

Randall C. Budge (ISB # 1949)
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

RECEIVED
MAY 06 2010
DEPARTMENT OF
WATER RESOURCES

*ATTORNEYS FOR IDAHO GROUND WATER
APPROPRIATORS*

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

IN THE MATTER OF DISTRIBUTION
OF WATER TO VARIOUS WATER
RIGHTS HELD BY OR FOR THE
BENEFIT OF A&B IRRIGATION
DISTRICT, AMERICAN FALLS
RESERVOIR DISTRICT #2, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH
SIDE CANAL COMPANY, AND TWIN
FALLS CANAL COMPANY

Docket No.: CM-DC-2010-001

**NOTICE OF DEPOSITION DUCES
TECUM OF LYLE SWANK AND
ANTHONY OLENICHAK**

TO: **The Department of Water Resources
Lyle Swank
Tony Olenichak**

YOU ARE COMMANDED:

- to appear in the Court at the place, date and time specified below to testify in the above case.
- to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.
- to produce or permit inspection and copying of the following documents or objects, including electronically stored information, at the place, date and time specified below.

All documents, records, reports, notes, calendars, memoranda, letters, emails that relate to the Director's *Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carry-Over* ("Methodology Order") and *Order Regarding April 2010 Forecast Supply "Methodology Steps 3 and 4"* ("2010 Order") issued by the Director of the Department of Water Resources on April 7, 2010 and April 29, 2010, respectively.

PLACE, DATE AND TIME: Offices of Racine Olson Nye Budge & Bailey, 477 Shoup Avenue, Suite 203 A, Idaho Falls, ID. Deposition to take place on Wednesday, May 12, 2010, for Lyle Swank at 9 a.m. and for Tony Olenichak to follow and continuing on until conclusion.

You are further notified that if you fail to appear at the place and time specified above, or to produce or permit copying or inspection as specified above that you may be held in contempt of court and that the aggrieved party may recover from you the sum of \$100 and all damages which the party may sustain by your failure to comply with this subpoena.

DATED May 6, 2010.


CANDICE M. McHUGH

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2010, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated:

<p>Gary Spackman, Interim Director Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 Fax: 208-287-6700 gary.spackman@idwr.idaho.gov garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>C. Tom Arkoosh Arkoosh Law Offices, Chtd. 301 Main Street; P.O. Box 32 Gooding, ID 83330 tarkoosh@capitolawgroup.net</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, Idaho 83318-0248 wkf@pmt.org</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>John A. Rosholt John K. Simpson Travis L. Thompson Barker, Rosholt & Simpson 113 Main Avenue W., Ste 303 Twin Falls, ID 83301-6167 jar@idahowaters.com jks@idahowaters.com flt@idahowaters.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>Kathleen Marion Carr U.S. Department of the Interior 960 Broadway, Ste 400 Boise, Idaho 83706 kathleenmarion.carr@sol.joi.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>

<p>David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. Dept of Justice 1961 Stout St., 8th Floor Denver, CO 80294 david.gehlert@usdoj.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>Matt J. Howard U.S. Bureau of Reclamation Pacific Northwest Region 1150 N. Curtis Road Boise, ID 83706-1234 mhoward@pn.usbr.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>Sarah H. Klahn Mitra Pemberton White & Jankowski 511 16th Street, Ste 500 Denver, CO 80202 sarahk@white-jankowski.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>Michael C. Creamer Jeffrey C. Fereday Givens Pursley P.O. Box 2720 Boise, Idaho 83701-2720 mcc@givenspursley.com jcf@givenspursley.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, Idaho 83205 dtranmer@pocatello.us</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>

Candice M. [Signature]