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*ATTORNEYS FOR THE GROUND WATER DISTRICTS*

**BEFORE DEPARTMENT OF WATER RESOURCES**

**STATE OF IDAHO**

IN THE MATTER OF  
DISTRIBUTION OF WATER TO  
WATER RIGHT NOS. 36-4103A, 36-  
4103B and 36-7148 (Snake River  
Farm)

IN THE MATTER OF THE THIRD  
MITIGATION PLAN (OVER-THE-  
RIM) OF THE NORTH SNAKE AND  
MAGIC VALLEY GROUND WATER  
DISTRICTS TO PROVIDE  
REPLACEMENT WATER FOR  
CLEAR SPRINGS SNAKE RIVER  
FARM

(Water District Nos. 130 and 140)

Docket No. CM-MP-2009-004

**NOTICE OF TAKING  
DEPOSITION DUCES TECUM OF  
CHARLES E. BROCKWAY**

**(Over-the-Rim Mitigation Plan)**

To: Clear Springs Foods, Inc., and their attorney of record:

YOU WILL PLEASE TAKE NOTICE, that the Magic Valley Ground Water District and North Snake Ground Water District will take the testimony pursuant to Rules 26, 30(a) and 30(b)(6) of the Idaho Rules of Civil Procedure, on oral examination of Charles E. Brockway. Said deposition shall take place before a court reporter, a notary public, or before some other

officer authorized to administer oaths, to commence on **Wednesday, November 11, 2009, at 8:30 a.m.** or as soon thereafter as possible on said day at the offices of **Barker, Rosholt and Simpson located at 101 W Jefferson, Ste 102, Boise Idaho**. Oral examination will continue from time to time until completed and you are hereby notified to appear and take part in the examinations. The deponent is also requested to have the following documents available for inspections and copy:

1. All documents and data relied upon, incorporated, produced or utilized by you in connection with preparation of any expert reports in regard to or in relation to the above-captioned matter. This includes, but is not limited to all the information, data, drafts of documents and exhibits prepared, relied on or filed as a part of your *Rebuttal Report – 2009 Replacement Water Plan and 3d Mitigation Plan (Over-the-Rim) Snake River Farm by North Snake and Magic Valley Ground Water Districts* dated October 30, 2009.
2. All documents you have reviewed and will review in preparation for this deposition.
3. All the documents or information listed on pages 21 and 22 of your *Rebuttal Report – 2009 Replacement Water Plan and 3rd Mitigation Plan (Over-the-Rim) Snake River Farm by North Snake and Magic Valley Ground Water Districts* dated October 30, 2009.

It is requested that the data used and relied upon be produced to counsel for the Ground Water Districts by **Thursday, November 5, 2009** in order to accommodate preparation for your deposition.

DATED this 3rd day of November, 2009.

RACINE OLSON NYE BUDGE  
& BAILEY, CHARTERED

By:   
RANDALL C. BUDGE  
CANDICE M. MCHUGH  
*Attorneys for North Snake and  
Magic Valley Ground Water Districts*

## CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of November, 2009, the foregoing, was served by email to those with emails and by U.S. Mail postage prepaid to the following:

  
Signature of person mailing form

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c/o Victoria Wigle  
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