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DEPARTMENT OF
WATER RESOURCES

Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

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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,
Case No. 39576

Subcase No. 63-3618
(Lucky Peak Reservoir)

NOTICE OF RULE 30(B)(6), IDAHO RULES OF
CIVIL PROCEDURE, DEPOSITION DUCES
TECUM

**TO: ALL PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE that on **Wednesday, January 30, 2007, at 1:00 p.m.**,
and continuing thereafter from day to day until completed, at the law offices of MOFFATT,
THOMAS, BARRETT, ROCK & FIELDS, CHARTERED, located at 101 South Capitol Boulevard,
10th Floor, Boise, Idaho 83702 (208-345-2000), Pioneer Irrigation District and Settlers Irrigation
district will take the deposition, pursuant to Rule 30(b)(6), Idaho Rules of Civil Procedure, upon

NOTICE OF RULE 30(B)(6), IDAHO RULES OF
CIVIL PROCEDURE, DEPOSITION DUCES TECUM - 1

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oral examination before a person authorized to administer oaths under the laws of the United States and the state of Idaho of the person(s) designated by the United States most knowledgeable of the United States' administration of and compliance with the obligations imposed upon the United States under the following contracts: Memorandum of Agreement Between the Department of the Army and the Department of the Interior for Flood Control Operation of Boise River Reservoirs, Idaho, dated November 20, 1953; United States Department of the Interior Bureau of Reclamation Supplemental Contract with Pioneer Irrigation District, dated August 3, 1954; United States Department of Interior Bureau of Reclamation Supplemental Contract with Settlers Irrigation District, dated June 18, 1954; Water Service Contract Between the United States of America and Pioneer Irrigation District Providing for the Conservation Use of Lucky Peak Dam and Reservoir, dated August 24, 1966; Water Service Contract Between the United States of America and Settlers Irrigation District Providing for the Conservation Use of Lucky Peak Dam and Reservoir, dated May 5, 1966. *See* Affidavit of Jennifer A. Stevens in Support of Pioneer and Settlers Irrigation Districts' Motion for Summary Judgment, Exhibits B-E (October 12, 2007).

The deposition will be conducted in accordance with the Idaho Rules of Civil Procedure.

The United States shall designate and produce at the deposition one or more members, officers, directors, managing agents, employees, agents, or other persons who are most qualified to testify on its behalf.

Pursuant to Rules 34 and 30(b)(6) of the Idaho Rules of Civil Procedure, the deponent(s) is hereby requested to bring with him/her any and all "document(s)" and "record(s)" in his/her care, custody, possession, or control relating to this action and/or the administration of

and/or compliance with the following contracts related to the Lucky Peak Project: Memorandum of Agreement Between the Department of the Army and the Department of the Interior for Flood Control Operation of Boise River Reservoirs, Idaho, dated November 20, 1953; United States Department of the Interior Bureau of Reclamation Supplemental Contract with Pioneer Irrigation District, dated August 3, 1954; United States Department of the Interior Bureau of Reclamation Supplemental Contract with Settlers Irrigation District, dated June 18, 1954; Water Service Contract Between the United States of America and Pioneer Irrigation District Providing for the Conservation Use of Lucky Peak Dam and Reservoir, dated August 24, 1966; Water Service Contract Between the United States of America and Settlers Irrigation District Providing for the Conservation Use of Lucky Peak Dam and Reservoir, dated May 5, 1966. *See* Affidavit of Jennifer A. Stevens in Support of Pioneer and Settlers Irrigation Districts' Motion for Summary Judgment, Exhibits B-E (October 12, 2007).

DEFINITIONS

The terms "document(s)" and "record(s)" shall have the full meaning ascribed to it in Rule 34(a) of the Idaho Rules of Civil Procedure, and shall include every writing or record of every type and description including, without limitation shall mean the original, all copies and drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records and data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: calculations, correspondence, notes, memoranda, agendas, minutes, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra- or inter-office communications, memoranda, electronic mail, reports, canceled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, telegrams,

instructions, work assignments, working papers, messages (including reports, notes and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, tax returns, promissory notes, invoices, charge slips, accountants' work papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other documents filed or prepared in connection with any court or agency or other proceeding, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, business plans, financial statements, quarterly reports, profit and loss statements, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents shall also include all attachments, enclosures and other documents that are attached to, relate to or refer to such documents.

A full response to this document request should include, but not be limited to a search for documents recorded or available on computer or electronic media of any type, as well as documents available in hard-copy, disk, electronic and other media.

Moffatt Thomas will pay for all reasonable copy charges. Alternatively, if more convenient for you, documents may be produced in electronic format.

DATED this 28nd day of January, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell – Of the Firm

By Tara Martens
Tara Martens – Of the Firm
Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28nd day of January, 2008, I caused a true and correct copy of the foregoing **NOTICE OF RULE 30(b)(6), IDAHO RULES OF CIVIL PROCEDURE, DEPOSITION DUCES TECUM** to be served by the method indicated below, and addressed to the following:

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Environment and Natural Resources Division
UNITED STATES DEPARTMENT OF JUSTICE
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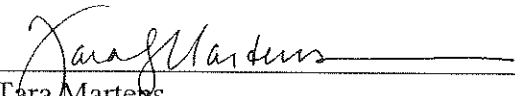
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Tara Martens