

White & Jankowski

Lawyers

RECEIVED

OCT 04 2012

DEPARTMENT OF
WATER RESOURCES

October 4, 2012

Via email

Robyn M. Brody
Brody Law Office, PLLC
PO Box 554
Rupert, ID 83350

Re: Your Response to our Deposition Document Requests

Dear Ms. Brody:

This letter responds to your September 25, 2012 letter concerning additional documents that Rangen agreed to provide. The following materials have still not been provided¹:

1. **Electronic copy of production/sales data summary tables related to Deposition Exhibit 32.** We have received no computer files responsive to this request, although your letter promises to make such materials available either through the “box” website or by means of a thumb drive. These documents were among those requested under the subpoenas duces tecum, served on Rangen over a month ago in advance of the depositions of Rangen’s lay witnesses. These documents are Rangen has referred to as fish inventory records. *See*, Table 1. Please produce these immediately, or otherwise explain Rangen’s failure to follow through and provide this material as promised in your September 25, 2012 letter.²
2. **Caroline Peterschmidt’s fish production summaries in electronic form.**³ These documents are Rangen has referred to as hatchery reports. *See*, Table 1. Same problem as that noted in No. 1 above. Your September 25th communication promised to make this available; it has not been made available. Please do so immediately.

¹ In order to assist you, I’ve attached a table identifying the fish production records we’ve received from Rangen as well as the “gaps” in fish production data, indicated by red bars. *See*, Table 1 attached.

² This was requested through the subpoenas, and *again* during Mr. Kinyon’s deposition, when we asked for the electronic data exemplified in the paper Exhibit 32, if it was available for other months. Joy Kinyon Dep. 92:10-15, (September 10, 2012).

³ This information was requested via the subpoenas, and again during Mr. Ramsey’s deposition. Doug Ramsey Dep. 89:23-34, (Sep. 12, 2012). Testimony established that Ms. Peterschmidt kept electronic fish production summaries (*see also*, Exhibit 31); Doug Ramsey Dep. 89:6-25, (Sep. 12, 2012); Joy Kinyon Dep. 76:9-12, (Sep. 10, 2012); that she served as hatchery manager until at least 2002; Lonny Tate Dep. 52:16-17, (September 11, 2012); and that monthly inventories were maintained after Ms. Peterschmidt’s 2002 departure by a secretary named “Cheryl.” Lonny Tate Dep. 103:3-25 (September 11, 2012); *See e.g.* Lonny Tate Dep. Ex. 37 (dated December, 2006).

Page 2

3. **Unredacted copy of Exhibit 47.** This exhibit is part of the documents referred to as "annual production data". See, Table 1. We have not found this document in the uploaded "box" materials. Please produce it immediately, or let us know the bates numbers if it is indeed among the "box" materials. In addition, at the deposition we requested annual production data for years subsequent to 1989. Please make such information available as well.

I look forward to hearing from you, and thank you, in advance, for your cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sarah Klahn". The signature is fluid and cursive, with the first name "Sarah" written in a larger, more prominent script than the last name "Klahn".

Sarah Klahn

cc: Director Gary Spackman
Counsel of Record

