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DEPARTMENT OF
WATER RESOURCES

Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

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18946.0024

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 DEPOSITION DUCES TECUM OF
ROBERT SUTTER

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

PLEASE TAKE NOTICE that Pioneer Irrigation District and Settlers Irrigation District (hereinafter "Districts") will take the testimony upon oral examination of **ROBERT SUTTER**, on **Friday, March 28, 2008**, at **9:00 a.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) before a qualified Court Reporter, pursuant to Rule 30(a) of the Idaho Rules of Civil

Procedure.

Said deponent is required to bring with him the following documents and records (as defined hereinafter): Any and all documents or records concerning the subject matter of this litigation and/or the Lucky Peak Project, specifically including, but not limited to all documents and records (as defined hereinafter) reviewed or generated in conjunction with the preparation of the Affidavit of Robert Sutter, filed in this matter, and/or the related representations set forth in the Reply Brief in Support of United States' Motion for Summary Judgment, filed in this matter.

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: data, 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,

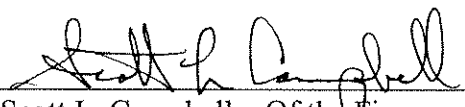
transcripts of testimony or other documents filed or prepared in connection with any court or agency or other proceeding, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, business plans, financial statements, quarterly reports, profit and loss statements, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer data 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.

The Districts will reimburse all reasonable copy charges. Alternatively, if more convenient for you, documents may be produced in electronic format.

DATED this 14th day of March, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Scott L. Campbell – Of the Firm
Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2008, I caused a true and correct copy of the foregoing **NOTICE OF DEPOSITION DUCES TECUM OF ROBERT SUTTER** to be served by the method indicated below, and addressed to the following:

Albert P. Barker
BARKER ROSHOLT & SIMPSON
1010 W. Jefferson, Suite 102
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United States Department of Justice
Environment and Natural Resources Division
UNITED STATES DEPARTMENT OF JUSTICE
550 West Fort Street, MSC 033
Boise, ID 83724

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Director
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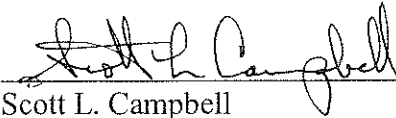
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Scott L. Campbell

