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DEPARTMENT OF
WATER RESOURCES

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 31-11845
	)	
	)	NOTICE OF TAKING DEPOSITION OF BRYCE
	)	CONTOR (DUCES TECUM)
Case No. 39576	)	
	)	
	)	
	)	

TO: BEN D. JERNBERG AND IDAHO PROPERTIES, LLC AND THEIR ATTORNEYS OF
RECORD:

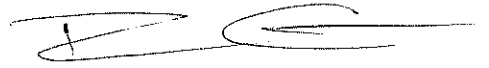
PLEASE TAKE NOTICE that the Respondent, State of Idaho, through counsel, will take the deposition upon oral examination of BRYCE CONTOR, pursuant to Idaho Rule of Civil Procedure 30. The deposition will commence at 9:00 a.m. on Friday November 10, 2006, at T&T Reporting, 525 Park Avenue, Suite 1E, Idaho Falls, Idaho 83402, (208) 529-5491, before a certified court reporter or some other officer authorized to administer oaths. Additional dates for

completion of the deposition may be required depending upon documents to be produced and other factors.

Request for Production of Documents

Consistent with Idaho Rules of Civil Procedure 26, 30(b)(5), and 34, the Deponent is further instructed to bring to said deposition all of the materials described in "Attachment A" hereto, in accordance with the definitions and instructions contained therein, excepting materials that have already been provided to the Respondent in response to previous Requests for Production.

Dated this 7th day of November, 2006.

A handwritten signature in black ink, appearing to read "D. Stanish", written over a horizontal line.

DAVID I. STANISH
Deputy Attorney General
Natural Resources Section

CERTIFICATE OF MAILING

I certify that on this 7th day of November, 2006, I caused to be served the original and copies of this NOTICE OF TAKING DEPOSITION OF BRYCE CONTOR (DUCES TECUM) on the following persons by the indicated methods:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. Copies to

Special Master Brigitte Bilyeu
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Ben D. Jernberg

Represented by:

ROGER D. LING

615 H St.

PO Box 396

Rupert, ID 83350-0396

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 436-6804
- ☐ Statehouse Mail

IDAHO PROPERTIES, LLC

Represented by:

ROGER D. LING

615 H St.

PO Box 396

Rupert ID 83350-0396

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 436-6804
- ☐ Statehouse Mail

IDWR Document Depository

PO Box 83720

Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

T & T Reporting

525 Park Avenue, Suite 1E

Idaho Falls, ID 83402-3564

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Email: tntreport@ida.net



DAVID I. STANISH
Deputy Attorney General
Natural Resources Section

ATTACHMENT A

Definitions

The following definitions shall apply for the purpose of identifying documents and tangible things that fall within the scope of this request:

- a. "Document" or "Documents" means all written, drawn, typed, printed, recorded, photostated, computer-generated, microfiche, microfilmed or graphic matters, of any kind, whether produced, reproduced or stored on paper, cards, disc, tape, film, electronic facsimile, computer storage or any other media, whether an original, master, duplicate, marked copy, translation or draft, regardless of origin, whether sent or received, including but not limited to: accounts, advertisements, affidavits, agreements, analyses, appraisals, applications, appointment books, appointment calendars, bank checks, bills, blueprints, books, bookkeeping entries, bulletins, business records, cablegrams, cache logs, calculations, canceled checks, cashiers checks, catalogs, charts, checks, check stubs, circulars, communications, compilations, computer printouts, computer source code and object code, computer tapes, contracts, correspondence, court filings, day books, data, declarations, depositions, desk calendars, diagrams, diaries, diary entries, drafts, drawings, electronic mail, engineering drawings, designs and plans, as-built documents, expense reports, extracts, files, financial statements, flowcharts, forecasts, graphs, graphic portrayals of any kind, invoices, itineraries, interview notes, interoffice communications, legal documents, ledgers, letters, lists, letters of credit, logs, log books, mailgrams, manuals, maps, memoranda, minutes, newspaper articles, notebooks, note pads, notes, pamphlets, papers, periodicals, photographs, plans, plats, pleadings, projections, proposals, prospectuses, publications, receipts, records, reports, returns, sketches, speeches, sound recordings, studies, summaries, solicitations,

tapes, tax returns, telefax, telegrams, telephone logs, tickets, time records, time sheets, transcriptions, transcripts, travel reports, travel vouchers, vouchers, working papers, worksheets, and all other papers, writings, drawings, graphs, charts, photographs, data compilations in whatever form, recordings, or physical things containing information including all original and amended versions of the documents, preliminary and subsequent drafts, or marginal notes appearing on any documents.

