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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**

)
) Subcase Nos. 63-127A and B; 63-128A and B;
) 63-129A and B; 63-130A and B; 63-131A and B
) 63-178B and C; and, 63-21530
)
)
) NOTICE OF RULE 30(b)(6) DEPOSITION
) OF BOISE PROJECT BOARD OF CONTROL
)
)

YOU WILL PLEASE TAKE NOTICE that parties Obendorf, Iest and Hauck will take the testimony on oral Examination of the BOISE PROJECT BOARD OF CONTROL, pursuant to the Idaho Rules of Civil Procedure, before a Court Reporter and Notary Public for the State of Idaho, commencing on Thursday, the 14^h day of January, 2010, at the hour of 3:15 p.m., and continuing thereafter from day to day until such time as the taking of the deposition may be adjourned, at the

offices of Associated Reporting, Inc., 1618 W. Jefferson, Boise, Idaho 83702, at which time and place you are notified to appear and take such part in the examination as you may deem proper.

As required by I.R.C.P. 30(b)(6), Deponent shall identify and designate one or more officers, directors, managing agents, employees, or other persons who will testify on its behalf on each of the matters listed in attachment "A" to this Notice. The person(s) so designated by Deponent shall testify as to matters known or reasonably available to the organization. Please be advised that applicable case law requires each Rule 30(b)(6) deponent to prepare to testify regarding each of the matters listed in attachment "A" to this Notice.

DATED this 24th day of December, 2009.


Dana Hofstetter

ATTACHMENT "A"

I. INSTRUCTIONS

- A. This deposition notice is directed to the Boise Project Board of Control, and covers all information in its possession, custody, and control, including information in the possession of its officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by it, or anyone else acting on its behalf or otherwise subject to its control, and any merged, consolidated, or acquired predecessor or successor, parent, subsidiary, division or affiliate.
- B. Singular/Plural: Words used in the plural shall also be taken to mean and include the singular, and vice versa.
- C. "And" and "Or": The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

II. DEFINITIONS

Unless otherwise indicated, the following definitions shall apply to this deposition notice:

- A. The terms "document" and "documents" shall mean and include any and all:
 - (1) Tangible things or items, whether handwritten, typed, printed, tape recorded, electronically recorded, videotape recorded, visually reproduced, stenographically reproduced, or reproduced in any other manner;
 - (2) Originals and all copies of any and all communications;
 - (3) Writings of any kind or type whatsoever;
 - (4) Books and pamphlets;
 - (5) Microtape, microfilm, photographs, movies, records, recordings, tape recordings, computer disks, and videotape recordings, stenographically or otherwise reproduced;
 - (6) Diaries and appointment books;
 - (7) Cables, wires, memoranda, reports, notes, minutes, and interoffice communications;

- (8) Letters and correspondence;
 - (9) Drawings, blueprints, sketches, and charts;
 - (10) Contracts or agreements;
 - (11) Other legal instruments or official documents;
 - (12) Published material of any kind;
 - (13) Vouchers, receipts, invoices, bills, orders, billings, and checks;
 - (14) Investigation or incident reports;
 - (15) Files and records;
 - (16) Notes or summaries of conferences, meetings, discussions, interviews or telephone conversations, or messages;
 - (17) Drafts or draft copies of any of the above.
- B. The terms “you” and “your” means the Boise Project Board of Control, singularly and collectively, and all or any of their agents, representatives, employees, attorneys, parent and subsidiary companies, and every person acting or purporting to act, or who has ever acted or purported to act, on behalf it, or any of them; “your” refers to the same persons to which “you” refers.
- C. The term “tangible thing(s)” means any object, property, or thing of a corporeal nature which is not otherwise subsumed and included under the term “documents” as hereinabove defined.
- D. The term “person(s)” means and includes any natural person, partnership, corporation, joint venture, unincorporated association, governmental entity (or agency or board thereof), quasi-public entity, or other form of entity, and any combinations thereof.

- E. "Communication" means and includes all written, oral, telephonic, telegraphic, or electronic communications, including but not limited to inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, interviews and announcements.
- F. All verbs used herein shall be construed to include all tenses.
- G. "Related to" or "relates to" means constituting, defining, concerning, embodying, reflecting, identifying, stating, referring to, dealing with or in any way pertaining to.
- H. The term "identify" when referring to an individual shall mean to set forth that person's name, present or last known home and business addresses and telephone numbers, and his or her job titles and/or classifications both at present and at all times referred to in this Attachment "A", unless expanded on below.

III. MATTERS ON WHICH EXAMINATION IS REQUESTED

The deposition upon oral examination of the Boise Project Board of Control or its representatives, pursuant to I.R.C.P. 30(b)(6), shall include inquiry into the subject areas set forth below. The Boise Project Board of Control shall designate one or more officers, directors, or managing agents, or other persons to testify on its behalf as to the following subject areas:

- A. All of the reasons why you filed a Response to Tree Top Ranches, Inc.'s objections to IDWR's recommendations in subcases 63-127B through 63-131B and 63-178B, and, how, and by whom, the process that led to that Response was initiated;
- B. The dates and times and places and substance of any and all conversations or negotiations had between you and anyone you understood was conversing on behalf of Tree Top Ranches, L.P. about matters involved in these subcases;
- C. The reasons why you agreed to the changed purpose of use/season of use language, and who in your organization decided or effectively recommended the decision that led to the changed purpose of use/season of use language.
- D. The subjects referenced in the written discovery that has been served on you in these cases.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of December, 2009, I caused to be served a true copy of the foregoing NOTICE OF RULE 30(B)(6) DEPOSITION OF BOISE PROJECT BOARD OF CONTROL by the method indicated below, and addressed to each of the following:

Albert P. Barker

Barker Rosholt & Simpson

PO Box 2139

Boise, ID 83701-2139

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (208) 344-6034

Scott Campbell

Moffatt Thomas

PO Box 829

Boise, ID 83701-0829

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (208) 385-5384

David Gehlert

Department of Justice

General Litigation Section

1961 Stout St., 8th Floor

Denver, Colorado 80294

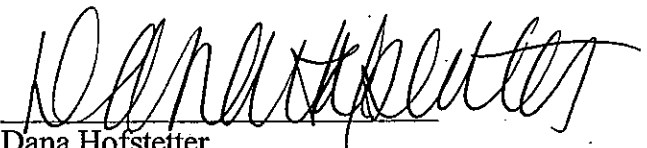
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (303) 844-1350
☒ Telecopy (208) 334-9375

Director, IDWR

PO Box 83720

Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (208) 287-6701


Dana Hofstetter