

11-13

Claimants: Dan H. and Irma R. McFadden
 Attorney Name and Address: HEPWORTH, LEZAMIZ & HOHNHORST,
 CHARTERED
 133 Shoshone St. North
 P.O. Box 389
 Twin Falls, ID 83303-0389
 Telephone: (208)734-7510

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 No. 36-00049
	)	AMENDED
	)	NOTICE OF TAKING DEPOSITION
	)	DUCES TECUM UPON ORAL
	)	EXAMINATION OF
Case No. 39576	)	FAULKNER LAND & LIVESTOCK
	)	

TO: Faulkner Land & Livestock and to their attorneys of record:

You are hereby notified that, pursuant to I.R.C.P. 30(b)(6), you are to appear for the taking of your deposition, commencing on **Thursday, November 16, 1995, at 10:15** o'clock a.m., at the Lincoln Inn, Red Room, 413 Main, Gooding, Idaho, before a Notary Public, or before some other officer authorized by law to administer oaths; you are to either testify or, alternatively, to designate one or more officers, directors, managing agents or

HEP
 Chartered
 Hepworth,
 Lezamis &
 Hohnhorst

AMENDED NOTICE OF TAKING DEPOSITION DUCES TECUM
 UPON ORAL EXAMINATION OF FAULKNER LAND & LIVESTOCK - 1

1 other persons who will be present at the time and place indicated to testify on behalf of
2 Faulkner Land & Livestock with regard to the following:

3 1. Your knowledge of facts, opinions, and conclusions that relate to the
4 basis upon which you seek to intervene and the basis, or lack thereof, for the right which
5 is the subject of this subcase; and

6 2. Facts, opinions and conclusions you possess regarding the establishment
7 and use of water you use or have claimed a right to use in the SRBA.

8 The deponent is required to bring with him to said deposition the following:
9 all documents of any type that relate to claims to a water right in this subcase, Faulkner
10 Land & Livestocks' basis for intervening claims to water rights by Objector Faulkner Land
11 & Livestock.

12 The oral examination will continue from day to day until completed. You are
13 invited to attend and cross-examine.

14 Dated this 13 day of November, 1995.

15 HEPWORTH, LEZAMIZ & HOHNHORST,
16 CHARTERED

17 By: 
18 Patrick D. Brown
19 Attorneys for Claimants
20
21
22
23

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimants in this matter, certifies that on the 13 day of November, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

☐ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

Jeffrey C. Fereday
Givens, Pursley & Huntley
P. O. Box 2720
Boise, ID 83701-2720

☐ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

Josephine P. Beeman
Dillion, Bosch, Daw & Bock, Chtd.
Fidelity Building
242 N. 8th Street, Suite 200
Boise, ID 83702

☐ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

Linda Ledbetter
Magic Valley Reporters
P. O. Box 611
Twin Falls, ID 83303-0611

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


Patrick D. Brown

(WATER\600049DP.AMD)llm

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Chartered
Hepworth,
Lemay &
Hahnhorst

AMENDED NOTICE OF TAKING DEPOSITION DUCES TECUM
UPON ORAL EXAMINATION OF FAULKNER LAND & LIVESTOCK - 3

PASSENGER TICKET AND BAGGAGE CHECK 8901

PASSENGER RECEIPT 511140242

41803

NOTICE

Domestic (Warsaw Convention) Notice

As an ultimate destination or stop in a country other than the country of origin may be applicable and the Convention governs and in most cases for death or personal injury and for loss of or damage to baggage, advice to International Passengers on Limitation of Liability and conditions.

Domestic Notice

Between points in the U.S. (including its overseas territories and individual contract terms (including rules, regulations, tariffs and carriers, which are herein incorporated by reference and made part

transportation, or services other than air travel, specific terms and conditions and conditions may be included in the ticket set or may be any or agent.

