

2. I am over the age of 18 and have knowledge of the documents and legal proceedings pertinent to this matter.

3. On January 22, 2008 IGWA propounded *IGWA's First Set of Interrogatories & Second Requests for Production* upon A&B. On February 22, 2008, A&B timely responded to the discovery, which was verified by A&B's manager, Dan Temple.

4. On March 20, 2008, the parties entered into a *Stipulation and Joint Motion to Set Pre-Hearing Schedule*. Pursuant to the stipulated schedule, the Deposition Deadline and Discovery Completed Deadline is October 17, 2008. Counsel for the parties have arranged for depositions of lay witnesses, including A&B's, which are set for October 27 – 29, 2008. A true and correct copy of the *Stipulation and Joint Motion to Set Pre-Hearing Schedule* attached herewith as **Exhibit 1**.

5. On or about August 26, 2008, the parties entered into the *Stipulation to Extend Deadline for Lay Witness Disclosure and Joint Motion*. Pursuant to the stipulated extension, A&B served a Disclosure of Lay Witnesses and Exhibits and Request for Public Witness Testimony on September 12, 2008.

6. On October 1, 2008, IGWA propounded *IGWA's Second Set of Interrogatories and Third Request for Production*. A true and correct copy of *IGWA's Second Set of Interrogatories and Third Request for Production* is attached herewith as **Exhibit 2**.

7. On October 3, 2008, IGWA served A&B Irrigation District a Notice of Taking Deposition Duces Tecum of: Virgil Temple, Tim Eames, Ken Kostka, Timm Adams, and Harold Mohlman, which are currently calendared for 10/27/2008 - 10/29/2008. A true and correct copy of the Notice of Taking Deposition Duces Tecum of Virgil Temple is attached herewith as **Exhibit 3**. A true and correct copy of the Notice of Taking Deposition Duces Tecum of Tim

Eames is attached herewith as **Exhibit 4**. A true and correct copy of the Notice of Taking Deposition Duces Tecum of Ken Kostka is attached herewith as **Exhibit 5**. A true and correct copy of the Notice of Taking Deposition Duces Tecum of Timm Adams is attached herewith as **Exhibit 6**. A true and correct copy of the Notice of Taking Deposition Duces Tecum of Harold Mohlman is attached herewith as **Exhibit 7**.

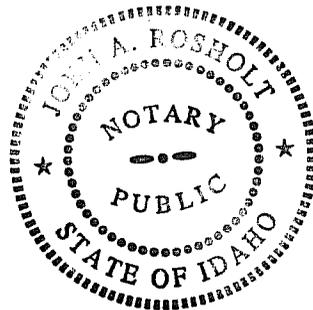
Dated this 10th day of October, 2008.

BARKER ROSHOLT & SIMPSON LLP



TRAVIS L. THOMPSON
Attorney for A&B Irrigation District

SUBSCRIBED AND SWORN to before me this 10th day of October, 2008.



John A. Rosholt
Notary Public for Idaho
Residing at: Twin Falls
Commission Expires: 2009

EXHIBIT 1

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PETITION) FOR DELIVERY CALL OF A & B) IRRIGATION DISTRICT FOR THE) DELIVERY OF GROUND WATER AND) FOR THE CREATION OF A GROUND) WATER MANAGEMENT AREA) _____)	DOCKET NO. 37-03-11-1 STIPULATION AND JOINT MOTION TO SET PRE-HEARING SCHEDULE
--	--

COMES NOW, A&B IRRIGATION DISTRICT, the IDAHO GROUND WATER APPROPRIATORS, INC., and the CITY OF POCA TELLO, by and through their undersigned counsel of record, and hereby stipulate to the following and jointly move the Hearing Officer to enter an Order approving the same without further notice of hearing, to-wit:

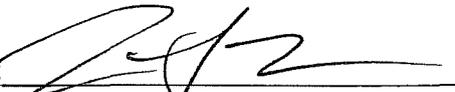
1. That the following schedule be adopted:

Deadline Description	A&B Hearing
Deadline for A&B to file Motion on Legal Issue Identified in A&B's February 13, 2008 <i>Petition</i> at 2 (applicability of Idaho's Ground Water Act).	3/21/08
Response Deadline to A&B's Motion	4/11/08
A&B Reply Deadline	4/25/08
Hearing on A&B Motion	5/02/08
Deadline for filing expert reports; deadline for pre-filed direct testimony (required for retained consultants / optional for others), and all exhibits to be used at hearing with experts	7/16/08
Deadline for expert rebuttal reports, pre-filed rebuttal testimony and all exhibits to be used in rebuttal	8/27/08

Deadline to disclose all lay witnesses and summary of all lay witness testimony / identify all exhibits to be used at hearing with lay witnesses (as well as any pre-filed direct testimony for lay witnesses, if desired)	8/29/08
Dispositive Motion Deadline	9/12/08
Deposition deadline / discovery completed deadline	10/17/08
Written opening brief / trial brief (if desired)	11/07/08
Pre-hearing conference and hearing on pre-hearing motions	11/14/08
Hearing	12/3/08 - 12/17/08

DATED this 20th day of March, 2008.

