

# White & Jankowski

Lawyers

September 20, 2012

**Via email**

Robyn M. Brody  
Brody Law Office, PLLC  
PO Box 554  
Rupert, ID 83350

Fritz X. Haemmerle  
Haemmerle & Haemmerle,  
PO Box 1800  
Hailey, ID 83333

J. Justin May  
May, Browning & May, PLLC  
1419 W. Washington St.  
Boise, ID 83702

Re: Documents Requested at Lay Depositions

Dear Counsel:

By this letter the City of Pocatello (“Pocatello”) and the Idaho Ground Water Appropriators (“IGWA”) are making written requests for documents which were previously requested on the record at the depositions of Rangen’s lay witnesses on September 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> 2012 (“the lay depositions”). Many of the below documents also fit within the scope of previous requests made in either IGWA or Pocatello’s Requests for Discovery, or in the subpoenas issued to Rangen, Inc.’s (“Rangen”) lay witnesses prior to their depositions.

After the lay witness depositions, Mr. Haemmerle requested that Pocatello and IGWA go back through notes and transcripts in order to consolidate all those requests. (Doug Ramsey Dep. 83:18-20, Sep. 12, 2012.) Each request is summarized below, and citations to the requests in the

record, as well as prior requests which included the same documents or categories of documents are provided for Rangen's convenience:

1. **Electronic copy of excel spreadsheet file containing historic flow data from 1966 to present**, as requested in Wayne Courtney Dep. 52:12 - 53:1, (Sep. 10, 2012); IGWA's Requests For Production ("RFP"), No. 5; No. 6 (May 23, 2012); Courtney Subpoena, No. 7, (August 31, 2012).
2. **Electronic file of production/sales data summary tables related to Deposition Exhibit 32**, as requested in Joy Kinyon Dep. 85:3-19, (Sep. 10, 2012); Pocatello's RFP No. 7, Courtney Subpoena No. 9; No. 12; No. 13; No. 15.
3. **Caroline Petershmidt's fish production summaries (in electronic form)**, as requested in Joy Kinyon Dep. 91:16 - 92:18, (Sep. 10, 2012); Doug Ramsey Dep. 83:4-84:1, (Sep. 12, 2012) (rough copy cite); Pocatello's RFP No. 7 (August 10, 2012), Courtney Subpoena No. 9; No. 12; No. 13; No. 15.
4. **Size and description of "grading rack" used for "spot sales" of fish**, as requested in Lonny Tate Dep. 125:20-127:5, (Sep. 11, 2012).
5. **Un-redacted copy of Deposition Exhibit 47 (summary of production/flow prior to 1987)**; as well as any other summaries similar to exhibit 47, as requested in Lonny Tate Dep. 139:5-19, (Sep. 11, 2012); Pocatello's RFP No. 7; Courtney Subpoena No. 7, No. 9.
6. **Log Book of persons who have entered the Curren Tunnel**, Lonny Tate Dep. 149:23 - 150:9, (Sep. 11, 2012).
7. **Date when last research was done at Rangen's facility**, as requested in Doug Ramsey Dep. 6:13, (Sep. 12, 2012) (rough copy cite).
8. **All research notebooks which are used to record the nature, structure, timing, and results of Rangen's fish research**, as requested in Doug Ramsey Dep. 102: 21-104:18, (Sep. 12, 2012) (rough copy cite), IGWA RFP No. 4.

As stated above, most of the listed documents have been requested multiple times, and with only a few exceptions their existence has been confirmed on the record. In addition, Counsel for Rangen has already agreed to produce many of them on the record during the lay depositions. Nonetheless, if Rangen chooses to resist production of any of the above categories of documents please notify Counsel for Pocatello and IGWA in writing no later than the close of business Monday September 24, 2012 as we will be pursuing other remedies.

September 20, 2012  
Page 3

Thanks, in advance, for your cooperation in this matter.

Very truly yours,



Sarah Klahn

cc: Director Gary Spackman, Counsel of Record