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APR 30 2013

DEPARTMENT OF  
WATER RESOURCES

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*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

**NOTICE OF DEPOSITION DUCES TECUM  
OF CHARLES BROCKWAY**

To: **CHARLES BROCKWAY**

Please take notice, that counsel for the City of Pocatello will take the testimony upon oral examination of **CHARLES BROCKWAY** 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

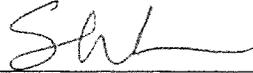
qualified person in the above-captioned matter. Said deposition will commence on a **trailing docket on May 1<sup>st</sup> 2013, following the first day of hearing in this matter**, and will continue from day to day until completion, at the **Offices of the Idaho Department of Water Resources, located at 322 E. Front St., 6<sup>th</sup> floor conference rooms B, C, and D**, 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 and materials used in preparation of the Supplemental Data Re: Director's Ruling on Talus Slope Springs ("Supplemental Data").
2. All notes or other documents related to communications between Brockway Engineering and Rangen staff regarding the preparation of the Supplemental Data.
3. All notes or other documents related to communications between Brockway Engineering and Rangen's legal counsel regarding the preparation of the Supplemental Data.
4. Field notes and flow measurement notes by Brockway and Sullivan
5. Any and all investigations of the permitted, licensed, claimed, or decreed attributes of the Rangen water rights including, but not limited to the source, point of diversion, place of use, and priority date.
6. Evidence of the original construction and any and all subsequent modifications of the points of diversion, water collection, and water conveyance facilities.
7. Any and all communications with IDWR regarding the attributes of the Rangen water rights.

Respectfully submitted this 30<sup>th</sup> day of April, 2013.

WHITE & JANKOWSKI

By   
\_\_\_\_\_  
Sarah A. Klahn  
J. Ryland Hutchins  
*Attorneys for the City of Pocatello*

## CERTIFICATE OF SERVICE

I hereby certify that on this 30<sup>th</sup> day of April, 2013, I caused to be served a true and correct copy of the foregoing **Notice of Deposition Duces Tecum of Charles Brockway for Docket No. CM-DC-2011-004** upon the following by the method indicated:



Sarah Klahn, White & Jankowski, LLP

<p>Gary Spackman, Director State of Idaho, Dept of Water Resources 322 E Front St PO Box 83720 Boise ID 83720-0098 deborah.gibson@idwr.idaho.gov</p>	<p><input type="checkbox"/> Original sent via U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail – Federal Express <input type="checkbox"/> Facsimile – 208-287-6700 = Phone – 208-287-4803 <input checked="" type="checkbox"/> Email</p>
<p>J. Justin May May Browning 1419 W Washington Boise ID 83702 jmay@maybrowning.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-342-7278 <input checked="" type="checkbox"/> Email</p>
<p>Robyn Brody Brody Law Office PO Box 554 Rupert ID 83350 robynbrody@hotmail.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile - 208-434-2780 = Phone 208-434-2778 <input checked="" type="checkbox"/> Email</p>
<p>Fritz Haemmerle Haemmerle Haemmerle PO Box 1800 Hailey ID 83333 fxh@haemlaw.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-578-0564 <input checked="" type="checkbox"/> Email</p>
<p>Garrick L. Baxter Chris M. Bromley Deputy Attorneys General – IDWR PO Box 83720 Boise ID 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov kimi.white@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile - 208-287-6700 <input checked="" type="checkbox"/> Email</p>
<p>Randall C. Budge Candice M. McHugh Racine Olson Nyc Budge &amp; Bailey 101 S Capitol Blvd Ste 300 Boise ID 83702 rcb@racinelaw.net cmm@racinelaw.net bjh@racinelaw.net</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-433-0167 <input checked="" type="checkbox"/> Email</p>
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<p>C. Thomas Arkoosh  Arkoosh Law Offices  PO Box 2900  Boise ID 83701  tom.arkoosh@arkoosh.com  erin.cecil@arkoosh.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-343-5456  <input checked="" type="checkbox"/> Email</p>
<p>John K. Simpson  Travis L. Thompson  Paul L. Arrington  Barker Rosholt &amp; Simpson  195 River Vista Place Ste 204  Twin Falls ID 83301-3029  tlt@idahowaters.com  jks@idahowaters.com  pla@idahowaters.com  jfi@idahowaters.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-735-2444  <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher  Fletcher Law Office  PO Box 248  Burley, ID 83318  wkf@pmt.org</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-878-2548  <input checked="" type="checkbox"/> Email</p>
<p>Jerry R. Rigby  Hyrum Erickson  Robert H Wood  Rigby Andrus &amp; Rigby  PO Box 250  Rexburg ID 83440-0250  jrigby@rex-law.com  herickson@rex-law.com  rwood@rex-law.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-356-0768  <input checked="" type="checkbox"/> Email</p>