

JAN 06 2022

WATER RESOURCES
WESTERN REGION

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Attorneys for Marion Ogle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 84698 IN THE
NAME OF MARION OGLE**

AMENDED NOTICE OF 30(B)(6)
DEPOSITION OF SALUBRIA HOLDINGS
LLC

PLEASE TAKE NOTICE THAT, pursuant to the Idaho Department of Water Resources ("IDWR") Rules of Procedure, the Idaho Rules of Civil Procedure, including Rule 30(b)(6), and the October 20, 2021, Hearing Notice/Scheduling Order ("Order") in this proceeding, attorneys for Marion Ogle will take the deposition upon oral examination of Salubria Holdings LLC through one or more officers, directors, agents or other representatives who shall be designated to testify on Salubria Holdings LLC's behalf regarding all information known or reasonably available to Salubria Holdings LLC with respect to or in any way related to:

1. Application for Transfer No. 84698, Salubria Holdings LLC's Protest thereto and Water Right Nos. 67-250 or 67-301, including without limitation, whether and on what basis as a result of Transfer No. 84698, Salubria Holdings LLC claims 1. other water rights will be injured by the proposed change; 2. the proposed change constitutes an enlargement in use of the original rights; 3. the proposed change is consistent with the conservation of water resources within the State of Idaho; 4. the proposed change is in the local public interest as defined in section 42-202B, Idaho Code; 5. the proposed change will adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates; 6. the proposed new use is a beneficial use; and/or 7. water right forfeiture is asserted; and

2. The water sources, water rights, water right applications, sources of water, conveyance systems, and diversion and uses of water on or relating to Salubria Holdings LLC's property described in the Warranty Deed, recorded as Washington County Instrument No. 241881, attached hereto as Exhibit A.

Attorneys for Marion Ogle request that Salubria Holdings LLC provides written notice at least five (5) business days before the deposition of the name(s) and employment position(s) of the individual(s) designated to testify on its behalf and, if multiple people are designated, the topics for which each person will be designated to testify.

Salubria Holdings LLC shall also produce, in accordance with Rules 30(b)(2) and 34, of the Idaho Rules of Civil Procedure, the following documents, electronically stored information, objects or other items at or before the time of deposition:

1. A full and complete copy, including all amendments thereto, of the currently effective organizational and governing corporate documents for Salubria Holdings LLC.

2. Any documents or other items identified, reviewed or utilized by the designated deponent(s) to prepare for this deposition.

3. Any information, documents or other items in any way related to Application for Transfer No. 84698, Salubria Holdings LLC's Protest thereto or Water Rights Nos. 67-250 or 67-301, and/or concerning, without limitation, whether and on what basis as a result of Transfer No. 84698, 1. other water rights will be injured by the proposed change; 2. the proposed change constitutes an enlargement in use of the original rights; 3. the proposed change is consistent with the conservation of water resources within the State of Idaho; 4. the proposed change is in the local public interest as defined in section 42-202B, Idaho Code; 5. the proposed change will adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates; 6. the proposed new use is a beneficial use; and/or 7. water right forfeiture is asserted.

4. Any documents or other items in any way related to the water rights, applications for water rights, sources of water, quantities of water, conveyance systems and use of water on or relating to Salubria Holding LLC's property described in the Warranty Deed, recorded as Washington County Instrument No. 241881, attached hereto as Exhibit A.

The deposition will take place on January 12, 2022, beginning at 9:00 a.m. MT, at the offices of Hawley Troxell, 877 W. Main Street, 10th Floor Boise, Idaho 83702, (208) 344-6000, and will continue thereafter until completed. Testimony will be recorded by stenographic means

before a notary public or some other officer duly authorized to administer oaths. This deposition is being taken for discovery, use at hearing, and all other purposes permitted.

Dated: January 4, 2022

HAWLEY TROXELL ENNIS & HAWLEY LLP

A handwritten signature in black ink, appearing to read "Dana L. Hofstetter", written over a horizontal line.

By

Dana L. Hofstetter, ISB No. 3867
Attorneys for Marion Ogle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January, 2022, I caused to be served the foregoing AMENDED NOTICE OF 30(B)(6) DEPOSITION OF SALUBRIA HOLDINGS LLC by the pre-paid method (s) indicated below, and addressed to each of the following:

Nick Miller
Manager, Western Region
IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705
Email: nick.miller@idwr.idaho.gov

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ E-mail
☒ Facsimile 208-334-2348
☐ iCourt

Gary Spackman
Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front St., Ste. 648
Boise, Idaho 83702-7371

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ E-mail
☐ Facsimile 208-287-6700
☐ iCourt

Michael P. Lawrence
Charlie S. Baser
GIVENS PURSLEY LLP
601 W. Bannock St.
P.O. Box 2720
Boise, Idaho 83701-2720
Email: mpl@givenspursley.com
csb@givenspursley.com

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ E-mail
☐ Facsimile 208-388-1300
☐ iCourt



Dana L. Hofstetter, ISB No. 3867



Instrument # 241881
STATE OF IDAHO, COUNTY OF WASHINGTON
2020-08-20 01:23:11 PM No. of Pages: 2
Recorded for: AMERITITLE - WEISER
DONNA ATWOOD Fee: \$15.00
Ex-Officio Recorder Deputy MMcConnell
Index To: DEED
Electronically Recorded by Simplifile

WARRANTY DEED

Order No.: 394514AM

FOR VALUE RECEIVED

VXN 2018 LLC, a Limited Liability Company

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Salubria Holdings, LLC, an Idaho limited liability company

whose current address is:
809 N 3rd Street
McCall, ID 83638

the grantee(s), the following described premises, in Washington County, Idaho,
TO WIT:

See Attached Exhibit 'A'

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: August 13, 2020

VXN 2018 LLC, a Limited Liability Company

Donald F. Driscoll
By: Donald F. Driscoll, Manager

State of } ss
County of *Valley*

On this 18 day of August, 2020, before me, *Matthew G. Paulson* a Notary Public in and for said state, personally appeared Donald F. Driscoll, Manager of VXN 2018 LLC, a Limited Liability Company, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Matthew G. Paulson
Notary Public for the State of *Idaho*
Residing at: *Valley*
Commission Expires: *April 4, 2024*

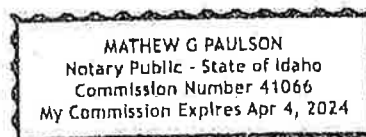


EXHIBIT A

EXHIBIT 'A'

File No. 394514AM

In Township 15 North, Range 3 West of the Boise Meridian, Washington County, Idaho;

Section 25: S $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 26: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Section 34: SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Section 35: N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Section 36: N $\frac{1}{4}$.