

A. Dean Tranmer (ISB # 2793)  
City of Pocatello  
P. O. Box 4169  
Pocatello, ID 83201  
(208) 234-6149  
(208) 239-6986 (Fax)  
dtranmer@pocatello.us

Sarah A. Klahn (ISB # 7928)  
Mitra M. Pemberton  
J. Ryland Hutchins  
White & Jankowski, LLP  
511 Sixteenth Street, Suite 500  
Denver, CO 80202  
(303) 595-9441  
(303) 825-5632 (Fax)  
sarahk@white-jankowski.com

*ATTORNEYS FOR THE CITY OF POCATELLO*

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

IN THE MATTER OF DISTRIBUTION )  
OF WATER TO WATER RIGHT NOS. ) Docket No. CM-DC-2011-004  
36-02551 AND 36-07694 )  
) **POCATELLO'S NOTICE OF SERVICE OF**  
(RANGEN, INC.) ) **SUBPOENA DUCES TECUM FOR DAVID**  
\_\_\_\_\_ ) **BROCK**

**PLEASE TAKE NOTICE**, that the City of Pocatello, through counsel, provides notice that it has served a *Subpoena Duces Tecum for David Brock* issued the 16<sup>th</sup> day of January, 2013 by Director Gary Spackman on counsel for Rangen, Inc. as indicated:

**Via E-Mail to:**

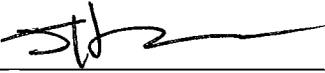
Robyn M. Brody  
Brody Law Office, PLLC  
PO Box 554  
Rupert, ID 83350  
robynbrody@hotmail.com

Fritz X. Haemmerle  
Haemmerle & Haemmerle, PLLC  
PO Box 1800  
Hailey, ID 83333  
fxh@haemlaw.com

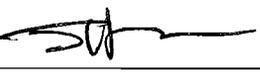
J. Justin May  
May, Browning & May, PLLC  
1419 West Washington  
Boise, ID 83702  
jmay@maybrowning.com

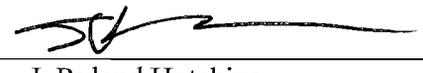
Respectfully submitted this 16th day of January, 2013.

CITY OF POCATELLO ATTORNEY'S OFFICE

By  for  
A. Dean Tranmer

WHITE & JANKOWSKI

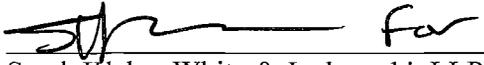
By  for  
Sarah A. Klahn

By  for  
J. Ryland Hutchins

ATTORNEYS FOR CITY OF POCATELLO

## CERTIFICATE OF SERVICE

I hereby certify that on this 16<sup>th</sup> day of January, 2013, I caused to be served a true and correct copy of the foregoing Pocatello's Notice of Service of Subpoena Duces Tecum for David Brock for Docket No. CM-DC-2011-004 upon the following by the method indicated:

  
 Sarah Klahn, White & Jankowski, LLP

|  |  |
|--|--|
| Gary Spackman, Director<br>State of Idaho, Dept of Water Resources<br>322 E Front St<br>PO Box 83720<br>Boise ID 83720-0098<br>deborah.gibson@idwr.idaho.gov                     | <input checked="" type="checkbox"/> Original sent via U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail – Federal Express<br><input type="checkbox"/> Facsimile – 208-287-6700 = Phone – 208-287-4942<br><input checked="" type="checkbox"/> Email |
| J. Justin May<br>May Browning<br>1419 W Washington<br>Boise ID 83702<br>jmay@maybrowning.com   | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile – 208-342-7278<br><input checked="" type="checkbox"/> Email   |
| Robyn Brody<br>Brody Law Office<br>PO Box 554<br>Rupert ID 83350<br>robynbrody@hotmail.com   | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile - 208-260-5482<br><input type="checkbox"/> Email  |
| Fritz Haemmerle<br>Haemmerle Haemmerle<br>PO Box 1800<br>Hailey ID 83333<br>fxh@haemlaw.com  | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile – 208-578-0564<br><input checked="" type="checkbox"/> Email   |
| Garrick L. Baxter<br>Chris M. Bromley<br>Deputy Attorneys General – IDWR<br>PO Box 83720<br>Boise ID 83720-0098<br>garrick.baxter@idwr.idaho.gov<br>chris.bromley@idwr.idaho.gov | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile - 208-287-6700<br><input checked="" type="checkbox"/> Email   |
| Randall C. Budge<br>Candice M. McHugh<br>Racine Olson Nye Budge & Bailey<br>101 S Capitol Blvd Ste 300<br>Boise ID 83702<br>rcb@racinelaw.net<br>cmm@racinelaw.net               | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile – 208-433-0167<br><input checked="" type="checkbox"/> Email   |
| Dean Tranmer<br>City of Pocatello<br>PO Box 4169<br>Pocatello ID 83201<br>dtranmer@pocatello.us  | <input type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile – 208-234-6297<br><input checked="" type="checkbox"/> Email   |

