

Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

*Attorneys for Thomas Leno, Cedar Ridge Dairy, LLC,
and Four Sisters Dairy, LLC*

RECEIVED
MAR 05 2015
Department of Water Resources
Eastern Region

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NOS. 79357, 79380, & 79384
(in the name of Thomas & Dorothy Leno);
79466 (in the name of Four Sisters Dairy,
LLC)

**NOTICE OF TAKING DEPOSITION
DUCES TECUM OF DUWAYNE L.
KIMBALL JR.**

**MONDAY MARCH 9, 2015
8:30 a.m.**

**195 River Vista Place, Suite 202
Twin Falls, Idaho 83301**

**TO: RICHARD PARROTT
1389 E. 4400 N.
Buhl, Idaho 83316**

**DUWAYNE L. KIMBALL
1335 E. 3500 N.
Buhl, Idaho 83316**

PLEASE TAKE NOTICE that the Applicants will take the deposition of DuWayne L. Kimball, Jr. before a certified Court Reporter, in accordance with the Idaho Rules of Civil Procedure, on Monday, the 9th of March, 2015, at the hour of 8:30 a.m. at the Perrine Conference Room, 195 River Vista Place, Suite 202, Twin Falls, Idaho 83301.

The Deponent is further required to identify and bring with him the following documents:

1. Copies of your file, including but not limited to, memos, notes, drawings, sketches, maps, spreadsheets, and drafts thereof, related to the above-referenced applications for transfer and any reports that you filed in these cases.
2. Copies of all documents that reflect communications with any Protestants in this matter concerning the above-referenced applications for transfer and any other issue that pertains to these contested cases.
3. Copies of all documents that reflect communications with anyone with the Idaho Department of Water Resources concerning the above-referenced applications for transfer and any other issue that pertains to these contested cases.
4. Copies of all documents that reflect communications with the Idaho State Department of Agriculture concerning the dairies identified as the places of use in above-referenced applications for transfer and these contested cases.
5. Copies of all documents that reflect communications with any other state agency or local government concerning the dairies identified as the places of use in above-referenced applications for transfer and these contested cases.
6. Copies of all documents that reflect communications with any other person concerning the above-referenced applications for transfer and any other issue that pertains to these contested cases.
7. Copies of all documents related to the any and all testimony and/or opinions to be expressed by you in these contested cases, the basis and reasons therefore, and the data or other information considered by you in forming the testimony and/or opinions.

8. Copies of all exhibits to be used by you in the hearings in these contested cases.
9. Copies of all documents that reflect communications with Ed Squires and Bill Bonnichsen concerning any matter in these contested cases.
10. Copies of all documents and agreements with the Protestants to retain you as an expert witness in these contested cases, including any documents or agreements that identify the compensation to be paid to you.
11. Copies of all documents that pertain to or were relied upon by you in preparing your *Water Budget and Groundwater Flow Direction for Originating Point of Diversion in Township 16S, Range 16E, Section 20* (dated January 26, 2015).
12. Copies of all documents that pertain to or were relied upon by you in preparing any rebuttal reports to be filed by you in these proceedings.
13. All documents you have reviewed or will review in preparation for this deposition.

The term "document" as used above includes, but is not limited to, notes (oral or written), memoranda, reports, studies, maps, surveys, plans, drawings, photographs, calculations, spreadsheets and any computer analyses, whether written or electronic in format.

The oral examination will continue from day to day until completed.

DATED this 3rd day of March, 2015.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

Attorneys for Thomas Leno, Cedar Ridge Dairy, LLC, and Four Sisters Dairy, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March, 2015, I served a true and correct copy of the foregoing *Notice of Taking Deposition Duces Tecum of DuWayne L. Kimball* by depositing same in the United States mail, postage prepaid, addressed to the following:

James Cefalo, Hearing Officer
IDWR – Eastern Regional Office
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718
james.cefalo@idwr.idaho.gov

Elizabeth Slifer
3779 N 2250 E
Filer, Idaho 83328

Barbara Stephens
Lynn Stephens
P.O. Box 2118
Twin Falls, Idaho 83303-2118

Martin F. Hackard
3289 N 2300 E
Twin Falls, Idaho 83301

Jeanie McCreary
2217 E 3300 N
Twin Falls, Idaho 83301

Pam Ritter
3283 N 2300 E
Twin Falls, Idaho 83301

Delea C. Miller
2239 E 3300 N
Twin Falls, Idaho 83301

Lois M. Rice
P.O. Box 200
Filer, Idaho 83328

Richard M. Parrott
1389 E 4400 N
Buhl, Idaho 83316

Eric Parrott
2152 E 3300 N
Twin Falls, Idaho 83301

William D. Hamby
2399 E 3300 N
Twin Falls, Idaho 83301

David Coleman
Attorney for Margaret Winsryg & Leroy Elliot
P.O. Box 525
Twin Falls, Idaho 83303-0525

Michael & Jana Humphries
2382 E 3300 N
Twin Falls, Idaho 83301

Leslie Ellsworth
P.O. Box 5023
Twin Falls, Idaho 83303

Jimmie L. Conder
3623 N 2000 E
Filer, Idaho 83328

Ed Smith
P.O. Box 6015
Twin Falls, Idaho 83303

Victoria B. Henson
3295 N 2300 E
Twin Falls, Idaho 83301

Scott R. Houtz
2231 E 3300 N
Twin Falls, Idaho 83301

Bonnie Seaman
1940 E 3700 N.
Filer, Idaho 83328



Travis L. Thompson