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*Attorneys for Rangen, Inc.*

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

IN THE MATTER OF THE FOURTH  
MITIGATION PLAN FILED BY THE IDAHO  
GROUND WATER APPROPRIATORS FOR  
THE DISTRIBUTION OF WATER TO  
WATER RIGHT NOS. 36-02551 & 36-07694  
IN THE NAME OF RANGEN, INC.

“MAGIC SPRINGS PROJECT”

Docket No. CM-MP-2014-006

**I.R.C.P. 30(b)(6) NOTICE OF  
TAKING DEPOSITION DUCES  
TECUM OF IGWA**

**TUESDAY, SEPTEMBER 30, 2014  
9:00 a.m.**

**MAY, BROWNING & MAY, PLLC  
516 Hansen Street  
Twin Falls, ID 83301**

**TO: IGWA AND ITS COUNSEL OF RECORD**

PLEASE TAKE NOTICE that Rangen, Inc. will take the deposition of Idaho Ground Water Appropriators, Inc. before a certified Court Reporter, in accordance with the Rules of Civil Procedure of the State of Idaho, on Tuesday, the 30th day of September, 2014, at the hour of 9:00

**I.R.C.P. 30(b)(6) NOTICE OF TAKING DEPOSITION DUCES TECUM  
OF IGWA - 1**

a.m. at the Offices of May, Browning & May, PLLC, 516 Hansen Street, Twin Falls, ID 83301.

Pursuant to I.R.C.P. 30(b)(6), the Deponent is required to designate one or more officers, directors, managing agents or other person(s) who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, regarding the topics set forth below:

- Fourth Mitigation Plan filed by IGWA in the above-captioned matter
- The SeaPac facility, the water that supplies it, the water rights for the facility, any agreements to use water from the SeaPac facility to mitigate Rangen's delivery call
- The Aqua Life facility, the water that supplies it, the water rights for the facility, any agreements pertaining to use of the Aqua Life facility in exchange for water to mitigate Rangen's delivery call

The Deponent is further required to identify and bring with him the following documents:

1. Copies of all maps, diagrams, blue prints, photographs, and drawings showing the SeaPac of Idaho Inc.'s Magic Springs facility ("the SeaPac facility"), the springs that supply it, and the course of all water discharged from the SeaPac facility.
2. Copies of all documents which pertain to or reflect an analysis of how much water that is pumped to Rangen's Research Hatchery under the Fourth Mitigation Plan will actually make it downstream to the Snake River.
3. Copies of SPF Water Engineering's entire file related to IGWA's Fourth Mitigation Plan, including, but not limited to all rough draft reports, preliminary drawings, sketches, blueprints, memoranda, and notes.

4. Copies of all documents reflecting flow data available for the SeaPac facility and the springs that supply the facility, including, but not limited to estimates and measurements of spring flows into all ponds and raceways, and estimates and measurements of outflows from the SeaPac facility.
5. Copies of all permit applications prepared and/or submitted in connection with the Fourth Mitigation Plan.
6. Any permit applications submitted or prepared for the Fourth Mitigation Plan.
7. Copy of the NPDES permit applicable to the SeaPac facility.
8. Copies of all correspondence, letters of intent, memoranda of agreement, agreements or other documents which pertain to the Fourth Mitigation Plan.
9. Copies of all documents pertaining to the use of the Aqua Life facility by SeaPac.
10. Copies of all documents in your possession evidencing communications with SeaPac pertaining to the Fourth Mitigation Plan.
11. Copies of all documents pertaining to easements, rights of way, licenses or other agreements allowing access to property for the installation and operation of the proposed pipelines.
12. Copies of all documents which reflect communications with water users who may be impacted by the Fourth Mitigation Plan proposed by IGWA, including, but not limited to, the protestants in this matter.
13. Copies of all documents which reflect water testing or sampling done by you, SPF Water Engineers ("SPF") or any of SPF's employees, agents or subcontractors at the Rangen Research Hatchery.

