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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

**SECOND AMENDED NOTICE OF  
DEPOSITION DUCES TECUM OF  
BOB HARDGROVE**

**WEDNESDAY, AUGUST 27, 2014  
9:00 a.m.**

**RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED  
101 South Capitol Blvd.  
US Bank Plaza, Suite 300  
Boise, ID 83702  
(208) 395-0011**

**TO: BOB HARDGROVE AND IGWA'S COUNSEL OF RECORD**

PLEASE TAKE NOTICE that Rangen, Inc. will take the deposition of Bob Hardgrove before a certified Court Reporter, in accordance with the Rules of Civil Procedure of the State of

Idaho, on Wednesday, the 27th day of August, 2014, at the hour of 9:00 a.m. at the Offices of Racine, Olson, Nye, Budge & Bailey, Chartered, 101 S. Capitol Blvd., Boise, ID 83702.

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

1. Copies of all maps, diagrams, blue prints, photographs, and drawings showing the Aqua Life facility, Fisher Lake and the springs that supply the Aqua Life facility.
2. Copies of all documents which pertain to or reflect an analysis of how much water that is pumped to the Research Hatchery under the Third Mitigation Plan will actually make it back downstream to the Aqua Life facility.
3. Copies of SPF Water Engineering's entire file related to IGWA's Third Mitigation Plan, including, but not limited to all rough draft reports, preliminary drawings, sketches, blueprints, memoranda, and notes.
4. Copies of all documents reflecting flow data available for the Aqua Life facility and the springs that supply the facility, including, but not limited to estimates and measurements of spring flows into Fisher Lake and the Aqua Life hatchery, including all ponds and raceways, and estimates and measurements of outflows from the Aqua Life facility.
5. GIS and CAD data for the Third Mitigation design plans and Sandy Ponds.
6. Copies of all permit applications prepared and/or submitted in connection with the Third Mitigation Plan.
7. Any permit applications submitted or prepared for the project.
8. Copy of the NPDES permit applicable to the Aqua Life facility.
9. Copies of all letters of intent, memoranda of agreement, agreements or other documents which pertain to the Third Mitigation Plan.

10. Copies of all documents pertaining to the use of the Aqua Life facility by Idaho Fish and Game, Sea-Pac or any other entity.
11. Copies of all documents pertaining to easements, rights of way, licenses or other agreements allowing access to property for the installation and operation of the proposed pipeline to the Rangen Research Hatchery.
12. Copies of all documents which reflect communications with water users who may be impacted by the Third Mitigation Plan proposed by IGWA, including, but not limited to, the protestants in this matter.
13. Copies of all documents which reflect water testing or sampling done by you, SPF Water Engineers (“SPF”) or any of SPF’s employees, agents or subcontractors at the Rangen Research Hatchery.
14. Copies of all documents which reflect water testing or sampling done by you, SPF, or any of SPF’s employees, agents or subcontractors at the Aqua Life facility, Fisher Lake or the springs that supply that the Aqua Life facility.
15. Copies of all documents in SPF’s possession which pertain to or reflect water testing or sampling done by any other person or entity at the Aqua Life facility in the past ten (10) years.
16. Copies of all documents which pertain to or reflect fish diseases or illnesses at the Aqua Life facility in the past ten (10) years.
17. Copies of all SPF Memoranda, including all drafts, concerning the Third Mitigation Plan, including, but not limited to all rough drafts.
18. Copies of all documents evidencing communications between IGWA/you/ SPF and IDWR pertaining to efforts to Rangen’s delivery call or efforts to mitigate

Rangen's delivery call. This request for documents includes, but is not limited to correspondence, emails, notes of conversations and meeting notes. Rangen is not seeking documents that have been filed by IGWA or IDWR in any cases pending before IDWR or the SRBA or documents to which Rangen is a party.

19. Copies of all documents evidencing communications between IGWA/you/SPF and the Idaho Water Resource Board pertaining to Rangen's delivery call or efforts to mitigate Rangen's delivery call.
20. Copies of all documents obtained by IGWA/you/SPF from IDWR pertaining to Rangen's delivery call or efforts to mitigate Rangen's delivery call. Rangen is not seeking documents filed in connection with any IDWR or SRBA proceedings or any documents to which Rangen was a party.
21. Copies of all documents obtained by IGWA/you/SPF from the State of Idaho or any of its agencies, political subdivisions or representatives pertaining to Rangen's delivery call or efforts to mitigate Rangen's delivery call. Rangen is not seeking documents filed in any IDWR or SRBA proceedings or any documents to which Rangen was a party.
22. Copies of all documents related to any environmental studies or environmental assessments that have been done or will be done in connection with IGWA's Third Mitigation Plan.
23. Copies of all documents which evidence communications with the State of Idaho Department of Environmental Quality, the US Army Corps of Engineers, US Fish and Wildlife Service, US EPA, or any other state or federal agencies concerning IGWA's Third Mitigation Plan.

24. Copies of all documents pertaining to any condemnation proceedings that may be needed or are contemplated in connection with IGWA's Third Mitigation Plan.
25. Copies of all documents pertaining to or reflecting communications with landowners in the vicinity of the Aqua Life facility or the pipeline contemplated by the Third Mitigation Plan.
26. Copies of all documents pertaining to water rights that may be injured by IGWA's proposed Third Mitigation Plan and any efforts or plans to mitigate those injuries.
27. Copies of all documents pertaining to insurance policies or bonds related to the construction and operation of IGWA's Third Mitigation Plan. This includes, but is not limited to insurance policies or bonds covering the loss of fish in the event of a pump failure.

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 25 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 25 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 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 201 E. Center St. P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net tjb@racinelaw.net bjh@racinelaw.net	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"/>
Sarah Klahn Mitra Pemberton WHITE & JANKOWSKI Kittredge Building, 511 16 <sup>th</sup> Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com mitrap@white-jankowski.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"/>
Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us	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>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  pla@idahowaters.com  jf@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>
<p>C. Tom Arkoosh  Arkoosh Law  P.O. Box 2900  Boise, ID 83701  tom.arkoosh@arkoosh.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>Kathleen McKenzie  P.O. Box 109  Hagerman, ID 83332  knbmac@q.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>Bret McKenzie  P.O. Box 472  Hagerman, ID 83332  knbmac@q.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>

Patrick D. Brown Patrick D. Brown, P.C. 516 Hansen Street East P.O. Box 125 Twin Falls, ID 83301 pat@pblaw.co	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"/>
Jamie and 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 glemmon@northrim.net	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"/>
U.S. Fish & Wildlife Service c/o Tim Mayer 911 NE 11 <sup>th</sup> Ave, Suite 5 Portland, OR 97232-4181 tim_mayer@fws.gov craig_eaton@fws.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"/>




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J. Justin May