BARKER ROSHOLT & SIMPSON LLP

By: 
 Travis L. Thompson

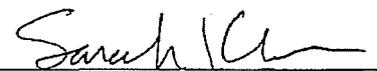
Attorneys for A & B Irrigation District

RACINE OLSON

By: _____
 Randy C. Budge
 Candice M. McHugh

Attorneys for Idaho Ground Water Appropriators, Inc.

WHITE & JANKOWSKI

By: 
 Sarah A. Klahn

Attorneys for City of Pocatello

Deadline to disclose all lay witnesses and summary of all lay witness testimony / identify all exhibits to be used at hearing with lay witnesses (as well as any pre-filed direct testimony for lay witnesses, if desired)	8/29/08
Dispositive Motion Deadline	9/12/08
Deposition deadline / discovery completed deadline	10/17/08
Written opening brief / trial brief (if desired)	11/07/08
Pre-hearing conference and hearing on pre-hearing motions	11/14/08
Hearing	12/3/08 - 12/17/08

DATED this _____ day of _____, 2008.

BARKER ROSHOLT & SIMPSON LLP

By: _____
Travis L. Thompson

Attorneys for A & B Irrigation District

RACINE OLSON

By: 
Randy C. Budge
Candice M. McHugh

Attorneys for Idaho Ground Water Appropriators, Inc.

WHITE & JANKOWSKI

By: _____
Sarah A. Klahn

Attorneys for City of Pocatello

ORDER

Upon duly-filed Stipulation and Joint Motion to Set Pre-Hearing Hearing and good cause appearing therefore,

IT IS HEREBY ORDERED that the foregoing Stipulation, pre-hearing schedule and pre-hearing requirements be and are hereby approved; and

IT IS SO ORDERED.

DATED this _____ day of _____, 2008.

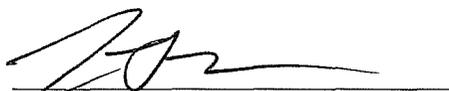
Gerald F. Schroeder
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on this 20th day of March, 2008, the above and foregoing, was sent to the following by U.S. Mail proper postage prepaid and by email for those with listed email addresses:

<p>Hon. Gerald F. Schroeder c/o Victoria Wigle IDWR P.O. Box 83720 Boise, ID 83720 victoria.wigle@idwr.idaho.gov fcjschroeder@gmail.com</p>	<p>Randall C. Budge Candice M. McHugh Racine Olson PO Box 1391 201 E Center Street Pocatello ID 83204-1391 rcb@racinelaw.net cmm@racinelaw.net</p>	<p>Sarah A. Klahn White & Jankowski LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com</p>
<p>B.J. Driscoll McGrath Meacham Smith PLLC 414 Shoup PO Box 50731 Idaho Falls ID 83405 bjd@eidaholaw.com</p>	<p>Steve L Stephens Butte Co Prosecuting Attorney 260 Grand Ave PO Box 736 Arco ID 83213</p>	<p>Fred & Phyllis Stewart 300 Sugar Leo Road St George UT 84790</p>
<p>Michael Patterson, President Desert Ridge Farms Inc. PO Box 185 Paul ID 83347</p>	<p>City of Firth PO Box 37 Firth ID 83236</p>	<p>Todd Lowder 2607 W 1200 S Sterling ID 83210</p>
<p>Neil and Julie Morgan 762 W Hwy 39 Blackfoot ID 83221</p>	<p>Charlene Patterson Patterson Farms of Idaho 277 N 725 Lane W Paul ID 83347</p>	<p>William A. Parsons Parsons Smith Stone LLP 137 West 13th St PO Box 910 Burley ID 83318 wparsons@pmt.org</p>
<p>A. Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 City of Pocatello dtranmer@pocatello.us</p>	<p>Winding Brook Corp c/o Charles W Bryan Jr UBS Agrivest LLC PO Box 53 Nampa ID 83653</p>	<p>James C. Tucker Idaho Power Company 1221 West Idaho Street Boise, ID 83702-5627 jtucker2@idahopower.com</p>
<p>Lary S Larson Hopkins Roden Crockett Hansen & Hoopes PO Box 51219 Idaho Falls ID 83405-1219</p>	<p>Jo Beeman, Esq. Beeman & Associates 409 W Jefferson Boise ID 83702 jo.beeman@beemanlaw.com</p>	<p>City of Basalt PO Box 178 Basalt ID 83218</p>

