

RECEIVED
OCT 01 2009
DEPARTMENT OF
WATER RESOURCES

John A. Rosholt, ISB# 1037
John K. Simpson, ISB# 4242
Travis L. Thompson, ISB# 6168
Paul L. Arrington, ISB# 7198
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for A&B Irrigation District, Burley Irrigation District, Milner Irrigation District,
North Side Canal Company, and Twin Falls Canal Company

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 Nos. 01-00217, 01-00218,
	)	01-04024, and 01-04025
	)	(Minidoka Power Right)
	)	
	)	NOTICE OF TAKING DEPOSITION
	)	OF THE STATE OF IDAHO
	)	
_____	)	

TO: THE STATE OF IDAHO

PLEASE TAKE NOTICE that the A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company, by and through their counsel of record, John K. Simpson of Barker Rosholt & Simpson, LLP, pursuant to Idaho Rules of Civil Procedure 30(b)(6), will take the testimony on oral examination of **THE STATE OF IDAHO** before a duly authorized court reporter and Notary Public. Examination

will commence at **1:30 p.m. on Friday, October 23, 2009**, at the law offices of Barker, Rosholt, and Simpson, 1010 W. Jefferson, Suite 102, Boise, Idaho 83702. Said oral examination will continue from day to day until completed, excluding weekends and designated Court holidays.

DEFINITIONS. Unless otherwise indicated, the following definitions will be applicable to this discovery notice:

A. "Person" shall mean and include a natural person, partnership, firm or corporation or any other kind of business or legal entity, its agents or employees. In each instance wherein you are asked to "identify" a person or state the "identity" of a person, state with respect to each such person his or her name and last known residence, business address and telephone number.

B. The words "document" and "documents" mean all written, recorded, electronically stored, or graphic matters, however produced or reproduced, pertaining in any way to the subject matter of this legal action. This definition includes, but is not limited to, any and all originals, copies or drafts of any and all of the following: records, notes, summaries, schedules, contracts, agreements, drawings, sketches, invoices, orders, acknowledgments, diaries, reports, forecasts, appraisals, memoranda, telephone logs, letters, telegrams, telexes, cables, tapes, transcripts, recordings, photographs, pictures, films, computer programs or other graphic, symbolic, recorded or written materials of any nature whatsoever. Any document which contains any comment, notation, additional, insertion or marking of any kind which is not part of another document is to be considered as a separate document. In each instance wherein you are asked to "identify" or describe a document, your description should include, but not be limited to the following:

(1) The name, address, telephone number, occupation, job title and employer of the present custodian of the document;

(2) The date of the making of the document and the name, address, telephone number, occupation, job title and employer of each person whose testimony could be used to authenticate such document and lay the foundation for its introduction into evidence.

C. "You" shall refer to The State of Idaho and its attorneys, consultants, experts, investigators, agents or other persons acting on its behalf.

D. "Knowledge" includes firsthand knowledge and information derived from any other source, including but not limited to hearsay knowledge.

EXAMINATION. The matters on which The State of Idaho is to be examined, include, but are not limited to:

1. What supports the remark promulgated by the Director's Recommendation in these cases?
2. What supports the remark promulgated by the State of Idaho in these recommendations?
3. What supports the authority of Director or the State of Idaho to show necessity of any remark in these cases?
4. What reflects or explains the effect of the remarks promulgated by the Director's Recommendation and by the remark promulgated by the State of Idaho?
5. What supports the authority of Director or the State of Idaho to deviate from the Eagle Decree and its incorporated exhibits in administration of these water rights?
6. What reflects or explains how the Department of Water Resources determines what portions of what decrees are incorporated in the Water District 1 accounting program?
7. What reflects the means of determining how water addressed in the Eagle Decree is allocated?

8. The effect of both proposed remarks.

9. The effect of the Eagle Decree.

DESIGNATION. Please take further notice that The State of Idaho, pursuant to Rule 30(b)(6) of the Idaho Rules of Civil Procedures, has the duty to designate one or more officers, directors, or managing agents, or other persons, who consent to testify on its behalf, to produce the documents requested above, and to provide testimony for those matters identified above.

This deposition shall be taken pursuant to the Idaho Rules of Civil Procedure.

By order of the court.

DATED this 30th day of September, 2009.

BARKER, ROSHOLT & SIMPSON



John K. Simpson
Attorney for *A&B Irrigation District, Burley
Irrigation District, Milner Irrigation
District, North Side Canal Company, and
Twin Falls Canal Company*

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2009, I served a true and correct copy of the foregoing *Notice of Taking Deposition of The State of Idaho* on the person(s) listed below via First Class U.S. Mail, pre-paid:

A. Dean Tranmer
City of Pocatello
P.O. Box 4169
Pocatello, ID 83201

James S. Lochhead
Brownstein Hyatt et al
410 17th Street, Ste. 2200
Denver, CO 80202

James C. Tucker
Idaho Power Company
P.O. Box 70
Boise, ID 83707

Jerry Rigby
25 N. 2nd East
P.O. Box 250
Rexburg, ID 83440

Natural Resources Div Chief
State of Idaho
Attorney General's Office
P.O. Box 44449
Boise, ID 83711

W. Kent Fletcher
1200 Overland Ave.
P.O. Box 248
Burley, ID 83318

Pemberton, Mitra M
White & Jankowski, LLP
511 16th Street, Ste. 500
Denver, CO 80202

Randall C. Budge
Candice M. McHugh
201 E. Center, Ste. A2
P.O. Box 1391
Pocatello, ID 83204

C. Tom Arkoosh
P.O. Box 2598
Boise, ID 83701

Josephine P. Beeman
409 W. Jefferson Street
Boise, ID 83702

Roger D. Ling
615 H Street
P.O. Box 396
Rupert, ID 83350

Sarah A. Klahn
White & Jankowski, LLP
Kittredge Building
511 16th Street, Ste. 500
Denver, CO 80202

Travis L. Thompson
113 Main Ave. W, Ste. 303
P.O. Box 485
Twin Falls, ID 83303

United States of America
Regional Director PN Region
Bureau of Reclamation PN-3100
1150 N. Curtis Road, Ste. 100
Boise, ID 83706

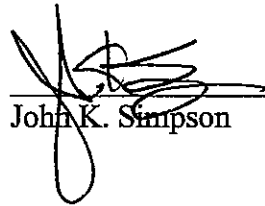
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720

Director of IDWR
P.O. Box 83720
Boise, ID 83720

Lawrence Wadsen
State of Idaho
Office of Attorney General
700 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0010

U.S. Department of Justice
Environment & Natl' Resources
550 W. Fort Street, MSC 033
Boise, ID 83724

C. Tom Arkoosh
P.O. Box 2598
Boise, ID 83701



John K. Simpson