|   |   |
|---|---|
| <p>C. Thomas Arkoosh<br/>         Capitol Law Group<br/>         PO Box 32<br/>         Gooding ID 83330<br/>         tarkoosh@capitolawgroup.net</p>   | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-934-8873<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>John K. Simpson<br/>         Travis L. Thompson<br/>         Paul L. Arrington<br/>         Barker Rosholt &amp; Simpson<br/>         195 River Vista Place Ste 204<br/>         Twin Falls ID 83301-3029<br/>         tlt@idahowaters.com<br/>         jks@idahowaters.com<br/>         pla@idahowaters.com</p> | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-735-2444<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>W. Kent Fletcher<br/>         Fletcher Law Office<br/>         PO Box 248<br/>         Burley, ID 83318<br/>         wkf@pmt.org</p>   | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-878-2548<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Jerry R. Rigby<br/>         Rigby Andrus &amp; Rigby<br/>         PO Box 250<br/>         Rexburg ID 83440-0250<br/>         jrigby@rex-law.com</p>  | <p><input type="checkbox"/> U.S. Mail, Postage Prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile 208-356-0768<br/> <input checked="" type="checkbox"/> Email</p> |

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

IN THE MATTER OF DISTRIBUTION )  
OF WATER TO WATER RIGHT NOS. )  
36-02551 AND 36-07694 )  
(RANGEN, INC.) )

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Docket No. CM-DC-2011-004

**SUBPOENA DUCES TECUM FOR  
DAVID BROCK**

To: **DAVID BROCK**

Pursuant to Idaho Rules of Civil Procedure 26, 30(b)(5) and 34, and IDAPA 37.01.01.525, you are instructed to bring to your deposition, set to commence at **9:00 a.m.** on **January 22<sup>nd</sup>, 2013**, and continue from day to day until completion at the offices of **May, Sudweeks & Browning, LLP, 516 Hansen Street East, Twin Falls, ID 83301**, the following documents, subject to the Protective Order signed in this case:

1. Your Curriculum Vitae, including a full record of publications in which you are listed as an author.
2. Communications between You and any of Rangen's employees or consultants (including Dr. Charlie Smith) regarding the captioned matter (the 2011 Rangen Delivery Call).
3. Rangen's Research Index is marked "Confidential" and *attached* as Exhibit 1 to this Subpoena Duces Tecum under seal. Highlighted on in blue on Exhibit 1 are the study numbers of all Final Reports produced to date by Rangen. The titles of those Final Reports which also contain Flow Information are highlighted in yellow.
  - a. Please produce any other Final Reports, other than those highlighted in yellow on Exhibit 1, which include Flow Information regarding Research conducted at the Rangen Facility.
  - b. Please produce any other Final Reports, other than those highlighted in blue on Exhibit 1, which pertain to Research completed at the Rangen Facility.
  - c. Please produce all Documents and Communications that discuss research projects which were attempted, forgone or otherwise not completed for any reason.
  - d. Please produce all Documents and Communications that discuss research projects which were attempted, forgone or otherwise not completed due to insufficient flows at the Rangen Facility.

4. A table of Documents in which David Brock is identified as a person with knowledge or involvement in various Rangen Research projects is attached as Exhibit 2 also under seal.
  - a. Please produce any additional Documents, other than those listed on Exhibit 2, in which David Brock is identified as a person with knowledge or involvement in Research conducted at the Rangen Facility.
5. All Documents You have reviewed and will review in preparation for this deposition.

### DEFINITIONS

For purposes of this Subpoena Duces Tecum:

**“Communication”** includes but is not limited to Documents that reflect discussions in writing or in person regarding the subject identified in the subpoena request.

**“Document”** includes but is not limited to memoranda, oral or written notes (field, meeting, or otherwise), reports, studies, maps, photographs, calculations, spreadsheets and any computer analyses, whether written or electronic in format. As used in this Subpoena, “Document” expressly includes email communications.

**“Research”** is defined as follows: Any activity involving nutrition, husbandry, infectious diseases, genetics, physiology, toxicology, product development, or other factor involving in any manner fish or fish food at the Rangen Aquaculture Research Center facilities near Hagerman, Idaho (“Rangen Facility”), whether or not completed in whole or in part.

**“Final Reports”** is defined as follows: Any document that contains any summary of data, and description of completed research whether or not published, that discusses, identifies or otherwise addresses Research that was conducted or occurred at the Rangen, Inc. facilities located near Hagerman, Idaho, and which represents the culmination of any individual Research activity as listed on the index attached to this Subpoena Duces Tecum as Exhibit 1.

**“Flow Information”** is defined as follows: Any information regarding the flows used to conduct experiments at the Rangen Facility, including, but not limited to, a summary of the flow present in the portion of the Rangen Facility where the experiment was conducted at the time of the experiment, day to day records of any changes in flow during the experiment, or communications regarding the effect of flows on the validity of experiment results.

**“Rangen Facility”** is defined as follows: The Rangen Aquaculture Research Center, located at 2928 B. South 1175 East, Hagerman, Idaho, 83332 and all buildings, infrastructure, equipment, improvements and real property associated therewith.

The term **“You”** or **“Your”** is the deponent David Brock.

SO ORDERED THIS 16<sup>th</sup> day of January, 2013.

  
GARY SPACKMAN

DIRECTOR, IDAHO DEPARTMENT OF WATER  
RESOURCES