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MAY 17 2010

DEPARTMENT OF
WATER RESOURCES

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Attorney for Edwards Family LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

In Re SRBA

Case 39576

)
) Subcase Nos. 63-12, 63-13, 63-14,
) 63-15, 63-16, 63-308, 63-2103A,
) 63-2103B, 63-3603, 63-4037, 63-5067,
) 63-5195, 63-7595, 63-9758, 63-21875,
) 63-27649, 63-27671, 63-30006, 63-30007,
) 63-31050, 63-31051, 63-31052, 63-31053,
) 63-31054, 63-31055, 63-31056, 63-31057,
) 63-31058, 63-31059, 63-31060, 63-31062,
) 63-32895
)
)
) NOTICE OF DEPOSITION DUCES
) TECUM: 30(b)(6) (The Terteling Company, Inc.)
_____)

TO: THE TERTELING COMPANY, INC., AND ITS COUNSEL OF RECORD,
CHARLES L. HONSINGER

PLEASE TAKE NOTICE that Edwards Family LLC, by and through its counsel of record, Hofstetter Law Office, L.L.C, will take your deposition upon oral examination pursuant to Rules 26, 28, 30, 32 and 34 of the Idaho Rules of Civil Procedure. You are to appear for the taking of your deposition commencing at 9:30 a.m. on June 14, 2010, at the offices of M&M Court Reporting Service, 421 West Franklin Street, Boise, Idaho 83702 before M & M Court Reporting Service or some other officer authorized to administer oaths.

Pursuant to I.R.C.P. 30(b)(6), you are to designate one or more officers, directors, managing agents, or other persons who will be present at the time and place indicated to testify on behalf of The Terteling Company, Inc. concerning the organization, structure and ownership of The Terteling Company, Inc., the assets of The Terteling Company, Inc. and the diversion, application, and use of its above-captioned water rights and its Claims, Objections and Responses in the above-captioned Snake River Basin Adjudication ("SRBA") subcases. This deposition will continue from day to day until completed. All parties to the above-identified subcases are invited to attend and participate in the manner provided for in the Idaho Rules of Civil Procedure.

Consistent with the terms of Attachment A hereto, the deponent is required to bring to said deposition all documents of any type that relate in any way to the organization and ownership of The Terteling Company, Inc., The Terteling Company, Inc.'s assets, and the diversion, application, and use of its water rights and its Claims, Objections and Responses in the SRBA including, but not limited to, the following documents:

1. All documents supporting The Terteling Company, Inc.'s ownership of the water rights it has claimed in the SRBA.
2. All documents containing, evidencing or describing whether the water source of any of the water rights claimed by The Terteling Company, Inc. in the SRBA, is, is not, or is composed of, in whole or in part, a low temperature geothermal resource or other geothermal resource as classified in Idaho Code § 42-230.
3. All documents, including sales brochures and manuals and pump performance curves and well driller's reports, pertaining to any diversion, conveyance ,

delivery or application systems, including associated equipment, used to divert, convey or apply water to the places of use under the water rights claimed in the SRBA by The Terteling Company, Inc..

4. All documents relating to the organization of and the parties holding ownership interests in The Terteling Company, Inc. and if any of the parties in the organizational or ownership structure of The Terteling Company, Inc. are entities, all documents relating to the organization and ownership of those entities also. Such documents should include, without limitation, documents identifying The Terteling Company, Inc.'s officers, directors, and shareholders and the quantity and nature of the respective ownership interests of any shareholders.

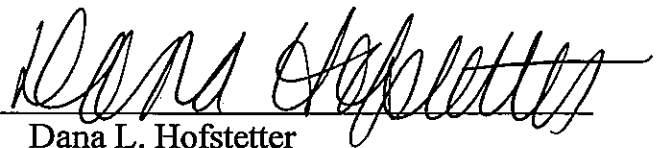
5. All documents supporting The Terteling Company, Inc.'s SRBA Claims, Objections or Responses or any portion of its SRBA Claims, Objections or Responses in the above-captioned subcases.

6. All documents in contradiction of The Terteling Company, Inc.'s SRBA Claims, Objections or Responses or any portion of its SRBA Claims, Objections or Responses in the above-captioned SRBA subcases.

7. All documents concerning or in any way pertaining to the Stewart Gulch Geothermal Aquifer.

RESPECTFULLY SUBMITTED this 14th day of May, 2010.

HOFSTETTER LAW OFFICE, L.L.C.

