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FEB 25 2013

DEPARTMENT OF
WATER RESOURCES

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
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, Colorado 80202
(303) 595-9441
(303) 825-5632 (Fax)
sarahk@white-jankowski.com

ATTORNEYS FOR THE CITY OF POCATELLO

Randall C. Budge, ISB #1949
Candice M. McHugh, ISB #5908
Thomas J. Budge, ISB #7465
RACINE OLSON NYE
BUDGE & BAILEY, CHARTERED
101 S. Capitol Blvd., Suite 300
Boise, Idaho 83702
Telephone: (208) 395-0011
rcb@racinelaw.net
cmm@racinelaw.net
tjb@racinelaw.net

*ATTORNEYS FOR THE IDAHO GROUND WATER
APPROPRIATORS*

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

**IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS.**

36-02551 & 36-07694

(RANGEN INC.)

Docket No.: CM-DC-2011-004

**JOINT NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
CHARLIE SMITH**

To: **CHARLIE SMITH, Rangen, Inc.**

Please take notice, that counsel for the City of Pocatello and Idaho Ground Water Appropriators Inc. ("IGWA") will jointly take your testimony upon oral examination as an expert witness, **CHARLIE SMITH**, pursuant to Rule 30, I.R.C.P., other applicable rules of the Idaho Rules of Civil Procedure and applicable rules of the Idaho Department of Water Resources Procedural Rules, IDAPA 37.01.01. The deposition will take place before a court reporter and Notary Public with the firm of M&M Court

JOINT NOTICE OF TAKING DEPOSITION DUCES TECUM OF CHARLIE SMITH, RANGEN, INC.

Reporting Service or other duly qualified person in the above-captioned matter. Said deposition will commence on a trailing docket at the close of the deposition of Charles E. Brockway, Ph.D., P.E., but no later than **9:00 a.m. on Thursday, March 7, 2013**, and continue from day to day until completion, at the **Law Offices of Racine, Olson, Nye, Budge & Bailey, Chartered, 101 South Capitol Boulevard, Suite 300, Boise, Idaho 83702**, at which time and place you are notified to appear and take part in such examination.

Pursuant to Idaho Rules of Civil Procedure 26, 30(b)(5) and 34 and IDAPA 37.01.01.525, this notice is amended to further instruct you to bring to the deposition the following materials:

1. All documents you have reviewed and will review in preparation for this deposition.
2. Curriculum Vitae, including a full record of publications in which you are listed as an author.
3. All documents relied upon, incorporated, produced or utilized by you in connection with the preparation of your expert report dated December 20, 2012 and rebuttal report dated February 8, 2013 (“Reports”).
4. The following publications that have not been produced but are cited or mentioned in your expert reports in this case:
 - a. Fornshell, G. 2002. Rainbow Trout – challenges and solutions. Rev. in fisheries science 10 (3&4): 545-557.
 - b. Wedemeyer, G.A. 1996. Physiology of fish in intensive culture systems. Chapman & Hall, 231 pp.
 - c. Westers, H. 2001. Production. Pages 31 – 89 in G.A. Wedemeyer, editor. Fish Hatchery Management, second edition. American Fisheries Society, Bethesda, MD.
5. All draft reports and revised reports prepared by you in this matter.
6. All written or other communication, including but not limited to electronic communication, between you and any other consultants for Rangen.

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7. All written or other communications, including but not limited to electronic communications, between you and John R. Macmillan, Ph.D.
8. All written or other communications, including but not limited to electronic communications, between you and Rangen employees regarding information relied upon for purposes of your Reports.
9. All documents or communications with any person relied upon for your opinion that Rangen is "using all of the water available in a reasonable manner to raise fish".
10. All documents or communications with any person relied upon for your opinion that Rangen is "not wasting water".
11. All written materials and other documents relied upon by you to substantiate the facts and figures in Exhibit 3 of your Expert Report dated December 20, 2012.
12. All photographs taken of the Rangen facility on any of the dates of your field trips identified in the Reports.

For purposes of this notice, "document" includes but is not limited to memoranda, notes (field, meeting, or otherwise), graphs, logs, reports, studies, maps, photographs, calculations, spreadsheets, any computer analyses, ledgers, letters, receipts, sketches, publications, drawings, flow charts, manuals, worksheets, pamphlets, manuals and data compilations in whatever form. "Document" shall further collectively include the original, duplicate original and any or all copies or reproductions of the original document, to the extent that any or all copies are different in any way from the original document, whether by interlineations, notations, or indication of copies sent or received otherwise, which are within your possession, custody or control.

Respectfully submitted this 25th day of February, 2013.

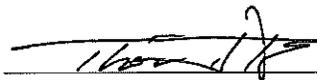
CITY OF POCATELLO ATTORNEY'S OFFICE

WHITE & JANKOWSKI

By 
FOR Sarah A. Klahn
Attorneys for City of Pocatello

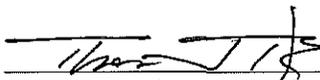
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RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By 
Randall C. Budge
Candice M. McHugh
Thomas J. Budge
Attorneys for IGWA

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February, 2013, I caused to be served a true and correct copy of the foregoing **JOINT NOTICE OF TAKING DEPOSITION DUCES TECUM OF CHARLIE SMITH**, upon the following by the method indicated:



Signature of person mailing form

Director, Gary Spackman
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098
Attn: Deborah Gibson
Deborah.Gibson@idwr.idaho.gov
Kimi.white@idwr.idaho.gov

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

Garrick Baxter, Deputy Attorney General
Chris Bromley, Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
garrick.baxter@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

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

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

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

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

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

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

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Sarah Klahn
Mitra Pemberton
WHITE JANKOWSKI, LLP
511 16th St., Suite 500
Denver, Colorado 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
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- E-Mail

Courtesy copy to:
M&M Court Reporting Service, Inc.
421 W Franklin Street
PO Box 2636
Boise, ID 83701-2636
m-and-m@qwestoffice.net

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