

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

IN THE MATTER OF THE IDAHO GROUND) Docket No: CM-MP-2009-006
WATER APPROPRIATORS, INC.'S)
MITIGATION PLAN FOR CONVERSIONS,) **ORDER DENYING SWC MOTION**
DRY-UPS, AND RECHARGE) **FOR SUBPOENA FOR DEPOSITION**
) **OF GARY JOHNSON**
)
_____)

On June 7, 2010, the Surface Water Coalition ("SWC") filed a *Motion for Subpoena for Deposition of Gary Johnson* ("Motion") with the Director of the Department of Water Resources ("Director" or "Department"). The Motion "requests the Director to issue a subpoena . . . commanding Gary Johnson, Project Director of the Idaho Water Resources Research Institute (IWRRI) to appear at a deposition . . . scheduled to begin on June 14, 2010." Motion at 2. The Motion further states that Dr. Johnson "is not affiliated with any party in this case" and is therefore not a retained expert witness. Motion at 3.

If Dr. Johnson had been identified as a retained expert witness in this proceeding, the Director would grant the SWC's Motion. However, because Dr. Johnson is not a retained expert witness, the Director will not force Dr. Johnson to appear as a deponent. The SWC may depose Dr. Johnson if Dr. Johnson is inclined to appear at the time and place noticed for deposition by the SWC.

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED that the SWC's Motion is DENIED. Dr. Johnson may chose to appear at the time and place noticed for deposition by the SWC.

Dated this 10th day of June, 2010.


GARY SPACKMAN
Interim Director

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the following described document on the persons listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on the 10th day of June, 2010.

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