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DEPARTMENT OF
WATER RESOURCES

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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 Nos. 01-00217, 01-00218,
) 01-04024, and 01-04025
) (Minidoka Power Right)
)

) **NOTICE OF TAKING DEPOSITION**
) **OF LYLE SWANK, WATER**
) **MASTER DISTRICT 1**
)

TO: LYLE SWANK, WATER MASTER DISTRICT 1

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 26 and 30(a), will take the testimony on oral examination of **LYLE SWANK, WATER MASTER DISTRICT 1** before a duly authorized court reporter and Notary Public. Examination will commence at **1:30 p.m. on Thursday, October 22, 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.

Pursuant to Rule 30(b)(1) of the Idaho Rules of Civil Procedure, the deponent is required to bring to the deposition the following items and documents:

1. Believed by the deponent to support the remark promulgated by the Water Master's Recommendation in these cases.
2. Believed by the deponent to support the remark promulgated by Water District 1 in these recommendations.
3. Believed by the deponent to support authority of Water Master or Water District 1 to show necessity of any remark in these cases.
4. Believed by the deponent to reflect or explain the effect of the remarks promulgated by the Water Master's Recommendation and by the remark promulgated by Water District 1.
5. Believed by the deponent to support authority of Water Master or Water District 1 to deviate from the Eagle Decree and its incorporated exhibits in administration of these water rights.
6. Believed by the deponent to reflect or explain how the Department of Water Resources determines what portions of what decrees are incorporated in the Water District 1 accounting program.
7. Believed by the deponent to reflect 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.

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 Lyle Swank, Water Master District 1* on the person(s) listed below via First Class U.S. Mail, pre-paid:

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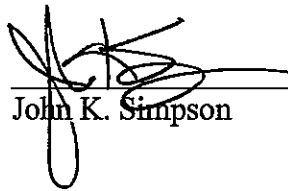
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