<p>M. Jay Meyers Myers Law Office 300 N 7th Ave PO Box 4747 Pocatello ID 83205</p>	<p>John J. Hockberger Jr. Kathleen Marion Carr Office of the Field Solicitor US Dept of the Interior 960 Broadway Ave Ste 400 Boise ID 83706 kmarioncarr@yahoo.com</p>	<p>LaDell and Sherry Anderson 304 N 500 W Paul ID 83347</p>
<p>Denise Glore, Attorney Office of Chief Counsel US Dept of Energy 1955 Fremont Ave MS 1209 Idaho Falls ID 83415-1510 gloredm@id.doe.gov</p>	<p>Mary Ann Plant 480 N 150 W Blackfoot ID 83221</p>	<p>O.E. Feld & Berneta Feld 1470 S 2750 W Aberdeen ID 83210</p>
<p>Jeff Feld 719 Bitterroot Dr Pocaello ID 83201</p>	<p>Eugene Hruza PO Box 66 Minidoka ID 83343</p>	<p>Jerry R. Rigby Rigby Andrus and Moeller 25 N 2nd East Rexburg ID 83440 jrigby@rex-law.com</p>
<p>Robert E. Williams Fredericksen Williams Meservy & Lothspecih LLP 153 E Main St PO Box 168 Jerome ID 83338 rewilliams@cableone.net</p>	<p>Gregory P. Meacham McGrath Meacham & Smith PLLC 414 Shoup Idaho Falls ID 83405</p>	<p>Richard J. Kimmel 867 N. 800 East Shelley, ID 83274</p>
<p>James S. Lochhead Michael A. Gheleta Brownstein Hyatt Farber Schreck P.C. 410 Seventeenth Street Suite 2200 Denver, CO 80202 jlochhead@bhfs.com mgheleta@bhfs.com</p>		



 Travis L. Thompson

EXHIBIT 2

Randall C. Budge, ISB #1949
Candice M. McHugh, ISB #5908
Scott J. Smith, ISB #6014
Thomas J. Budge, ISB #7465
RACINE OLSON NYE
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Telephone: (208) 395-0011
rcb@racinelaw.net
cmm@racinelaw.net
sjs@racinelaw.net
tjb@racinelaw.net

ATTORNEYS FOR IDAHO GROUND WATER APPROPRIATORS

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE
PETITION FOR DELIVERY CALL
OF A&B IRRIGATION DISTRICT
FOR THE DELIVERY OF GROUND
WATER AND FOR THE CREATION
OF A GROUND WATER
MANAGEMENT AREA

Docket No.: 37-03-11-1

**IGWA'S SECOND SET OF
INTERROGATORIES AND THIRD
REQUEST FOR PRODUCTION**

TO: A & B IRRIGATION DISTRICT.

COME NOW, Idaho Ground Water Appropriators, Inc. Aberdeen American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Clark Jefferson Ground Water District, Madison Ground Water District, Magic Valley Ground Water District, and North Snake Ground Water District (collectively "IGWA"), by and through counsel, pursuant IDAPA 37.01.01 Rules 521 and 522 of the Rules of Practice and Procedure of IDWR, and the Order Authorizing Interrogatories and hereby submit the following Second Set of Interrogatories and Third Request for Production to A & B Irrigation District.

These discovery requests are continuing so as to require supplemental answers as additional information becomes known.

INSTRUCTIONS

Each of the following Interrogatories and Requests for Production should be separately responded to for each of the following A&B lay witnesses: Ken Kostka, Tim Eames, Timm Adams, and Harold Mohlman. Request for Production No. 13 should be responded to by A&B Irrigation District.

INTERROGATORIES

INTERROGATORY NO. 14: Identify each parcel of land or farm within the A&B Irrigation District Service Area which you or any entity owned or controlled by you have owned, leased or otherwise operated in each of the last 20 years. For each identified parcel provide the following information:

- a) Number of irrigated acres within each parcel;
- b) The A&B farm unit within which the parcel is located;
- c) The A&B well system and well number that supply irrigation water;
- d) The Township, Range and Section Number within which the parcel is located.
- e) The current and any known prior owners.

INTERROGATORY NO. 15: Please describe each type of irrigated crop raised on the above identified property, the estimated crop mix or percentage each year and how and when the crop types and mix or percentage have changed over the past 20 years.

INTERROGATORY NO. 16: Describe all crop yield or production records you maintain each year and provide the name, address and contact person for all governmental

agencies, insurance companies or other entities to whom your crop yield, production information records are provided and the reason therefore.

INTERROGATORY NO. 17: For each crop you have raised over the past 20 years on the farms or parcels identified in your response to Interrogatory No. 14 above, identify the crop yield by year on a per acre basis.

INTERROGATORY NO. 18: Do you contend that any of your crops identified above suffered crop loss or yield reductions as a direct and proximate result of an inadequate or reduced water supply? If your answer is yes, please answer the following:

- a) Each year that you experience an irrigation water shortage?
- b) When during each year did the irrigation water shortage begin and end?
- c) The amount of water shortage in acre-feet or inches per acre?
- d) Describe the yield reduction and how it was calculated on a per acre basis.
- e) Describe all crop insurance claims made and paid relating to your claimed crop loss.
- f) Describe all other factors that may have contributed to such crop loss such drought, frost, insects, farm practices, etc.
- g) Please state and explain the calculation of any lost earning, lost profit, lost production or lost yield you are claiming as a result of inadequate or reduced water supply.
- h) Please describe the method and frequency of irrigation for each field or parcel and describe the equipment utilized to provide irrigation water to each field.

