronic, however produced, including, but not limited to, letters, emails, text messages, notes, memoranda, meeting minutes, reports, directives, proposals, summaries, analyses, spreadsheets, internal communications, external communications, studies, surveys, working papers, and other

physical or electronic data of any kind. All parties and their counsel are invited to attend. The oral examination will continue from day to day until completed.

DATED this 19th day of May, 2023.

/s/ Robert L. Harris
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Attorneys for City of Idaho Falls

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/s/ Sarah A. Klahn
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of May, 2023, the above and foregoing, was served electronically as follows:

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