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 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	)	Subcase Nos. 01-00217, 01-00218,
	)	01-04024, and 01-04025
	)	(Minidoka Power Right)
Case No. 39576	)	
	)	Subcase Nos. 01-02068 and 01-04054
	)	(Palisades Power Rights)
	)	
	)	<u>AMENDED NOTICE OF TAKING</u>
	)	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 Tuesday, October 27, 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.
10. Exercise of the water rights identified by the Claimant.
11. The meaning of the remarks recommended by the Director's Report or proposed by the Claimant.

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 21st day of October, 2009.

BARKER ROSHOLT & SIMPSON LLP

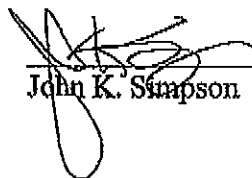

John K. Simpson
Attorney for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation
District, North Side Canal Company, and
Twin Falls Canal Company

CERTIFICATE OF SERVICE

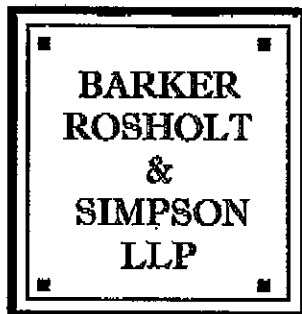
I hereby certify that on the 21st day of October, 2009, I served a true and correct copy of the foregoing *Notice of Taking Deposition of Bureau of Reclamation* on the person(s) listed below by the methods indicated:

James C. Tucker Idaho Power Co. PO Box 70 Boise, Idaho 83707	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 388-6935 ☒ Email: jamestucker@idahopower.com
Jim Lochhead Brownstein Hyatt ET AL 410 17 th Street, Ste 2200 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (970) 945-4921 ☒ Email: jlochhead@bhfs.com
C. Thomas Arkoosh 301 Main St. PO Box 32 Gooding, Idaho 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 424-8874 ☒ Email: tarkoosh@capitolawgroup.net
Candice McHugh 201 E. Center, Ste A2 PO Box 1391 Pocatello, Idaho 83204-1391	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 433-0167 ☒ Email: cmm@racinelaw.net
Josephine P. Beeman 409 W. Jefferson St. Boise, Idaho 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 331-0954 ☒ Email: jo.beeman@beemanlaw.com

Sarah A. Klahn White & Jankowski LLP Kittredge Building 511 16 th St., Ste 500 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (303) 825-5632 ☒ Email: sarahk@white-jankowski.com
Roger D. Ling 615 H. St. PO Box 396 Rupert, Idaho 83350-0396	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 436-6804 ☒ Email: rdl@idlawfirm.com
Jerry R. Rigby 25 N 2 nd E PO Box 250 Rexburg, Idaho 83440-0250	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile: (208) 356-0768 ☒ Email: jrigby@rex-law.com
US Department of Justice Environment & Natural Resources 550 West Fort Street, MSC 033 Boise, Idaho 83724	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ 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, Idaho 83706-1234	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☒ Facsimile: (208) 378-5129 ☐ Email
IDWR Document Depository PO Box 83720 Boise, Idaho 83720-0098	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☒ Facsimile: (208) 287-6700 ☐ Email
David Stanish, Deputy Attorney General State of Idaho, Office of Attorney General 700 W. Jefferson Street, Rm 210 PO Box 83720 Boise, ID 83720-0010	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Overnight Mail ☒ Facsimile: (208) 854-8072 ☐ Email


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FACSIMILE COVER SHEET

DATE: 10-21-09 RECIPIENT'S FAX #: 208-287-6700
TO: IDWR Document Depository
FROM: John Simpson
RE: Minidoka + Palisades Power Rights
NUMBER OF PAGES INCLUDING THIS COVER SHEET: 23

- ☒ Original will not be sent
☐ Original will be sent by first class mail
☐ Original will be sent by Federal Express

MESSAGE: _____

CONFIDENTIALITY NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY/CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL (208) 335-0700, AND RETURN THIS FACSIMILE TO US AT THE ABOVE ADDRESS.

WE APPRECIATE YOUR COOPERATION.