

DEPARTMENT OF
WATER RESOURCES

COPY

Page 1

2. I am a deputy attorney general assigned to the Snake River Basin Adjudication.
3. Attached to this affidavit are true and correct copies of the following documents:

Attachment I: Notice of Taking Deposition of Gary Spackman, IDWR Director (Sept. 30, 2009)

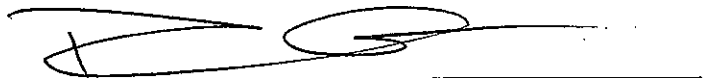
Attachment II: Notice of Taking Deposition of Lyle Swank, Watermaster (Sept. 30, 2009)

Attachment III: Notice of Taking Deposition of Bureau of Reclamation (Sept. 30, 2009)

Attachment IV: Notice of Taking Deposition of State of Idaho (Sept. 30, 2009)

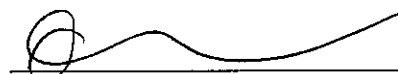
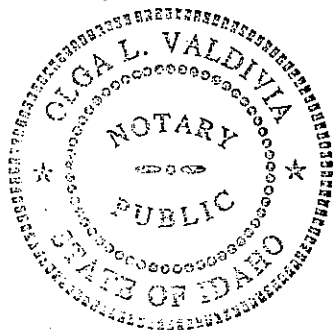
4. On October 15, 2009, I contacted Mr. C. Thomas Arkoosh and Mr. Travis L. Thompson by telephone. During those two conversations, Mr. Arkoosh and Mr. Thompson both indicated to me that they were unwilling to accommodate my proposal to have the State's deposition take place at the time set for the Director's deposition, and vice versa.

5. Further your affiant sayeth naught.



DAVID I. STANISH
Deputy Attorney General
Natural Resources Division

Subscribed and sworn (or affirmed) to before me, a notary public in and for the State of Idaho this 15th day of October 2009.



Notary Public for Idaho
Residing at Boise, ID
My Commission expires: 2/8/2012

CERTIFICATE OF SERVICE

I certify that on this 1st day of October 2009, I caused to be served the original and copies of the **AFFIDAVIT OF DAVID I. STANISH** on the following persons by the methods indicated. Attachments were not included in facsimile transmissions.

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☒ Email: ddelaney@srba.state.id.us

2. Copies to:

SPECIAL MASTER DOLAN
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☒ Email: tdolan@srba.state.id.us

IDAHO POWER COMPANY
Represented by:
JAMES C TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (208) 388-6935
☒ Email: jamestucker@idahopower.com

IDAHO POWER COMPANY
Represented by:
JIM LOCHHEAD
BROWNSTEIN HYATT ET AL
410 17TH STREET, SUITE 2200
DENVER, CO 80202

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (970) 945-4921
☒ Email: jlochhead@bhfs.com

AMERICAN FALLS RESERVOIR
Represented by:
C THOMAS ARKOOSH
301 MAIN ST
PO BOX 32
GOODING, ID 83330

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (208) 424-8874
☒ Email: tarkoosh@capitolawgroup.net

ABERDEEN AMERICAN FALLS GWD
BINGHAM GWD
BONNEVILLE JEFFERSON GWD
CAREY VALLEY GWD
IGWA INC
JEFFERSON CLARK GWD
MADISON GWD
MAGIC VALLEY GWD
NORTH SNAKE GWD

Represented by:
CANDICE MCHUGH
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (208) 433-0167
☒ Email: cmm@racinelaw.net

CITY OF POCATELLO
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☒ Facsimile: (208) 331-0954
☒ Email: jo.beeman@beemanlaw.com

CITY OF POCATELLO
Represented by:
SARAH A KLAHN
WHITE & JANKOWSKI LLP
KITTREDGE BUILDING
511 16TH ST STE 500
DENVER, CO 80202

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (303) 825-5632
☒ Email: sarahk@white-jankowski.com

A&B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT
Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (208) 436-6804
☒ Email: rdl@idlafirm.com

MILNER IRRIGATION DIST
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY
Represented by:
JOHN SIMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (208) 344-6034
☒ Email: jks@idahowaters.com

MINIDOKA IRRIGATION DISTRICT

Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 878-2548
- ☒ Email: wkf@pmt.org

NEW SWEDEN IRRIGATION DISTRICT
FREMONT-MADISON IRR DIST

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 356-0768
- ☒ Email: jrigby@rex-law.com

