

RECEIVED  
AUG 25 2015  
DEPARTMENT OF  
WATER RESOURCES

Scott L. Campbell, ISB No. 2251  
Norman M. Semanko, ISB No. 4761  
Matthew J. McGee, ISB No. 7979  
MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED  
101 S. Capitol Blvd., 10th Floor  
Post Office Box 829  
Boise, Idaho 83701  
Telephone (208) 345-2000  
Facsimile (208) 385-5384  
slc@moffatt.com  
nms@moffatt.com  
mjm@moffatt.com  
16845.0025  
16845.0026

Attorneys for Sun Valley Company

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF  
WATER TO WATER RIGHTS HELD BY  
MEMBERS OF THE BIG WOOD & LITTLE  
WOOD WATER USERS ASSOCIATION  
DIVERTING FROM THE BIG WOOD  
RIVER

Docket No. CM-DC-2015-001

IN THE MATTER OF DISTRIBUTION OF  
WATER TO WATER RIGHTS HELD BY  
MEMBERS OF THE BIG WOOD & LITTLE  
WOOD WATER USERS ASSOCIATION  
DIVERTING FROM THE LITTLE WOOD  
RIVER

Docket No. CM-DC-2015-002

**NOTICE OF TAKING RULE 30(b)(6)  
DEPOSITION DUCES TECUM OF BIG  
WOOD & LITTLE WOOD WATER  
USERS ASSOCIATION**

**TO: BIG WOOD & LITTLE WOOD WATER USERS ASSOCIATION AND ITS  
COUNSEL OF RECORD**


PLEASE TAKE NOTICE that Sun Valley Company will take testimony upon oral examination of the most knowledgeable officers or designated witnesses of BIG WOOD & LITTLE WOOD WATER USERS ASSOCIATION, before an officer authorized to administer oaths on **Monday, September 21, 2015, at 10:00 a.m.**, and continuing thereafter from day to day until completed, at the offices of MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD., located at 101 S. Capitol Boulevard, 10th Floor, Boise, Idaho, at which time and place you are notified to appear and take such part in the examination as you may deem proper.

Pursuant to Idaho R.Civ.P. 30(B)(6), Big Wood & Little Wood Water Users Association shall designate one or more officer, directors, managing agents, or other persons to testify as witnesses on the areas of inquiry attached and identified as **Exhibit A**.

Sun Valley Company requires Big Wood & Little Wood Water Users Association and the deponent to produce and make available for inspection and/or photocopying, documents identified in the attached **Exhibit A**.

DATED this 21st day of August, 2015.

MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED

By   
Matthew J. McGee – Of the Firm  
Attorneys for Sun Valley Company

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of August, 2015, I caused a true and correct copy of the foregoing **NOTICE OF TAKING RULE 30(b)(6) DEPOSITION DUCES TECUM OF THE BIG WOOD & LITTLE WOOD WATER USERS ASSOCIATION** to be served by U.S. Mail to the following:

JOSEPH F JAMES  
BROWN & JAMES  
130 FOURTH AVENUE WEST  
GOODING ID 83330

ALBERT BARKER  
BARKER ROSHOLT & SIMPSON  
PO BOX 2139  
BOISE ID 83701-2139

PATRICK D BROWN  
PATRICK D BROWN PC  
PO BOX 125  
TWIN FALLS ID 83303

RANDALL C BUDGE  
RACINE OLSON  
PO BOX 1391  
POCATELLO ID 83204-1391

SUSAN E BUXTON  
CHERESE D MCLAIN  
MOORE SMITH  
950 W BANNOCK ST STE 520  
BOISE ID 83702

ED REAGAN  
COURIER NEWS  
PO BOX 339  
FAIRFIELD ID 83327

MICHAEL C CREAMER  
MICHAEL P LAWRENCE  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