INTERROGATORY NO. 19: Explain the crop rotation and crop history for the fields/parcels identified in Interrogatory No. 14.

INTERROGATORY NO. 20: Did you receive any payment of reimbursement of loss from any source as a result of any crop loss or yield reductions for any reason on the parcels identified in Interrogatory No. 14 above? If the answer is yes, state the name and addresses of the person or entity making such payments and the amounts thereof.

INTERROGATORY NO. 21: List the water right number and owner name for each and every water right you use to irrigate with and whether or not the irrigation occurs on land within the A&B service area or other land.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 8: Please produce all documents, records, reports, notes, calendars, memoranda, letters, whether written or electronic, that relate to or were relied upon in your answer(s) to the foregoing interrogatories.

REQUEST FOR PRODUCTION NO. 9: Please provide copies of all documents, claims or other data submitted by you for all farming activities on the above identified farms or parcels to the Farm Services Agency, the Federal Crop Insurance Corporation or other entity, over the last 20 years that reflect crop type and yield.

REQUEST FOR PRODUCTION NO. 10: Please provide all documents that support the statement made in A&B's lay witness disclosure that states you will testify regarding "impacts to his operations due to reduced water supplies on farms."

REQUEST FOR PRODUCTION NO. 11: Please provide all A&B documents and records you maintain that show the amount of water ordered, delivered and charged to you for the past twenty (20) years. Such documents may include notes, calendars, receipts or other records maintained that reflect water deliveries.

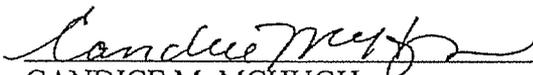
REQUEST FOR PRODUCTION NO. 12: Please provide all reports, records or receipts that indicate yield or production given to you by any purchasers or warehouses for your

crops including but not limited to any such documentation provided to you from Amalgamated Sugar Company.

REQUEST FOR PRODUCTION NO. 13: Please provide copies of all A&B Board agendas and minutes from 1970 to the present.

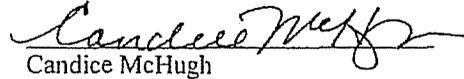
DATED this 1st day of October, 2008.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED


CANDICE M. MCHUGH
Attorneys for Idaho Ground Water Appropriators

CERTIFICATE OF MAILING

I hereby certify that on this 1st day of October, 2008, the above and foregoing, was sent to the following by U.S. Mail proper postage prepaid and by email for those with listed email addresses:


Candice McHugh

John K. Simpson Travis L. Thompson Barker Rosholt & Simpson 113 Main Ave West Ste 303 PO Box 485 Twin Falls ID 83303-0485 jks@idahowaters.com lt@idahowaters.com	Sarah A. Klahn White & Jankowski LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com
Roger D. Ling PO Box 396 Rupert ID 83350 rdl@lawfirm.com	A. Dean Tranmer, Esq. City of Pocatello PO Box 4169 Pocatello ID 83201 City of Pocatello dtranmer@pocatello.us

EXHIBIT 3

Randall C. Budge (ISB # 1949)
Scott Smith (ISB # 6014)
Candice M. McHugh (ISB # 5908)
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED
PO Box 1391
Pocatello, ID 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109

ATTORNEYS FOR IDAHO GROUND WATER
APPROPRIATORS

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dtranmer@pocatello.us

Sarah A. Klahn, ISB #7928
Kelly L. Snodgrass
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, Colorado 80202
(303) 595-9441
(303) 825-5632 (Fax)
sarahk@white-jankowski.com

ATTORNEYS FOR THE CITY OF POCATELLO

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE
PETITION FOR DELIVERY CALL
OF A&B IRRIGATION DISTRICT
FOR THE DELIVERY OF GROUND
WATER AND FOR THE CREATION
OF A GROUND WATER
MANAGEMENT AREA

Docket No.: 37-03-11-1

**NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
VIRGIL TEMPLE**

TO: VIRGIL TEMPLE

PLEASE TAKE NOTICE that counsel for the IDAHO GROUND WATER
APPROPRIATORS, INC. and the CITY OF POCATELLO will take the testimony on oral
examination of **VIRGIL TEMPLE** pursuant to Rule 30 and applicable rules of the Idaho Rules
of Civil Procedure. The 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 at the hour of **9:00 a.m.** on **October 29, 2008** and continuing until completion, at the offices of **Barker, Rosholt & Simpson, LLP**, 113 Main Avenue W., Suite 303, Twin Falls, ID 83303-0485 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) Copies of any notes, emails or other written material in your possession of conversations with representatives of A&B Irrigation District, their expert witnesses or attorneys.
- (2) Copies of all documents or written material you reviewed in preparation for this deposition.
- (3) Copies of all A&B Board agendas and minutes from 1970 to the present.
- (4) Copies of all written material you have in your possession that relates to the 1994 delivery call filed by A&B Irrigation District, including but not limited to notes, calendars, memoranda, or diaries that contain information about A&B well systems, well drilling, well siting, farm units, interconnection or possible interconnection of well systems or wells or farm units, well withdrawal amounts, drain wells and any other documents that you have in your possession that were created during the time of your employment with A&B Irrigation District.