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

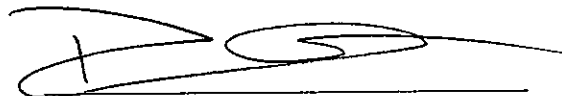
- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (303) 844-1350
- ☒ Email: David.Gehlert@usdoj.gov

UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION PN-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (208) 378-5129
- ☐ Statehouse Mail

IDWR DOCUMENT DEPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: 287-6700
- ☒ Statehouse Mail



DAVID I. STANISH
Deputy Attorney General

Attachment I

RECEIVED BY
OCT 05 2009
OFFICE OF THE
ATTORNEY GENERAL

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**
) **DUCES TECUM OF GARY**
) **SPACKMAN, DIRECTOR OF THE**
) **IDAHO DEPARTMENT OF WATER**
) **RESOURCES**

**TO: GARY SPACKMAN, DIRECTOR OF THE IDAHO DEPARTMENT OF WATER
RESOURCES**

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

GARY SPACKMAN, DIRECTOR OF THE IDAHO DEPARTMENT OF WATER

**NOTICE OF TAKING DEPOSITION DUCES TECUM OF GARY SPACKMAN, DIRECTOR OF
THE IDAHO DEPARTMENT OF WATER RESOURCES – Page 1**

MAIL 107803

RESOURCES, before a duly authorized court reporter and Notary Public. Examination will commence at **8:00 a.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 Director's Recommendation in these cases.
2. Believed by the deponent to support the remark promulgated by the State of Idaho in these recommendations.
3. Believed by the deponent to support authority of Director or the State of Idaho 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 Director's Recommendation and by the remark promulgated by the State of Idaho.
5. Believed by the deponent to support 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. 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 KC 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 Duces Tecum of Gary Spackman, Director of the Idaho Department of Water Resources* 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

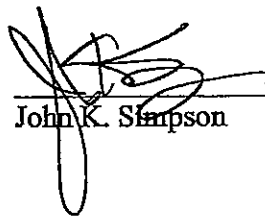
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720

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

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

Garrick Baxter
Natural Resources Division
Department of Water Resources
State of Idaho
Office of Attorney General
700 W. State Street
P.O. Box 83720
Boise, ID 83720-0010



John K. Simpson

Attachment II

RECEIVED BY
OCT 05 2009
OFFICE OF THE
ATTORNEY GENERAL

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 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

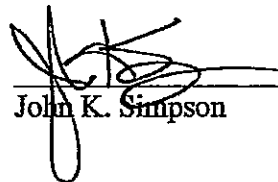
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720

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

David Stanish
Natural Resources Division
Central Office
The State of Idaho
Office of Attorney General
700 W. State Street
P.O. Box 83720
Boise, ID 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

Attachment III

RECEIVED BY

OCT 05 2009

OFFICE OF THE
ATTORNEY GENERAL

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
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Pocatello, ID 83204

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

Josephine P. Beeman
409 W. Jefferson Street
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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

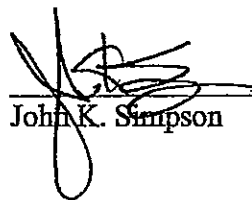
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720

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
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U.S. Department of Justice
Environment & Natl' Resources
550 W. Fort Street, MSC 033
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P.O. Box 2598
Boise, ID 83701



John K. Simpson

Attachment IV

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OFFICE OF THE
ATTORNEY GENERAL

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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 BUREAU OF**
) **RECLAMATION**
)

TO: THE BUREAU OF RECLAMATION

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 BUREAU OF RECLAMATION** before a duly authorized court reporter and Notary Public.

Examination will commence at **9:00 a.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 Bureau of Reclamation 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 Bureau of Reclamation 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.

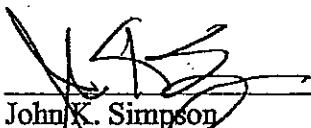
DESIGNATION. Please take further notice that The Bureau of Reclamation, pursuant to Rule 30(b)(6) of the Idaho Rules of Civil Procedures, has the duty to designate one or more officers, directors, or managing agents, or other persons, who consent to testify on its behalf, to produce the documents requested 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 Bureau of Reclamation* on the person(s) listed below via First Class U.S. Mail, pre-paid:

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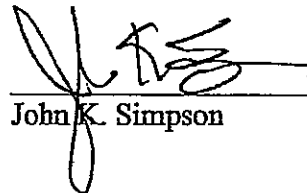
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