S BRYCE FARRIS  
SAWTOOTH LAW PLLC  
PO BOX 7985  
BOISE ID 83707

FRITZ X HAEMMERLE  
HAEMMERLE LAW PLLC  
PO BOX 1800  
HAILEY ID 83333

JAMES R LASKI  
HEATHER E O'LEARY  
LAWSON LASKI CLARK & POGUE  
PO BOX 3310  
KETCHUM ID 83340

DYLAN LAWRENCE  
VARIN WARDWELL LLC  
PO BOX 1676  
BOISE ID 83701-1676

CHAS F MCDEVITT  
MCDEVITT & MILLER LLP  
PO BOX 2564  
BOISE ID 83701

EILEEN MCDEVITT  
732 FALLS VIEW DR  
TWIN FALLS ID 83301

CANDICE MCHUGH  
CHRIS BROMLEY  
MCHUGH BROMLEY  
380 S 4TH ST STE 103  
BOISE ID 83702

J EVAN ROBERTSON  
ROBERTSON & SLETTE PLLC  
PO BOX 1906  
TWIN FALLS ID 83303-1906

JOHN K SIMPSON  
BARKER ROSHOLT & SIMPSON  
PO BOX 2139  
BOISE ID 83701-2139

JAMES P SPECK  
SPECK & AANESTAD PC  
PO BOX 987  
KETCHUM ID 83340

LAIRD B STONE  
STEPHAN KVANVIG STONE  
PO BOX 83  
TWIN FALLS ID 83303-0083

TRAVIS THOMPSON  
PAUL L ARRINGTON  
BARKER ROSHOLT & SIMPSON  
195 RIVER VISTA PL STE 204  
TWIN FALLS ID 83301-3029

ANTHONY & JUDY D ANGELO  
PO BOX 3267  
KETCHUM ID 83340

BARBARA CALL  
PO BOX 4  
ROSS CA 94957

BERNARD I FRIEDLANDER PHD  
116 VALLEY CLUB DR  
HAILEY ID 83333

BLACK BUTTE HILLS LLC  
PO BOX 333  
FAIRFIELD ID 83327

BLUEGROUSE RIDGE HOA  
BRIAN MCCOY  
PO BOX 3510  
KETCHUM ID 83340

BRIAN LAMAR SMITH  
DIANE STEFFEY-SMITH  
PO BOX 629  
BELLEVUE ID 83313

BRITTA S HUBBARD  
PO BOX 1167  
KETCHUM ID 83340

BRUCE & KAREN TRUXAL  
PO BOX 431  
BELLEVUE ID 83313

CANADIAN CLUB  
HOMEOWNERS ASSN  
PO BOX 4041  
KETCHUM ID 83340

CLARE & KAREN OLSON  
OKC RANCHES  
PO BOX 136  
HILL CITY ID 83337

COLD SPRINGS WATER COMPANY  
PO BOX 254  
KETCHUM ID 83340

DAVID A & KAREN L SIMON  
PO BOX 545  
FAIRFIELD ID 83327

DAVID BERMAN  
PO BOX 1738  
CAVE CREEK AZ 85327

DEBORAH L & MATT A MCLAM  
PO BOX 253  
FAIRFIELD ID 83327

DOUGLAS C WALTON  
DIANA L WHITING  
109 RIVER GROVE LN  
HAILEY ID 83333

ERNEST & JUDITH GETTO TRUST  
ERNEST J GETTO  
417 ENNISBROOK DR  
SANTA BARBARA CA 93108

GARY HOFFMAN  
PO BOX 1529  
KETCHUM ID 83340

GREGORY R BLOOMFIELD  
REVOCABLE TRUST  
PO BOX 757  
HAILEY ID 83333

GWINN RICE RANCH INC  
PO BOX 131  
HILL CITY ID 83337

HARRY S RINKER  
949 SOUTH COAST DR STE 500  
COSTA MESA CA 92626

HARRY S RINKER  
PO BOX 7250  
NEWPORT BEACH CA 92658

H PHILLIP CASH  
607 E 200 S  
FAIRFIELD ID 83327

HULEN MEADOWS WATER  
COMPANY AND ASSN INC  
PO BOX 254  
KETCHUM ID 83340

INNOVATIVE MITIGATION  
SOLUTIONS LLC  
2918 N EL RANCHO PL  
BOISE ID 83704

JAMES D WHITE  
PO BOX 367  
BELLEVUE ID 83313

JARED R WILLIAMS  
REVOCABLE TRUST  
PO BOX 99658  
SEATTLE WA 98139

JIM W KOONCE  
PO BOX 2015  
HAILEY ID 83333

KATHERINE BRECKENRIDGE  
B BAR B INC  
PO BOX 685  
PICABO ID 83348

KEN SANGHA  
ASAM TRUST  
PO BOX 9200  
KETCHUM ID 83340

KEVIN D LAKEY  
107 W 1ST  
SHOSHONE ID 83352

LAWRENCE SCHOEN  
18351 US HWY 20  
BELLEVUE ID 83313

LUBOFF SENAUSKY &  
CHARLES TIMOTHY FLOYD  
PO BOX 1240  
EAGLE ID 83616

MARLYS J SCHMIDT  
10901 HWY 75  
BELLEVUE ID 83313

NANCIE C TATUM &  
THOMAS F HENNIG  