DATED this 3rd day of October, 2008.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED

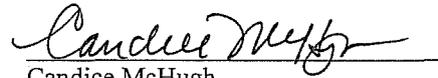


CANDICE M. MCHUGH

Attorneys for Idaho Ground Water Appropriators

CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of October, 2008, the above and foregoing, was sent to the following by U.S. Mail proper postage prepaid and by email for those with listed email addresses:


 Candice McHugh

John K. Simpson Travis L. Thompson Barker Rosholt & Simpson 113 Main Ave West Ste 303 PO Box 485 Twin Falls ID 83303-0485 jks@idahowaters.com tlt@idahowaters.com	Sarah A. Klahn White & Jankowski LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com	
Roger D. Ling PO Box 396 Rupert ID 83350 rdl@lawfirm.com	A. Dean Tranmer, Esq. <i>courtesy copy</i> City of Pocatello PO Box 4169 Pocatello ID 83201 City of Pocatello dtranmer@pocatello.us	
James S. Lochhead Michael A. Gheleta Brownstein Hyatt Farber Schreck 410 – 17 th St Ste 2200 Denver CO 80202 jlochhead@bhf-law.com	City of Castleford 300 Main PO Box 626 Castleford ID 83321	F. Randall Kline 427 N Main St PO Box 397 Pocatello ID 83204
Lary S Larson Hopkins Roden Crockett Hansen & Hoopes PO Box 51219 Idaho Falls ID 83405-1219	Jo Beeman, Esq. Beeman & Associates 409 W Jefferson Boise ID 83702 jo.beeman@beemanlaw.com	City of Basalt PO Box 178 Basalt ID 83218
M. Jay Meyers Myers Law Office 300 N 7 th Ave PO Box 4747 Pocatello ID 83205	John J. Hockberger Jr. Kathleen Marion Carr Office of the Field Solicitor US Dept of the Interior 960 Broadway Ave Ste 400 Boise ID 83706 kmarrioncarr@yahoo.com	LaDell and Sherry Anderson 304 N 500 W Paul ID 83347
Michael D. O'Hagan, Attorney Office of Chief Counsel US Dept of Energy 1955 Fremont Ave MS 1209 Idaho Falls ID 83415-1510	Mary Ann Plant 480 N 150 W Blackfoot ID 83221	O.E. Feld & Berneta Feld 1470 S 2750 W Aberdeen ID 83210
Jeff Feld 719 Bitterroot Dr Pocatello ID 83201	Eugene Hruza PO Box 66 Minidoka ID 83343	Jerry R. Rigby Rigby Andrus and Moeller 25 N 2 nd East Rexburg ID 83440 jrigby@rex-law.com

<p>Robert E. Williams Fredericksen Williams Meservy & Lothspecih LLP 153 E Main St PO Box 168 Jerome ID 83338 rewilliams@cableone.net</p>	<p>Gregory P. Meacham MEACHAM & DUSTIN PLLC 2000 Jennie Lee Drive Idaho Falls, ID 83404</p>	<p>David R. Tuthill, Jr., Director c/o Victoria Wigle Idaho Dept of Water Resources PO Box 83720 Boise ID 83720-0098 Dave.tuthill@idwr.idaho.gov Phil.Rassier@idwr.idaho.gov Chris.Bromley@idwr.idaho.gov</p>
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EXHIBIT 4

Randall C. Budge (ISB # 1949)
Scott Smith (ISB # 6014)
Candice M. McHugh (ISB # 5908)
RACINE OLSON NYE BUDGE &
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(303) 595-9441
(303) 825-5632 (Fax)
sarahk@white-jankowski.com

ATTORNEYS FOR THE CITY OF POCATELLO

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE
PETITION FOR DELIVERY CALL
OF A&B IRRIGATION DISTRICT
FOR THE DELIVERY OF GROUND
WATER AND FOR THE CREATION
OF A GROUND WATER
MANAGEMENT AREA

Docket No.: 37-03-11-1

**NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
TIM EAMES**

TO: TIM EAMES

PLEASE TAKE NOTICE that counsel for the IDAHO GROUND WATER APPROPRIATORS, INC. and the CITY OF POCATELLO will take the testimony on oral examination of TIM EAMES pursuant to Rule 30 and applicable rules of the Idaho Rules of Civil Procedure. The 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 at the hour of **9:00 a.m.** on **October 27, 2008** and continuing until completion, at the offices of **Barker, Rosholt & Simpson, LLP**, 113 Main Avenue W., Suite 303, Twin Falls, ID 83303-0485 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) Please produce all documents, records, reports, notes, calendars, memoranda, letters, whether written or electronic, that relate to or were relied upon in your answer(s) to the Interrogatories Nos. 14 – 21 served in this matter on or about October 1, 2008.