By 
Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of May, 2010, I caused to be served copies of the foregoing **Notice of Taking Deposition Duces Tecum: 30(b)(6)** by the methods indicated below:

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Andrew Waldera
Moffatt Thomas
P.O. Box 829
Boise, Idaho 83701
☐ U.S. Mail ☐ Fed Ex ☐ Hand ☒ Fax

Charles Honsinger
Ringert Law
P.O. Box 2773
Boise, Idaho 83701-2773
☐ U.S. Mail ☐ Fed Ex ☐ Hand ☒ Fax

David Niznik
Diane Peck-Niznik
3911 Whitehead
Boise, Idaho 83703
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

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ATTACHMENT A

Definitions

The following definitions shall apply for the purpose of identifying documents and tangible things that fall within the scope of this Notice:

“Document” or “Documents” means all written, drawn, typed, printed, recorded, photostatted, computer-generated, microfiched, microfilmed or graphic matters, of any kind, whether produced, reproduced or stored on paper, cards, disc, tape, film, electronic facsimile, computer storage or any other media, whether an original, master, duplicate, marked copy, translation or draft, regardless of origin, whether sent or received, including but not limited to: accounts, advertisements, affidavits, agreements, analyses, appraisals, applications, appointment books, appointment calendars, bank checks, bill blueprints, books, bookkeeping entries, bulletins, business records, cablegrams, cache logs, calculations, canceled checks, cashiers checks, catalogs, charts, checks, check stubs, circulars, communications, compilations, computer printouts, computer source code and object code, computer tapes, contracts, correspondence, court filings, day books, data, declarations, depositions, desk calendars, diagrams, diaries, diary entries, documents, drafts, drawings, electronic mail, engineering drawings, designs and plans, as-built documents, expense reports, extracts, files, financial statements, flowcharts, forecasts, graphs, graphic portrayals of any kind, invoices, itineraries, interview notes, interoffice communications, legal documents, ledgers, letters, lists, letters of credit, logs, log books, mailgrams, manuals, maps, memoranda, minutes, notebooks, note pads, notes, pamphlets, papers, periodicals, photographs, plans, plats, pleadings, projections, proposals, prospectuses, publications, receipts, records, reports, returns, sketches, speeches, sound recordings, studies, summaries, solicitations, tapes, tax returns, fax, telegrams, telephone logs, tickets, time records, time sheets, transcriptions, transcripts, travel reports, travel vouchers, vouchers, working papers, worksheets, and all other papers, writings, drawings, graphs, charts, photographs, data compilations in whatever form, recordings, or physical things containing information including all original and amended versions of the documents, preliminary and subsequent drafts or marginal notes appearing on any documents.

“Document” shall further collectively include the original, duplicate original and any or all copies or reproductions of the original document, to the extent that any or all copies are different in any way from the original document, whether by interlineation, receipt stamps, notation, indication of copies sent or received otherwise, which are within your possession, custody or control.

Whenever the terms “relate to,” “relating to,” “pertain to,” “pertains to,” “pertaining to,” “in conjunction with,” or “concerning” are used herein, they shall mean consisting of, referring to, alluding to, responding to, connection with, commenting on, in respect of, about, regarding, discussing, showing, documenting, describing, disclosing, employing, defining, stating, explaining, summarizing, mentioning, reflecting, containing, analyzing, constituting, evidencing, reflecting on, arising out of, or in any way or manner legally, factually, or logically connected with the subject matter of the inquiry.

The words "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

"Deponent" means the person or entity named in this Notice who is to be deposed.

Instructions

All documents which are provided for inspection shall be provided as they are kept in the usual course of business or shall be organized and labeled in a manner which clearly identifies and indicates that the documents are being provided in response to a particular item.

If any documents or categories of documents called for cannot be provided in full or in part, the witness responding shall state in writing the reasons for the inability to provide all or any portion of the documents or categories of documents called for, and serve those reasons at the time of the deposition.

If any document called for is withheld on the grounds of any privilege, the Deponent withholding such document(s) shall specify the basis of such privilege and provide a complete description of the document, including the date, all addressees, all authors or preparers, all recipients of copies, subject matter, number of pages (including all attachments, appendices, etc.), and other relevant circumstances sufficient to enable the Court to decide whether the privilege has been properly invoked. The Deponent shall nonetheless provide any portion of the document, which is not privileged.

The Deponent shall provide all responsive documents in its, his or her possession, custody, and control, whether actual or constructive.