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April 14, 2008

VIA E-MAIL DRIGGS@RIGGSABNEY.COM

Mr. David Riggs
Riggs, Abney, Neal, Turpen, Orbison & Lewis
The Frisco Building
502 W. Sixth Street
Tulsa, OK 74119-1010

Re: *State of Oklahoma, et al. v Tyson Foods, Inc., et al.*
United States District Court
Northern District of Oklahoma

Dear Mr. Riggs:

Enclosed please find a Notice to Take Deposition issued by Cobb-Vantress, Inc. pursuant to Federal Rule of Civil Procedure 30(b)(6). Given the number of parties in this matter, counsel for each of the Defendants will participate in the examination taken under this notice. Furthermore, counsel for the various Defendants will share responsibility for primary examination of the areas of inquiry set forth in Attachment A to the Notice to Take Deposition. Please contact me with any questions.

Sincerely,

Michael R. Bond

MB/bjw

Enclosure

cc: All Counsel of Record

4827-5636-1986.1

EXHIBIT
1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al., **PLAINTIFFS**

v. **CASE NO.: 05-cv-00329-GKF SAJ**

TYSON FOODS, INC., et al., **DEFENDANTS**

NOTICE TO TAKE DEPOSITION

TO: State of Oklahoma
c/o David Riggs
Riggs, Abney, Neal, Turpin, Orbison & Lewis
502 West 6th Street
Tulsa, Oklahoma 74119

PLEASE TAKE NOTICE that commencing on April 28, 2008, at 9:00 a.m. at the offices of Ryan, Whaley & Coldiron, 119 North Robinson, Suite 900, Oklahoma City, Oklahoma 73102, Defendant Cobb-Vantress, Inc., will take the deposition upon oral examination (before a duly qualified court reporter) of a representative or representatives of the State of Oklahoma by an individual designated by the State under Federal Rules of Civil Procedure, Rule 30(b)(6), with knowledge and information relating to the topics listed on Attachment A.

The State of Oklahoma is hereby noticed of its duty to make such designation(s). The designated individual(s) must testify as to matters known or reasonably available to the Plaintiffs. The testimony shall be recorded by video and stenographic means.

This deposition will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully submitted:

COBB-VANTRESS, INC.

By _____

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CERTIFICATE OF SERVICE

I certify that on the 14th day of April 2008, I electronically transmitted the attached document to the following ECF registrants:

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COUNSEL FOR CARGILL, INC. AND CARGILL TURKEY PRODUCTION, LLC

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

C. Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118
COUNSEL FOR PLAINTIFFS

Michael R. Bond

4837-9917-0818.1

ATTACHMENT A

Area of Inquiry: Total Maximum Daily Loads ("TMDLs")

1. The status of the State of Oklahoma's (the "State's") work on any and all TMDLs being developed, prepared, or submitted for the Illinois River Watershed (the "IRW"). By use of the phrase "State's work" herein, Defendant Cobb-Vantress intends this Notice to require the State's designee(s) to be prepared to discuss all work requested, arranged, or facilitated by the State, including all TMDL-related activities performed by State employees and/or for which the State has contracted or otherwise made payment. The State's designee(s) should also be prepared to discuss the State's TMDL activities for each alleged type of impairment, including potential sources of impairment, and any of the Alleged Pollutants[1] including the date on which work commenced on the TMDL(s), the date of completion or submission (if applicable), and the reason for any delay in the completion or submission of the TMDL(s).

2. The involvement of, or participation by, the Oklahoma Attorney General's Office in any meetings, telephone conferences, discussions, and/or communications relating to any TMDL identified in response to Topic No. 1.

3. Any and all loading estimates, fate and transport modeling, or estimates of contribution among and between the various sources of impairment and Alleged Pollutants identified in connection with the consideration, development, or preparation of any and all TMDL(s) identified in response to Topic No. 1.

4. Any and all recommendations, conclusions, opinions, results and/or assessments – regardless of whether such results are preliminary, final, or otherwise – relating to load allocations (including point sources and non-point sources) and proposed source reductions considered, proposed, or adopted as part of the development or preparation of any and all TMDL(s) identified in response to Topic No. 1.