(2) All documents, claims or other data submitted by you for all farming activities on the above identified farms or parcels to the Farm Services Agency, the Federal Crop Insurance Corporation or other entity, over the last 20 years that reflect crop type and yield.

(3) All documents that support the statement made in A&B's lay witness disclosure that states you will testify regarding "impacts to his operations due to reduced water supplies on farms."

(4) All documents and records you maintain that show the amount of water ordered by you and delivered and charged by A&B for the past twenty (20) years. Such documents may include notes, calendars, diaries, receipts or other records maintained that reflect water deliveries or charges.

(5) All reports, records or receipts for the past twenty (20) years that indicate crop yield or production given to you by any purchasers or warehouses for your crops including but not limited to any such documentation provided to you from Amalgamated Sugar Company.

(6) Copies of any notes, emails or other written material in your possession of conversations with representatives of A&B Irrigation District, their expert witnesses or attorneys.

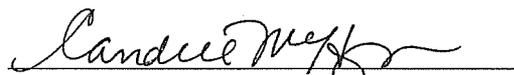
(7) Copies of all documents or written material you reviewed in preparation for this deposition.

(8) Map of your farm showing parcels irrigated for the past twenty (20) years.

(9) Any A&B newsletters and other correspondence from A&B in your possession for the past twenty (20) years.

DATED this 3rd day of October, 2008.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED


CANDICE M. MCHUGH

Attorneys for Idaho Ground Water Appropriators

CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of October, 2008, the above and foregoing, was sent to the following by U.S. Mail proper postage prepaid and by email for those with listed email addresses:


 Candice McHugh

John K. Simpson Travis L. Thompson Barker Rosholt & Simpson 113 Main Ave West Ste 303 PO Box 485 Twin Falls ID 83303-0485 jks@idahowaters.com tlt@idahowaters.com	Sarah A. Klahn White & Jankowski LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com	
Roger D. Ling PO Box 396 Rupert ID 83350 rdl@idlawfirm.com	A. Dean Tranmer, Esq. <i>courtesy copy</i> City of Pocatello PO Box 4169 Pocatello ID 83201 City of Pocatello dtranmer@pocatello.us	
James S. Lochhead Michael A. Gheleta Brownstein Hyatt Farber Schreck 410 – 17 th St Ste 2200 Denver CO 80202 jlochhead@bhf-law.com	City of Castleford 300 Main PO Box 626 Castleford ID 83321	F. Randall Kline 427 N Main St PO Box 397 Pocatello ID 83204
Lary S Larson Hopkins Roden Crockett Hansen & Hoopes PO Box 51219 Idaho Falls ID 83405-1219 lary@hrchh.com	Jo Beeman, Esq. Beeman & Associates 409 W Jefferson Boise ID 83702 jo.beeman@beemanlaw.com	City of Basalt PO Box 178 Basalt ID 83218
M. Jay Meyers Myers Law Office 300 N 7 th Ave PO Box 4747 Pocatello ID 83205	John J. Hockberger Jr. Kathleen Marion Carr Office of the Field Solicitor US Dept of the Interior 960 Broadway Ave Ste 400 Boise ID 83706 kmarioncarr@yahoo.com	LaDell and Sherry Anderson 304 N 500 W Paul ID 83347
Michael D. O'Hagan, Attorney Office of Chief Counsel US Dept of Energy 1955 Fremont Ave MS 1209 Idaho Falls ID 83415-1510 ohaganmd@id.doe.gov	Mary Ann Plant 480 N 150 W Blackfoot ID 83221	O.E. Feld & Berneta Feld 1470 S 2750 W Aberdeen ID 83210

<p>Jeff Feld 719 Bitterroot Dr Pocatello ID 83201</p>	<p>Eugene Hruza PO Box 66 Minidoka ID 83343</p>	<p>Jerry R. Rigby Rigby Andrus and Moeller 25 N 2nd East Rexburg ID 83440 jrigby@rex-law.com</p>
<p>Robert E. Williams Fredericksen Williams Meservy & Lothspecih LLP 153 E Main St PO Box 168 Jerome ID 83338 rewilliams@cableone.net</p>	<p>Gregory P. Meacham MEACHAM & DUSTIN PLLC 2000 Jennie Lee Drive Idaho Falls, ID 83404</p>	<p>David R. Tuthill, Jr., Director c/o Victoria Wigle Idaho Dept of Water Resources PO Box 83720 Boise ID 83720-0098 Dave.tuthill@idwr.idaho.gov Phil.Rassier@idwr.idaho.gov Chris.Bromley@idwr.idaho.gov</p>

