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DEPARTMENT OF
WATER RESOURCES

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Attorney for Indian Creek Ranch
Owners Association, Inc.

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

In Re SRBA	)	
	)	
	)	Subcase Nos. 37-296A, 37-717, 37-1216,
	)	and 37-7854
Case 39576	)	
	)	
	)	NOTICE OF DEPOSITION DUCES
	)	TECUM: 30(b)(6) (City of Hailey)

TO: CITY OF HAILEY, AND ITS COUNSEL OF RECORD, PATRICK BROWN

PLEASE TAKE NOTICE that Indian Creek Ranch Owners Association, Inc., 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 **July 1, 2010**, at the Blaine County Courthouse (Mini-World), 201 Second Avenue South, Hailey, Idaho 83333 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 City of Hailey concerning or in any way pertaining to: 1. the diversion, conveyance, and use of the above-captioned Water Right Nos. 37-296A, 37-717, 37-1216 and 37-7854 from at least the year 1980 to the present; 2. the physical facilities associated with the diversion, conveyance, and use of the above-captioned Water Right Nos. 37-296A, 37-717, 37-1216 and 37-7854, or any portion thereof, from at least the year 1980 to the present; 3. the City's measurement of water in connection with the use, diversion, discharge, bypass or conveyance of water associated with the above-captioned water rights; 4. any measurement of Indian Creek or Indian Springs; 5. the negotiation, compliance with or content of the 1983 Agreement between the City of Hailey and the Indian Creek Ranch Owners Association, Inc.; 6. The City's ownership of Water Right Nos. 37-296A, 37-717, 37-1216 and 37-7854; and 7. The City of Hailey's Claims, Objections and/or 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. This deposition may be videotaped

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 deposition subject matters described in the preceding paragraph, including, but not limited to, the following documents:

1. All documents supporting or refuting the City of Hailey's ownership of the above-captioned water rights.

2. All documents concerning or in any way pertaining to the construction or design of the City of Hailey's facilities, or any portion thereof, involved in the diversion, conveyance, use, measurement, bypass, or discharge of water in connection with the above-captioned water rights, or any of them.

3. All documents, including without limitation sales brochures and manuals and pump performance curves, pertaining to any diversion, conveyance, measurement, delivery or use systems, including associated equipment, used to divert, measure, discharge, convey or use water under the above-captioned water rights, or any of them.

4. All documents supporting the City of Hailey's SRBA Claims, Objections or Responses or any portion of its SRBA Claims, Objections or Responses in the above-captioned subcases.

5. All documents in contradiction of the City of Hailey's SRBA Claims, Objections or Responses or any portion of its SRBA Claims, Objections or Responses in the above-captioned SRBA subcases.

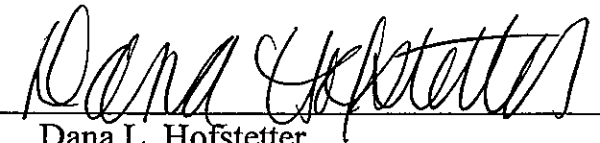
6. All documents concerning or in any way pertaining to the measurement of water diverted, conveyed, used, discharged, bypassed, including, without limitation, any such measurement records.

7. All documents concerning or in any way pertaining to the measurement of Indian Creek or Indian Springs, including without limitation, any such measurement records.

8. All documents concerning or in any way pertaining to the 1983 Agreement between the City of Hailey and the Indian Creek Ranch Owners Association, Inc.

RESPECTFULLY SUBMITTED this 28th day of May, 2010.

HOFSTETTER LAW OFFICE, L.L.C.

By 
Dana L. Hofstetter

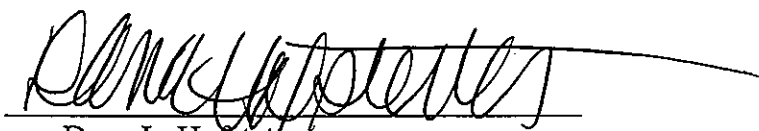
CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of May, 2010, I caused to be served copies of the foregoing **Notice of Taking Deposition Duces Tecum: 30(b)(6)** (and attachment) 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

Patrick Brown
Hutchinson & Brown, LLP
P.O. Box 207
Twin Falls, ID 83303
☐ U.S. Mail ☐ Fed Ex ☐ Hand ☒ Fax

Craig Hobdey
P.O. Box 176
Gooding, Idaho 83330
☐ 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.