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DEPARTMENT OF WATER RESOURCES

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Attorneys for Elmore County, Board of County Commissioners

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

IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. 63-34348 )  
In the name of Elmore County, Board of )  
County Commissioners )  
\_\_\_\_\_ )

**NOTICE OF TAKING 30(b)(6)  
DEPOSITION DUCES TECUM OF  
BOISE PROJECT BOARD OF  
CONTROL**

Please take notice that Elmore County, Board of County Commissioners (“Applicant”), through their attorneys of record herein, the law firm of Spink Butler, LLP, will take the testimony on oral examination of Boise Project Board of Control (“Deponent”), before a Notary Public for the State of Idaho, on the **6th day of August 2018**, beginning at the hour of **010:00 o'clock a.m.** on said day at the office of Spink Butler, LLP, 251 E. Front Street, Suite

200, Boise, Idaho, at which time and place you are notified to appear and take such part in the examinations as you may deem proper.

This deposition shall be taken pursuant to IDAPA 37.01.01.523 and Rule 30(b)(6) of the Idaho Rules of Civil Procedure.

Deponent shall designate and produce at the deposition one or more members, officers, directors, managing agents, employees, agents or other persons who are most qualified to testify on its behalf with respect to the following matters:

1. The manner in which the above-captioned application will reduce the quantity of water under Deponent's existing water rights, if at all.

2. Whether the water supply is insufficient for the purpose for which Applicant seeks to appropriate under the above-captioned application.

3. The interest of Deponent in the effects of the proposed use on the public water resource.

4. Whether the proposed use is contrary to the conservation of water resources in the State of Idaho.

5. Whether the proposed use will adversely affect the economic interests of Deponent.

6. Deponent's relationship, communication and correspondence, if any, with Cat Creek Energy, LLC, or any principal or agent thereof.

7. The extent of Deponent's support of the Cat Creek Energy, LLC pump storage project, projected to use water from the South Fork Boise River.

8. The actions taken by Deponent to make any delivery calls against users of water rights in the Boise River Basin whose rights have priority dates junior to the water rights of Deponent.

9. The extent to which Deponent's water use under its water rights have been injured or diminished because of diversions of water by users with water rights junior to the priority dates of Deponent's water rights. If such injury or diminishment has occurred, the extent of economic damages incurred by the beneficial users of the water diverted under the Deponent's water rights.

10. The extent to which Deponent pursued, possesses or ever possessed water storage contracts with the U.S. Department of the Interior, Bureau of Reclamation for use of water stored in any reservoir in the Boise River Basin, owned or operated by federal agencies or the United States of America.

To the extent not already produced prior to the deposition, deponent is requested to bring with it to the deposition any and all documents, records or correspondence, in the care, custody, possession or control of deponent as follows:

1. Any and all documents, records or correspondence addressing or related to the foregoing listed testimonial categories.

Elmore County does not seek any information that is protected by the attorney-client privilege or the attorney work product doctrine. If you claim any documents as privileged, please provide a list of your objections and the privilege under which that particular document is protected. Oral examination will continue from time to time until completed, and you are hereby notified to appear to take part in the examination.



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of June 2018, I caused a true and correct copy of the above to be served upon the following individuals in the manner indicated below:

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/s/ Matthew J. McGee  
\_\_\_\_\_  
Matthew J. McGee