EXHIBIT 5

Randall C. Budge (ISB # 1949)
Scott Smith (ISB # 6014)
Candice M. McHugh (ISB # 5908)
RACINE OLSON NYE BUDGE &
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ATTORNEYS FOR IDAHO GROUND WATER
APPROPRIATORS

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sarahk@white-jankowski.com

ATTORNEYS FOR THE CITY OF POCATELLO

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE
PETITION FOR DELIVERY CALL
OF A&B IRRIGATION DISTRICT
FOR THE DELIVERY OF GROUND
WATER AND FOR THE CREATION
OF A GROUND WATER
MANAGEMENT AREA

Docket No.: 37-03-11-1

**NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
KEN KOSTKA**

TO: KEN KOSTKA

PLEASE TAKE NOTICE that counsel for the IDAHO GROUND WATER APPROPRIATORS, INC. and the CITY OF POCATELLO will take the testimony on oral examination of KEN KOSTKA pursuant to Rule 30 and applicable rules of the Idaho Rules of Civil Procedure. The 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 at the hour of **9:00 a.m.** on **October 28, 2008** and continuing until completion, at the offices of **Barker, Rosholt & Simpson, LLP**, 113 Main Avenue W., Suite 303, Twin Falls, ID 83303-0485 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) Please produce all documents, records, reports, notes, calendars, memoranda, letters, whether written or electronic, that relate to or were relied upon in your answer(s) to the Interrogatories Nos. 14 – 21 served in this matter on or about October 1, 2008.

(2) All documents, claims or other data submitted by you for all farming activities on the above identified farms or parcels to the Farm Services Agency, the Federal Crop Insurance Corporation or other entity, over the last 20 years that reflect crop type and yield.

(3) All documents that support the statement made in A&B's lay witness disclosure that states you will testify regarding "impacts to his operations due to reduced water supplies on farms."

(4) All documents and records you maintain that show the amount of water ordered by you and delivered and charged by A&B for the past twenty (20) years. Such documents may include notes, calendars, diaries, receipts or other records maintained that reflect water deliveries or charges.

(5) All reports, records or receipts for the past twenty (20) years that indicate crop yield or production given to you by any purchasers or warehouses for your crops including but not limited to any such documentation provided to you from Amalgamated Sugar Company.

(6) Copies of any notes, emails or other written material in your possession of conversations with representatives of A&B Irrigation District, their expert witnesses or attorneys.

(7) Copies of all documents or written material you reviewed in preparation for this deposition.

(8) Map of your farm showing parcels irrigated for the past twenty (20) years.

(9) Any A&B newsletters and other correspondence from A&B in your possession for the past twenty (20) years.

DATED this 3rd day of October, 2008.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED

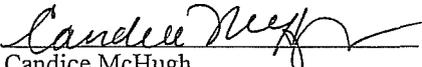


CANDICE M. MCHUGH

Attorneys for Idaho Ground Water Appropriators

CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of October, 2008, the above and foregoing, was sent to the following by U.S. Mail proper postage prepaid and by email for those with listed email addresses:


 Candice McHugh

John K. Simpson Travis L. Thompson Barker Rosholt & Simpson 113 Main Ave West Ste 303 PO Box 485 Twin Falls ID 83303-0485 jks@idahowaters.com tlt@idahowaters.com	Sarah A. Klahn White & Jankowski LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com	
Roger D. Ling PO Box 396 Rupert ID 83350 rdl@lawfirm.com	A. Dean Tranmer, Esq. <i>courtesy copy</i> City of Pocatello PO Box 4169 Pocatello ID 83201 City of Pocatello dtranmer@pocatello.us	
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M. Jay Meyers Myers Law Office 300 N 7 th Ave PO Box 4747 Pocatello ID 83205	John J. Hockberger Jr. Kathleen Marion Carr Office of the Field Solicitor US Dept of the Interior 960 Broadway Ave Ste 400 Boise ID 83706 kmarioncarr@yahoo.com	LaDell and Sherry Anderson 304 N 500 W Paul ID 83347
Michael D. O'Hagan, Attorney Office of Chief Counsel US Dept of Energy 1955 Fremont Ave MS 1209 Idaho Falls ID 83415-1510 ohaganmd@id.doe.gov	Mary Ann Plant 480 N 150 W Blackfoot ID 83221	O.E. Feld & Berneta Feld 1470 S 2750 W Aberdeen ID 83210
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EXHIBIT 6

Randall C. Budge (ISB # 1949)
Scott Smith (ISB # 6014)
Candice M. McHugh (ISB # 5908)
RACINE OLSON NYE BUDGE &
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APPROPRIATORS

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sarahk@white-jankowski.com

ATTORNEYS FOR THE CITY OF POCATELLO

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE
PETITION FOR DELIVERY CALL
OF A&B IRRIGATION DISTRICT
FOR THE DELIVERY OF GROUND
WATER AND FOR THE CREATION
OF A GROUND WATER
MANAGEMENT AREA