14. Copies of all documents which reflect water testing or sampling done by you, SPF, or any of SPF's employees, agents or subcontractors at the SeaPac facility.
15. Copies of all documents in SPF's possession which pertain to or reflect water testing or sampling done by any other person or entity at the SeaPac facility in the past ten (10) years.
16. Copies of all documents which pertain to or reflect fish diseases or illnesses at the SeaPac facility in the past ten (10) years.
17. Copies of all SPF Memoranda, including all drafts, concerning the Fourth Mitigation Plan, including, but not limited to all rough drafts.
18. Copies of all documents evidencing communications between IGWA/you/ SPF and IDWR pertaining to Rangen's delivery call or efforts to mitigate Rangen's delivery call. This request for documents includes, but is not limited to correspondence, emails, notes of conversations and meeting notes. Rangen is not seeking documents that have been filed by IGWA or IDWR in any cases pending before IDWR or the SRBA or documents to which Rangen is a party.
19. Copies of all documents evidencing communications between IGWA/you/SPF and the Idaho Water Resource Board pertaining to Rangen's delivery call or efforts to mitigate Rangen's delivery call.
20. Copies of all documents obtained by IGWA/you/SPF from IDWR pertaining to Rangen's delivery call or efforts to mitigate Rangen's delivery call. Rangen is not seeking documents filed in connection with any IDWR or SRBA proceedings or any documents to which Rangen was a party.

21. Copies of all documents obtained by IGWA/you/SPF from the State of Idaho or any of its agencies, political subdivisions or representatives pertaining to Rangen's delivery call or efforts to mitigate Rangen's delivery call. Rangen is not seeking documents filed in any IDWR or SRBA proceedings or any documents to which Rangen was a party.
22. Copies of all documents related to any environmental studies or environmental assessments that have been done or will be done in connection with IGWA's Fourth Mitigation Plan.
23. Copies of all documents which evidence communications with the State of Idaho Department of Environmental Quality, the US Army Corps of Engineers, US Fish and Wildlife Service, US EPA, or any other state or federal agencies concerning IGWA's Fourth Mitigation Plan.
24. Copies of all documents pertaining to any condemnation proceedings that may be needed or are contemplated in connection with IGWA's Fourth Mitigation Plan.
25. Copies of all documents pertaining to or reflecting communications with landowners in the vicinity of the SeaPac facility, Aqua Life facility or the pipeline contemplated by the Fourth Mitigation Plan.
26. Copies of all documents pertaining to water rights that may be injured by IGWA's proposed Fourth Mitigation Plan and any efforts or plans to mitigate those injuries.
27. Copies of all documents pertaining to insurance policies or bonds related to the construction and operation of IGWA's Fourth Mitigation Plan. This includes,

but is not limited to insurance policies or bonds covering the loss of fish in the event of a pump failure.

The term “document” as used above includes, but is not limited to, notes (oral or written), memoranda, reports, studies, maps, surveys, plans, drawings, photographs, calculations, spreadsheets and any computer analyses, whether written or electronic in format.

All parties and their counsel are invited to attend. The oral examination will continue from day to day until completed.

DATED this 26 day of September, 2014.

MAY, BROWNING & MAY, PLLC

By:   
J. Justin May

### CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 26 day of September, 2014, I caused a true and correct copy of the foregoing document to be served using the method indicated upon the following:

<b>Original:</b> Director Gary Spackman Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098 Deborah.Gibson@idwr.idaho.gov	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
Garrick Baxter Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov kimi.white@idwr.idaho.gov	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
Randall C. Budge Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net tjb@racinelaw.net bjh@racinelaw.net	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
Kathy McKenzie P.O. Box 109 Hagerman, ID 83332 knbmac@q.com	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
Annie Wardwell M&M Court Reporting 421 West Franklin Boise, ID 83702 Anniew@m-mservice.com	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>

  
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J. Justin May