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DEPARTMENT OF  
WATER RESOURCES

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*Attorneys for Rangen, Inc.*

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF THE AMENDED  
THIRD MITIGATION PLAN FILED BY THE  
IDAHO GROUND WATER  
APPROPRIATORS FOR THE  
DISTRIBUTION OF WATER TO WATER  
RIGHT NOS. 36-02551 AND 36-07694 IN  
THE NAME OF RANGEN, INC. AND OTHER  
WATER RIGHTS IN WATER DISTRICT 36A.

Docket No. CM-MP-2014-005

**NOTICE OF DEPOSITION DUCES  
TECUM OF FRANK ERWIN**

**TUESDAY, AUGUST 19, 2014  
10:00 a.m.**

**ROSHOLT, BARKER & SIMPSON  
195 River Vista Place, Suite 202  
Twin Falls, ID 83301**

**TO: FRANK ERWIN AND HIS COUNSEL OF RECORD**

PLEASE TAKE NOTICE that Rangen, Inc. will take the deposition of Frank Erwin before a certified Court Reporter, in accordance with the Rules of Civil Procedure of the State of Idaho, on Tuesday, the 19th day of August, 2014, at the hour of 10:00 a.m. at the Offices of Rosholt, Barker & Simpson, 195 River Vista Place, Suite 202, Twin Falls, ID 83301.

**NOTICE OF DEPOSITION DUCES TECUM OF FRANK ERWIN - 1**

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

1. All documents, books, papers, recordings, electronic data, emails, communications, photographs, or other documents or items reviewed in preparation for this deposition.
2. Map showing Billingsley Creek and all authorized points of diversion.
3. Map showing current points of diversion for spring water used by Aqua Life facility.
4. Map showing current discharge points for spring water used by Aqua Life facility.
5. Map showing all points of diversion downstream from discharge points for spring water used by Aqua Life facility.
6. A list or summary of all water rights that identify the springs used by the Aqua Life facility as the source and/or point of diversion and the diversion rate and beneficial use of said rights.
7. A list or summary of all water rights that may be impacted by the diversion of water from the Aqua Life springs to Rangen as proposed in IGWA's Third Mitigation Plan.
8. Copies of all documents reflecting or indicating a shortage of water for water users downstream of the springs that supply the Aqua Life facility.
9. Copies of all documents or agreements related to any efforts made to address water shortages for water users downstream of the springs that supply the Aqua Life facility
10. Copies of all documents, including, but not limited to any notes you have made, concerning the use of spring water from the Aqua Life facility to mitigate Rangen's delivery call or any other efforts to mitigate Rangen's delivery call.

11. Copies of all documents which reflect measurements of spring water at the Aqua Life facility.

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.

All parties and their counsel are invited to attend. The oral examination will continue from day to day until completed.

DATED this 4 day of August, 2014.

MAY, BROWNING & MAY, PLLC

By: \_\_\_\_\_

J. Justin May

**CERTIFICATE OF SERVICE**

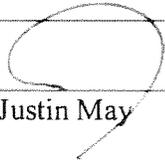
The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 4 day of August, 2014, I caused a true and correct copy of the foregoing document to be served using the method indicated upon the following:

<b>Original:</b> Director Gary Spackman Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098 Deborah.Gibson@idwr.idaho.gov	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
Garrick Baxter Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
Randall C. Budge Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/>

<p>P.O. Box 1391  101 South Capitol Blvd, Ste 300  Boise, ID 83704-1391  Fax: 208-433-0167  rcb@racinelaw.net  tjb@racinelaw.net</p>	<p>E-Mail <input checked="" type="checkbox"/></p>
<p>Sarah Klahn  Mitra Pemberton  WHITE &amp; JANKOWSKI  Kittredge Building,  511 16th Street, Suite 500  Denver, CO 80202  sarahk@white-jankowski.com  mitrap@white-jankowski.com</p>	<p>Hand Delivery <input type="checkbox"/>  U.S. Mail <input type="checkbox"/>  Facsimile <input type="checkbox"/>  Federal Express <input type="checkbox"/>  E-Mail <input checked="" type="checkbox"/></p>
<p>Dean Tranmer  City of Pocatello  P.O. Box 4169  Pocatello, ID 83201  dtranmer@pocatello.us</p>	<p>Hand Delivery <input type="checkbox"/>  U.S. Mail <input type="checkbox"/>  Facsimile <input type="checkbox"/>  Federal Express <input type="checkbox"/>  E-Mail <input checked="" type="checkbox"/></p>
<p>John K. Simpson  Travis L. Thompson  Paul L. Arrington  Barker Rosholt &amp; Simpson, L.L.P.  195 River Vista Place, Suite 204  Twin Falls, ID 83301-3029  Facsimile: (208) 735-2444  tlt@idahowaters.com  jks@idahowaters.com</p>	<p>Hand Delivery <input type="checkbox"/>  U.S. Mail <input type="checkbox"/>  Facsimile <input type="checkbox"/>  Federal Express <input type="checkbox"/>  E-Mail <input checked="" type="checkbox"/></p>
<p>W. Kent Fletcher  Fletcher Law Office  P.O. Box 248  Burley, ID 83318  wkf@pmt.org</p>	<p>Hand Delivery <input type="checkbox"/>  U.S. Mail <input type="checkbox"/>  Facsimile <input type="checkbox"/>  Federal Express <input type="checkbox"/>  E-Mail <input checked="" type="checkbox"/></p>
<p>Jerry R. Rigby  Hyrum Erickson  Robert H. Wood  Rigby, Andrus &amp; Rigby, Chartered  25 North Second East  Rexburg, ID 83440  jrigby@rex-law.com  herickson@rex-law.com  rwood@rex-law.com</p>	<p>Hand Delivery <input type="checkbox"/>  U.S. Mail <input type="checkbox"/>  Facsimile <input type="checkbox"/>  Federal Express <input type="checkbox"/>  E-Mail <input checked="" type="checkbox"/></p>

Ruth Musser-Lopez 420 E. Street Needles, CA 92363 RUTH@RiverAHA.org	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input type="checkbox"/>
C. Tom Arkoosh Arkoosh Law P.O. Box 2900 Boise, ID 83701 tom.arkoosh@arkoosh.com	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
Marjorie M. Mikels 201 N. First Ave., Ste 100 Upland, CA 91786 m4justice@verizon.net	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input type="checkbox"/>
Kathleen McKenzie P.O. Box 109 Hagerman, ID 83332 knbmac@q.com	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input type="checkbox"/>
Bret McKenzie P.O. Box 472 Hagerman, ID 83332 knbmac@q.com	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input type="checkbox"/>
Vaughn McKnight 18011 N. Hwy 30 Hagerman, ID 83332	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input type="checkbox"/>
Jamie & Katherine Martin 2561 Vineyard Alley Hagerman, ID 83332	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input type="checkbox"/>
Blind Canyon Aquaranch, Inc. c/o Gary Lemmon 2757 South 1050 East Hagerman, ID 83332	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/>

glemmon@northrim.net	E-Mail	<input type="checkbox"/>
U.S. Fish & Wildlife Service c/o Tim Mayer 911 NE 11 <sup>th</sup> Ave. Portland, OR 97232-4181 tim_mayer@fws.gov craig_eaton@fws.gov	Hand Delivery U.S. Mail Facsimile Federal Express E-Mail	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>


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 J. Justin May