Docket No.: 37-03-11-1

**NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
TIMM ADAMS**

TO: TIM ADAMS

PLEASE TAKE NOTICE that counsel for the IDAHO GROUND WATER APPROPRIATORS, INC. and the CITY OF POCATELLO will take the testimony on oral examination of TIM ADAMS pursuant to Rule 30 and applicable rules of the Idaho Rules of Civil Procedure. The 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-

NOTICE OF TAKING DEPOSITION DUCES TECUM OF TIMM ADAMS - 1

captioned matter. Said deposition will commence at the hour of **1:00 p.m.** on **October 27, 2008** and continuing until completion, at the offices of **Barker, Rosholt & Simpson, LLP**, 113 Main Avenue W., Suite 303, Twin Falls, ID 83303-0485 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) Please produce all documents, records, reports, notes, calendars, memoranda, letters, whether written or electronic, that relate to or were relied upon in your answer(s) to the Interrogatories Nos. 14 – 21 served in this matter on or about October 1, 2008.

(2) All documents, claims or other data submitted by you for all farming activities on the above identified farms or parcels to the Farm Services Agency, the Federal Crop Insurance Corporation or other entity, over the last 20 years that reflect crop type and yield.

(3) All documents that support the statement made in A&B's lay witness disclosure that states you will testify regarding "impacts to his operations due to reduced water supplies on farms."

(4) All documents and records you maintain that show the amount of water ordered by you and delivered and charged by A&B for the past twenty (20) years. Such documents may include notes, calendars, diaries, receipts or other records maintained that reflect water deliveries or charges.

(5) All reports, records or receipts for the past twenty (20) years that indicate crop yield or production given to you by any purchasers or warehouses for your crops including but not limited to any such documentation provided to you from Amalgamated Sugar Company.

(6) Copies of any notes, emails or other written material in your possession of conversations with representatives of A&B Irrigation District, their expert witnesses or attorneys.

(7) Copies of all documents or written material you reviewed in preparation for this deposition.

(8) Map of your farm showing parcels irrigated for the past twenty (20) years.

(9) Any A&B newsletters and other correspondence from A&B in your possession for the past twenty (20) years.

DATED this 3rd day of October, 2008.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED

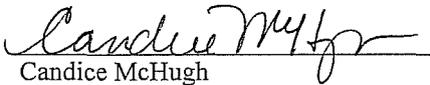


CANDICE M. MCHUGH

Attorneys for Idaho Ground Water Appropriators

CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of October, 2008, the above and foregoing, was sent to the following by U.S. Mail proper postage prepaid and by email for those with listed email addresses:


 Candice McHugh

John K. Simpson Travis L. Thompson Barker Rosholt & Simpson 113 Main Ave West Ste 303 PO Box 485 Twin Falls ID 83303-0485 jks@idahowaters.com tlt@idahowaters.com	Sarah A. Klahn White & Jankowski LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com	
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EXHIBIT 7

Randall C. Budge (ISB # 1949)
Scott Smith (ISB # 6014)
Candice M. McHugh (ISB # 5908)
RACINE OLSON NYE BUDGE &
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APPROPRIATORS

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ATTORNEYS FOR THE CITY OF POCATELLO

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE
PETITION FOR DELIVERY CALL
OF A&B IRRIGATION DISTRICT
FOR THE DELIVERY OF GROUND
WATER AND FOR THE CREATION
OF A GROUND WATER
MANAGEMENT AREA

Docket No.: 37-03-11-1

**NOTICE OF TAKING
DEPOSITION DUCES TECUM OF
HAROLD MOHLMAN**

TO: HAROLD MOHLMAN

PLEASE TAKE NOTICE that counsel for the IDAHO GROUND WATER APPROPRIATORS, INC. and the CITY OF POCATELLO will take the testimony on oral examination of HAROLD MOHLMAN pursuant to Rule 30 and applicable rules of the Idaho Rules of Civil Procedure. The 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 at the hour of 1:00 p.m. on **October 28, 2008** and continuing until completion, at the offices of **Barker, Rosholt & Simpson, LLP**, 113 Main Avenue W., Suite 303, Twin Falls, ID 83303-0485 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:

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(6) Copies of any notes, emails or other written material in your possession of conversations with representatives of A&B Irrigation District, their expert witnesses or attorneys.

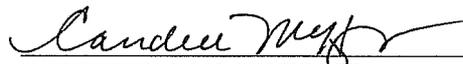
(7) Copies of all documents or written material you reviewed in preparation for this deposition.

(8) Map of your farm showing parcels irrigated for the past twenty (20) years.

(9) Any A&B newsletters and other correspondence from A&B in your possession for the past twenty (20) years.

DATED this 3rd day of October, 2008.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED



CANDICE M. MCHUGH

Attorneys for Idaho Ground Water Appropriators

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