5. The identity and location of all documents generated or received by anyone performing a TMDL study on the IRW or any portion thereof.

6. The identity of each person who has, at any time, been hired or employed or performed work on the TMDL(s) for the IRW or any portion thereof.

7. The dates of all work performed in connection with any and all TMDL(s) for the IRW or any portion thereof.

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[1] For purposes of this Notice, the term "Alleged Pollutants" shall include poultry litter, poultry waste (as that term is used by Plaintiffs in the Second Amended Complaint [DKT. 1215]), phosphorus / phosphorus compounds, nitrogen / nitrogen compounds, arsenic / arsenic compounds, zinc / zinc compounds, copper / copper compounds, hormones and microbial pathogens (as those terms are used by Plaintiffs in the Second Amended Complaint [DKT. 1215]).

8. The dates the IRW TMDL(s) were scheduled to commence and the date(s) the IRW TMDL(s) were scheduled to be concluded.

9. All communications with the EPA regarding the development of TMDLs for the IRW.

10. The source of all funding for TMDL work performed for the IRW, including whether such funding was obtained from state, federal, local, or private sources; the terms and/or conditions associated with obtaining and using such funding; communications related to such funding; and the terms, conditions and location of all bids, work plans, project descriptions, and contracts associated with the use of such funding.

11. The identity of all persons, companies, and entities who have contracted with, or otherwise been retained by, any state agency for work related to all TMDL(s) for the IRW.

12. The location of any and all data, laboratory analyses, computer modeling, or other data repositories or collections – regardless of whether such information is considered preliminary, final, or otherwise – relating to any and all TMDL(s) identified in response to Topic No. 1.

Area of Inquiry: Wastewater

1. The name and location of all publicly owned treatment works ("POTWs") or other point sources located within Oklahoma that have discharged or released Alleged Pollutants into the waters of the IRW.

2. The name and location of all POTWs or other point sources located within Arkansas that have discharged or released Alleged Pollutants into the waters of the IRW.

3. The design capacity and average daily flow or discharge volumes for wastewater from each of the POTWs or point sources identified in response to Topic No. 1.

4. The design capacity and average daily flow or discharge volumes for wastewater from each of the POTWs or point sources identified in response to Topic No. 2.

5. A description of any and all treatment processes or equipment intended or used by each of the POTWs or point sources identified in response to Topic No. 1 to remove, treat, or reduce the discharge or release of Alleged Pollutants into the waters of the IRW.

6. A description of any and all treatment processes or equipment intended or used by each of the POTWs or point sources identified in response to Topic No. 2 to remove, treat, or reduce the discharge or release of Alleged Pollutants into the waters of the IRW.

7. The annual quantity of each of the Alleged Pollutants released or discharged into the waters of the IRW by the POTWs or point sources identified in response to Topic No. 1 and any recommendations given or limitations imposed by the State on the amount of Alleged Pollutants that each POTW or point source may discharge or release into the waters of the IRW.

8. The annual quantity of each of the Alleged Pollutants released or discharged into the waters of the IRW by the POTWs or point sources identified in response to Topic No. 2 and any recommendations given or limitations imposed by the State on the amount of Alleged Pollutants that each POTW or point source may discharge or release into the waters of the IRW.

9. Identification and description of each bypass or overflow of untreated or partially treated wastewater occurring within the Oklahoma portion of the IRW, including the date, location, system identification, duration, volume, constituent concentration of the wastewater, the identity of any receiving waters, and any investigation related thereto.

10. Identification and description of each bypass or overflow of untreated or partially treated wastewater occurring within the Arkansas portion of the IRW, including the date, location, system identification, duration, volume, constituent concentration of the wastewater, the identity of any receiving waters, and any investigation related thereto.

11. Any studies, reports, census, surveys, maps, datasets or estimates discussing or addressing the number, type, location, age, use, condition or function of non-publicly owned wastewater or sewage handling or disposal systems within the Oklahoma portion of the IRW.

12. Any studies, reports, census, surveys, maps, datasets or estimates discussing or addressing the number, type, location, age, use, condition or function of non-publicly owned wastewater or sewage handling or disposal systems within the Arkansas portion of the IRW.