PO BOX 1365  
SUN VALLEY ID 83353

PAUL & POLLY CARNEY LLOYD & DEAN  
RICHINS MARK & SUSAN WILLIAMS FISI  
CREEK RESERVOIR RANCH, LLC  
384 2 2900 E  
PAUL ID 83347

PAUL & TANA DEAN  
40 FREEDOM LOOP  
BELLEVUE ID 83313

PETER ZACH SEWELL  
LORI SEWELL  
PO BOX 3175  
HAILEY ID 83333

PHILIP J VANDERHOEF  
KATHLEEN MCKAY  
5069 HAROLD PL NE  
SEATTLE WA 98105

POPPY ENGLEHARDT  
10965 HIGHWAY 75  
BELLEVUE ID 83313

RALPH P CAMPANALE II  
PO BOX 3778  
KETCHUM ID 83340

ROBERT BOUTTIER  
PO BOX 476  
BELLEVUE ID 83313

ROBERT & JUDITH PITTMAN  
121 LOWER BROADFORD RD  
BELLEVUE ID 83313

ROBERT J STRUTHERS  
762 ROBERT ST PICABO ROUTE  
BELLEVUE ID 83313

RUSTY KRAMER  
PO BOX 591  
FAIRFIELD ID 83327

SAGE SPRINGS HOMEOWNERS  
ASSN INC  
PO BOX 254  
KETCHUM ID 83340

SILVER SAGE OWNERS ASSN INC  
C/O CAROLS BOOKKEEPING  
PO BOX 1702  
KETCHUM ID 83340

SMOKEY DOME LLC  
PO BOX 333  
FAIRFIELD ID 83327

SOUTH COVE VENTURES LLC  
PO BOX 333  
FAIRFIELD ID 83327

STARWEATHER OWNERS ASSN INC  
PO BOX 254  
KETCHUM ID 83340

STEVEN C FUNK  
90 FREEDOM LOOP  
BELLEVUE ID 83313

SV RANCH LLC  
PO BOX 333  
FAIRFIELD ID 83327

THOMAS & AMY MISTICK  
149 ASPEN LAKES DR  
HAILEY ID 83333

USDA FOREST SERVICE  
ATTN JAMIE GOUGH  
324 25TH ST  
OGDEN UT 84401

VALLEY CLUB OWNERS ASSN INC  
PO BOX 254  
KETCHUM ID 83340

WILLIAM R & KATHRYN L RATLIFF  
206 BAYHORSE RD  
BELLEVUE ID 83313

WOOD RIVER LAND TRUST  
119 E BULLION ST  
HAILEY ID 83333



---

Matthew J. McGee

## EXHIBIT A

1. Any and all documents which reflect or concern each water right that you or your members contend is being injured.
2. Any and all documents which reflect the:
  - (a) water right number 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 each point of diversion under each such water right and when such diversions commenced and ended each year,
  - (e) current place of use for each such water right,
  - (f) historic number of acres actually irrigation within the place of use for each such water right and location of such acreage,
  - (g) complete description of the diversion and delivery system for the water used under each such water right,
  - (h) historic conveyance losses (actual, assigned, or assumed) for each identified channel or delivery path,
  - (i) method for measuring, determining or calculating the conveyance losses (actual, assigned, or assumed) for each identified channel or delivery path,
  - (j) historical methods of irrigation water application for each irrigation water right, and
  - (k) soil type(s) of the irrigated acreage comprising the place of use of each such water right.
3. Any and all documents which reflect or concern any other water right(s) that authorize any member to deliver water to each and every actual place of use or stock location (“Overlapping Water Right”).
4. Any and all documents which reflect the:
  - (a) water right number and date of priority for each Overlapping Water Right,
  - (b) source of water authorized by each Overlapping Water Right,

