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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Plaintiff Idaho Power Company

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

In Re SRBA	)	
Case No. 39576	)	
	)	Consolidated Subcase No. 92-00023
IDAHO POWER COMPANY,	)	
Plaintiff,	)	NOTICE OF DEPOSITION DUCES
	)	TECUM OF TIM LUKE
v.	)	
STATE OF IDAHO; C.L. "BUTCH" OTTER,	)	
Governor of the State of Idaho; LAWRENCE G.	)	
WASDEN, Attorney General of the State of	)	
Idaho; IDAHO DEPARTMENT OF WATER	)	
RESOURCES; and DAVID TUTHILL, Director,	)	
Idaho Department of Water Resources	)	
Defendants.	)	

TO DEFENDANT AND YOUR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Idaho Rules of Civil Procedure 30 and 45, the above named parties will take the deposition upon oral examination of **Tim Luke**, on the date and at the time and location set forth below.

The deposition will begin at 9:00 a.m. on April 18, 2008, and shall continue from day to day until concluded. The deposition will be held at the offices of Barker Rosholt & Simpson LLP, 1010 W. Jefferson Street, Suite 102, Boise, Idaho, 83702 (208) 336-0700. The deposition will be recorded by a certified court reporter authorized to administer oaths in the State of Idaho.

Pursuant to Idaho Rules of Civil Procedure 45(b), the deponent is required to bring to the deposition the following materials:

1. Records, files, notes, memoranda, calendars and documents created or retained by or under the direction of A. Kenneth Dunn, past Director of the Department of Water Resources or department employees under his supervision, maintained in the files of, or within the custody and control of the Idaho Department of Water Resources directly or indirectly related to Snake River flows, the Eastern Snake Plain Aquifer, spring flows, recharge, the Swan Falls negotiations, Swan Falls Agreement, Swan Falls legislative history, Swan Falls legislation; Swan Falls implementation, including but not limited to trust water rights applications or processing, State Water Plans, Snake River and tributaries hydropower rights, permits and applications, including but not limited to Swan Falls, Milner and Hells Canyon, or subordination;
2. Records, files, notes, memoranda, calendars and documents created or retained by or under the direction of Keith Higginson, past Director of the Department of Water Resources or department employees under his supervision, maintained in the files of, or within the custody and control of the Idaho Department of Water Resources directly or indirectly related to Snake River flows, the Eastern Snake Plain Aquifer, spring flows, artificial or natural recharge, the Swan Falls negotiations, Swan Falls Agreement, Swan Falls legislative history, Swan Falls legislation; Swan Falls implementation, including but not limited to trust water rights applications or processing, State Water Plans, Snake River and tributaries hydropower rights, permits and applications, including but not limited to Swan Falls, Milner and Hells Canyon, or subordination;
3. Reports, drafts of reports, and information gathered in the process of researching issues contained in reports, relating to groundwater levels of Eastern Snake Plain Aquifer;

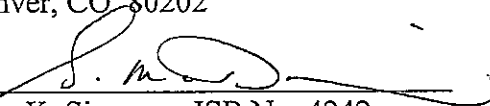
4. All documents, notes, reports, correspondence and memoranda documenting all testing and analysis conducted relating to the flows of the Snake River for the years 1975 through the present;
5. All documents, reports, notes, memoranda, correspondence and pleadings prepared at the direction of the Attorney General, Jim Jones, or his staff or the Governor of the State of Idaho, John Evans, or his staff, during 1984 relating in any way to the Swan Falls negotiations and Agreement;
6. All indexes of the documents and/or files maintained by, or under the custody and control of, the Idaho Department of Water Resources located at any of the Idaho Department of Water Resources offices, or in any archive of the State of Idaho, related in any way to the Swan Falls negotiations, Swan Falls Agreement, Trust Water, Snake River measurements at the Murphy Gage, and issuance of permits to appropriate Trust Water.

DATED THIS 28th day of March, 2008.

IDAHO POWER COMPANY

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 24th day of March 2008, I caused to be served a true and correct copy of the foregoing **NOTICE OF DEPOSITION OF TIM LUKE** by the method indicated below, and addressed to each of the following:

Notice of Service filed with the Court via Facsimile.

Lawrence Wasden
Steven Olsen
Karl T. Klein
Michael C. Orr
700 W. Jefferson, Room 210
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Attorneys for Defendant, State of Idaho

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☐ Hand Delivered
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☐ Facsimile

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Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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☐ Overnight Mail
☐ Facsimile

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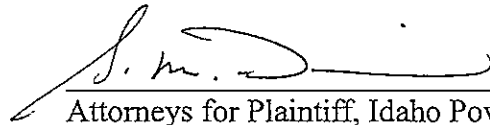
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