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DEPARTMENT OF
WATER RESOURCE

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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,	)	SUBPOENA DUCES TECUM TO
	)	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.	)	

THE STATE OF IDAHO TO: TIM LUKE

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 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;

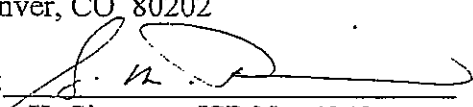
4. All documents, notes, reports, correspondence and memoranda documenting all testing and analysis conducted relating to the flows of the Snake River for the years 1975 through the present;
5. All documents, reports, notes, memoranda, correspondence and pleadings prepared at the direction of the Attorney 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.

You are further notified that if you fail to appear at the place and time specified above, or to produce or permit copying or inspection as specified above, that you may be held in contempt of court and that the aggrieved party may recover from you the sum of \$100 and all damages which the party may sustain by your failure to comply with the subpoena.

DATED THIS 28th day of March, 2008.

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