- (c) current authorized and actual point(s) of diversion and IDWR metal tag number / point of diversion identifier for each Overlapping Water Right,
  - (d) historic quantities of water actually diverted at each point of diversion under each Overlapping Water Right and when such diversions commenced and ended each year,
  - (e) historic quantities of water diverted under each Overlapping Water Right that is actually delivered to the acreage or stock location,
  - (f) current place(s) of use for each Overlapping Water Right,
  - (g) historic number of acres actually irrigation within the place of use for each Overlapping Water Right and location of such acreage,
  - (h) complete description of the diversion and delivery system for the water under each Overlapping Water Right,
  - (i) historic conveyance losses (actual, assigned, or assumed) for each identified channel or delivery path,
  - (j) method for measuring, determining or calculating the conveyance losses (actual, assigned, or assumed) for each identified channel or delivery path,
  - (k) well number, well identification number or IDWR metal tag number that identifies the well(s) from which each Overlapping Water Right is diverted, and
  - (l) location of the well and the driller's report(s) associated with each well, if applicable.
5. Any and all documents which reflect the nature, source and amount of any application of tail water or waste water to the historic number of acres actually irrigated within the place of use for each injured water right, as well as any run-off from such acreage.
6. Any and all documents or records which reflect or concern any water measurement devices or water measurement and recording devices used at any place within the delivery system that delivers water to each member's actual place of use for each member's water rights, including without limitation documents reflecting the size, type, manufacturer, model, serial number, installation date, IDWR identification number, location and date(s) on which each such device was calibrated or checked by a watermaster, IDWR, groundwater district hydrographer or other person or entity, and the identity of such person(s).
7. Any and all documents or records which reflect information, measurements, calibrations, data, or study results concerning water use, water measurement, water availability, or injury for each member's water right(s).



8. Any and all documents or records, including but not limited to maps, GIS shape files, charts, photographs, schematics or other representations that illustrate or show the water delivery system for each member's water rights.
9. Any and all documents, including but not limited to financial and other accountings, Excel, Quickbooks or other accounting spreadsheets, invoices and receipts setting forth each member's expenses associated with the delivery of water under each member's water rights.
10. Any and all documents which reflect each member's crop records, including crop reports, crop yields, crop rotations, and crop receipts over the period for which each member has such records.
11. Any and all documents which reflect each member's shares, assessments, ownership, rights or interests in any organized or incorporated irrigation delivery entity, including without limitation canal companies, lateral ditch water users' associations, or irrigation districts, and in any organized or incorporated drainage entity.
12. Any and all organizational and governance documents for the Big Wood & Little Wood Water Users Association, including without limitation any articles of incorporation, organization or association, operating agreements, rules, regulations, bylaws, meeting minutes, and member lists.

### **DEFINITIONS**

A. The words "Document(s)" and/or "Record(s)," as used herein, mean any tangible thing upon which has been placed handwriting, typewriting, printing, photocopying, photographing, digital or computerized data, or any other form of recording, communication or representation, including but not limited to letters, words, pictures, sounds, magnetic impulses, electronically stored information, symbols, numbers or any combination thereof, whether or not visible to the unassisted human eye. This definition shall include, but is not limited to, any and all originals, copies or drafts of any and all of the following: correspondence, e-mail, records, notes, summaries, schedules, contracts, agreements, drawings, blueprints, sketches, invoices, orders, acknowledgments, diaries, reports, findings, forecasts, tests, appraisals, engineering reports, memoranda, medical records, telephone recordings, telephone logs, letters, telegrams, telexes, facsimiles, cables, tapes, tape recordings, statements, receipts, invoices, check registers, transcripts, recordings, photographs, witness statements, pictures, films, videotapes, computer programs, models, things and materials of any nature whatsoever. Any document which contains any comment, notation, addition, insertion or marking of any kind which is not part of another document is to be considered as a separate document.

B. The words "Historic" or "Historical," refer to the entire time period for which you and the associations members have, or have access to, knowledge, information, documents or records about a subject, or the last ten (10) years, whichever is longer.

C. The words "member" or "members" refer to all members of the Big Wood & Little Wood Water Users Association.