“Document” shall further collectively include the original, duplicate original and any or all copies or reproductions of the original document, to the extent that any or all copies are different in any way from the original document, whether by interlineation, receipt stamps, notation, indication of copies sent or received otherwise, which are within your possession, custody, or control.

- b. Whenever the terms “relate to,” “relates to,” “relating to,” “pertain to,” “pertains to,” “pertaining to,” “in conjunction with,” or “concerning” are used herein, they shall mean consisting of, referring to, alluding to, responding to, connected with, commenting on, in respect of, about, regarding, discussing, showing, documenting, describing, disclosing, employing, defining, stating, explaining, summarizing, mentioning, reflecting, containing, analyzing, constituting, evidencing, reflecting on, arising out of, or in any way or manner legally, factually, or logically connected with the subject matter of the inquiry.
- c. The words “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- d. “Possession, custody or control” of documents, samples and tangible things means documents, samples, or tangible things within the actual or constructive possession, custody,

or control or within the right of possession, custody or control of the Deponent responding to this Notice, or any officer, employee, attorney, contractor, representative, consultant, or agent thereof.

- e. The word “communication” or “communications” means all oral conversations, discussions, letters, telegrams, meetings, conferences, memorandum, and any other transmission of information in any form both written and oral, and the documents reflecting such transmission in any such manner.
- f. “Deponent” means the person named in this Notice, Bryce Contor.
- g. The terms “Idaho Properties, LLC” include all agencies, subdivisions, or agents authorized to act on their behalf.
- h. The term “this case” refers to In Re the General Adjudication of Rights to the Use of Water From the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System, Case No. 39576, in the District Court of the Fifth Judicial District of the State of Idaho, County of Twin Falls, Subcase No. 31-11845, and all issues incorporated therein, without limitation.

Instructions

- a. All documents that are produced for inspection shall be produced as they are kept in the usual course of business or shall be organized and labeled in a manner which clearly identifies and indicates that the documents are being produced in response to a particular request.
- b. If any documents or categories of documents called for cannot be produced in full or in part, the Deponent shall state in writing the reasons for the inability to produce all or any portion

of the documents or categories of documents called for, and serve those reasons on the State of Idaho at the time required for response.

- c. If any document called for is withheld on the grounds of any privilege, the Deponent withholding such document(s) shall specify the basis of such privilege and provide a complete description of the document, including the date, all addressees, all authors or preparers, all recipients of copies, subject matter, number of pages (including all attachments, appendices, etc.), and other relevant circumstances sufficient to enable the Court to decide whether the privilege has been properly invoked. The Deponent shall nonetheless produce any portion of the document that is not privileged.
- d. The Deponent shall produce all responsive documents in his or her possession, custody and control, whether actual or constructive.
- e. If any responsive documents were previously provided by Ben D. Jernberg or Idaho Properties, LLC, the Deponent need not provide those documents but shall provide a list of those responsive documents which are or were in his possession, custody and control, whether actual or constructive. The list shall describe the disclosed document and designate when the document was previously provided.

Documents to be Produced

1. All documents in the possession of Bryce Contor pertaining to each and every allegation raised in the *Objection* filed in this case.
2. All documents in the possession of Bryce Contor pertaining to each and every statement made in the *Affidavit of Bryce A. Contor in Support of Motion for Summary Judgment* filed in this case.

3. All documents in the possession of Bryce Contor used in preparation of the *Affidavit of Bryce A. Contor in Support of Motion for Summary Judgment* filed in this case.
4. All documents in the possession of Bryce Contor used in preparation for this deposition.