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MAR 18 2013

DEPARTMENT OF  
WATER RESOURCES

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*ATTORNEYS FOR THE IDAHO GROUND WATER  
APPROPRIATORS*

*ATTORNEYS FOR THE CITY OF POCATELLO*

**BEFORE DEPARTMENT OF WATER RESOURCES**

**STATE OF IDAHO**

**IN THE MATTER OF DISTRIBUTION  
OF WATER TO WATER RIGHT NOS. 36-  
02551 & 36-07694  
(RANGEN, INC.)**

Docket No.: CM-DC-2011-004

**JOINT NOTICE OF CONTINUED  
DEPOSITION DUCES TECUM OF WAYNE  
COURTNEY**

To: **WAYNE COURTNEY**

Please take notice, that counsel for the City of Pocatello and Idaho Ground Water Appropriators Inc. ("IGWA") will continue taking the testimony upon oral examination of **WAYNE COURTNEY** pursuant to Rule 30, I.R.C.P., other applicable rules of the Idaho Rules of Civil Procedure and applicable rules of the Idaho Department of Water Resources Procedural

Rules, IDAPA 37.01.01. The continued deposition will take place before a court reporter and Notary Public with the firm of M&M Court Reporting Service or other duly qualified person in the above-captioned matter. Said deposition will commence on a **trailing docket following the deposition of Joy Kenyon, but in any event, no later than 9:00 a.m. on Friday March 20, 2013** and will continue from day to day until completion, at the **Offices of May, Browning and May, PLLC, 516 Hansen Street East, Twin Falls, ID 83301**, at which time and place you are notified to appear and take part in such examination.

Pursuant to Idaho Rules of Civil Procedure 26, 30(b)(5) and 34, you are further instructed to bring to the deposition the following materials:

1. All documents that demonstrate that Rangen, Inc. (“Rangen”) has a specific plan and intent to beneficially use additional water flows if the Director finds Rangen to be injured orders delivery by curtailment or mitigation.
2. All documents that demonstrate that Rangen can and will beneficially use the water demanded under this delivery call.
3. All documents kept in the ordinary course of Rangen’s business that reflect the number of employees and nature of the positions held from 1990 to the present.
4. All flow measurements taken by Rangen’s personnel from January 1, 2013 to the present.

For purposes of this notice, “document” includes but is not limited to memoranda, notes (field, meeting, or otherwise), emails, reports, studies, maps, photographs, calculations, spreadsheets, emails and any computer generated documents including electronic spreadsheets, CDs or DVDs of information, or any other means of recording or reporting information relevant to the requests made above.

For purposes of this notice, “specific plan or intent” refers to documents that reflect that Rangen, Inc. requires at least 17 c.f.s. to implement fixed plans to beneficially use the water it seeks under this delivery call.

For purposes of this notice, “can and will beneficially use” refers to documents that reflect Rangen’s determinations that its fixed plans to beneficially use the water it seeks in this delivery call are financially and/or technical feasible.

Respectfully submitted this 18<sup>th</sup> day of March, 2013.

WHITE & JANKOWSKI

By   
Sarah A. Klahn  
*Attorneys for the City of Pocatello*

RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED

By   
RANDALL C. BUDGE  
CANDICE M. McHUGH  
THOMAS J. BUDGE  
*Attorneys for IGWA*

## CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2013, I caused to be served a true and correct copy of the foregoing **JOINT NOTICE OF CONTINUED DEPOSITION DUCES TECUM OF WAYNE COURTNEY**, upon the following by the method indicated:

  
\_\_\_\_\_  
Signature of person serving form

**Original:**

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