3. "Notice of Baggage Liability Limitations", and "Notice of conditions relating to non air transportation or services. If not,

ISSUED BY
DELTA AIR LINES
FOUR SEASONS TRAVEL
DAN/CA MR
NOT VALID FOR
TRANSPORTATION

TOUR CODE
BOISE CITY
IDUS14N9V95
DATE OF ISSUE
058880/

NAME OF PASSENGER
DAN/CA MR
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FROM XSLCOMADL1200M 15NOV
TO OMSLCDL1485M 17NOV
XSLCBOIDL1667M 17NOV

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DL OMA 210.9L DL X/SLC DL BOI 210.9L USD421.82
END XFB013SLC3SLC3

TAX USD421.82
TAX US42.18
TOTAL XF9.00

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RECEIVED

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

OCT 12 1995

NATURAL GAS PIPELINE COMPANY :
OF AMERICA, :

NO. AA-2574

Petitioner, :

vs. :

IOWA STATE BOARD OF TAX :
REVIEW, :

Respondent. :

REVENUE DIVISION
ATTORNEY GENERALS OFFICEORDER ENLARGING SCHEDULE FOR
CONDUCT OF PROCEEDINGS
PURSUANT TO IOWA RULE OF
CIVIL PROCEDURE 333(B)

NOW, on this 9th day of October, 1995, the parties hereto having mutually requested an Order enlarging this Court's Order establishing a schedule for conduct of proceedings, pursuant to Iowa Rule of Civil Procedure 333B, entered by the Court on the 15th day of September, 1995, said request having been made orally on the record at the hearing on Respondent's Motion to Dismiss for Lack of Jurisdiction and Motion for More Specific Statement.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this Court's Order filed September 15, 1995, should be and it is hereby enlarged as follows:

1. Petitioner's Brief shall be delivered to the Clerk, with a copy to the undersigned, on or before the 20th day of October, 1995.
2. Respondent's Brief shall be delivered to the Clerk, with a copy to the undersigned, on or before the 10th day of November, 1995.
3. Petitioner's Reply Brief, if any, shall be delivered to the Clerk, with a copy to the undersigned, no later than three (3) days before the date set for final submissions.

4. Oral arguments and final submissions shall be set on the 17th day of November, 1995, at 10:00 o'clock A.M.

5. The parties may participate by telephone conference or in person. Any party desiring to participate by telephone conference shall initiate the call at the time set for hearing at (515) 286-3846.

6. Attorney shall comply with Rule of Civil Procedure 82 by filing with the Clerk a statement certifying that Briefs were timely delivered and served.

7. Sections 2 and 3, and the requirements contained therein, of the Court's previous Order establishing schedule for conduct of proceedings pursuant to Iowa Rule of Procedure 333B, filed September 15, 1995, shall remain in full force and effect, and the parties shall conform therewith.

IT IS SO ORDERED.

George Bergeson

JUDGE FIFTH JUDICIAL DISTRICT OF
IOWA

Copies to:

James D. Miller
Assistant Attorney General
1223 E. Court
Des Moines, IA 50319

C. A. Daw
200 Fidelity Bldg.
242 N. 8th St.
Boise, Idaho 83702

Steven P. Brick
Mark R. Schuling
550 - 39th, Suite 200
Des Moines, IA 50312

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 93-4029SIDM

Burlington Northern Railroad
Company, Inc.,

Appellee,

vs.

Gerald D. Bair, Director of Iowa
Department of Revenue,

Appellant.

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Order Denying Petition for
Rehearing and Suggestion
for Rehearing En Banc

The suggestion for rehearing en banc is denied. Judge McMillian would grant the suggestion for rehearing en banc. The petition for rehearing by the panel is also denied. Judge Magill took no part in the consideration or decision of this case.

August 31, 1995

Order Entered at the Direction of the Court:

Michael E. Gans

Clerk, U.S. Court of Appeals, Eighth Circuit

No. _____

In The
Supreme Court of the United States

October Term, 1995

GERALD D. BAIR, DIRECTOR,
IOWA DEPARTMENT OF REVENUE AND FINANCE,
Petitioner,

vs.

THE BURLINGTON NORTHERN RAILROAD COMPANY,
Respondent.

Petition for Writ of Certiorari to the United States Court of
Appeals for the Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

THOMAS J. MILLER
Attorney General

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