13. Any studies, reports, census, surveys, maps, datasets or estimates discussing or addressing the measured, estimated, or potential releases of Alleged Pollutants from non-publicly owned wastewater or sewage handling or disposal systems within the IRW.

14. All information about the content or constituents of effluent from non-publicly owned wastewater or sewage handling or disposal systems, the effect of such systems on the environment, what occurs to the constituents of the effluent from such systems after being placed in the environment, and any potential risks or impacts of the effluent from such systems on human health.

15. All information about the State's regulations, rules and guidelines for the permitting, installation, operation and maintenance of non-publicly owned wastewater or sewage handling or disposal systems in the Oklahoma portion of the IRW.

16. All information regarding malfunctions of or unpermitted releases of wastewater from non-publicly owned wastewater or sewage handling or disposal systems in the Oklahoma portion of the IRW and any investigations relating thereto.

17. Any studies, reports, census, surveys, maps, datasets or estimates discussing or addressing the measured, estimated, or potential loading of Alleged Pollutants to surface or sub-surface waters of the IRW from non-publicly owned wastewater or sewage handling or disposal systems.

18. All information regarding the wastewater treatment facility serving the City of Watts, Oklahoma, including permits, construction, maps, schematics, capacity, input volumes and constituents, maintenance, leaks, failures, decanting operations, disposition of lagoon contents, land application of wastewater, investigations, notices of violations, testing, analysis of any environmental media associated therewith, proposals, plans or studies regarding modifications to the facility or its operational procedures, and any communications between the State and any other person regarding the operation and/or condition of said facility.

Area of Inquiry: State Purchase or Use of Animal or Chemical Fertilizers

1. All information about the State's purchase of animal manure, including the amounts the State has expended to purchase animal manure.

2. All information about the State's use of animal manure within the IRW, including the date and amount of each application of animal manure, the total acreage covered by each application, and the purpose of each application.

3. All information about the State's purchase of chemical fertilizers, including the amounts the State has expended to purchase fertilizer.

4. All information about the State's use of chemical fertilizers within the IRW, including the date, location, type and amount of each application of fertilizer, the total acreage covered by each application, and the purpose of each application.

Area of Inquiry: Biosolids or Sewage Sludge

1. The locations of all applications of biosolids, sewage sludge, or sewage sludge compost in the IRW which have occurred either with the knowledge of the State or pursuant to permits issued or sludge management plans prepared by the State or persons working at the direction of or under the authority of the State, and the date and amount of each such application, the constituent composition of each such application, and total acreage covered by each such application.

2. The locations of all applications of biosolids, sewage sludge, or sewage sludge compost in the Arkansas portion of the IRW, and the date and amount of each such application, the constituent composition of each such application, and total acreage covered by each such application.

3. The annual quantity of biosolids or sewage sludges generated by POTWs operating in the Oklahoma portion of the IRW, the disposition or use of all such materials, and any recommendations given or limitations imposed by the State on the use or disposition of such materials in the IRW.

4. The annual quantity of biosolids or sewage sludges generated by POTWs operating in the Arkansas portion of the IRW, and the disposition or use of all such materials.

5. Discussions (both written and oral) between the State and others (including municipalities) about biosolids, sewage sludge, and sewage sludge compost including the communications about land application or other use or disposal of biosolids, sewage sludge, or sewage sludge compost.

6. The identity of State personnel involved in evaluating issues relating to biosolids, sewage sludge, or sewage sludge compost and/or issuing licenses or permits relating to biosolids, sewage sludge, or sewage sludge compost.

7. The identification of all instances where the handling, use or land application of biosolids, sewage sludge, or sewage sludge compost was conducted in a manner not in strict adherence to the applicable permits or regulations, including the date, location, responsible party, and the substance of any investigation into same.

8. All information about the content or constituents of biosolids, sewage sludge, or sewage sludge compost, the effect of biosolids, sewage sludge, or sewage sludge compost on the environment, what occurs to the constituents of biosolids, sewage sludge, and sewage sludge compost after being placed in the environment, and any potential risks or impacts of biosolids, sewage sludge, and sewage sludge compost on human health.

Area of Inquiry: State-Owned or Leased Lands

1. The location and use of real property owned or leased by the State of Oklahoma in the IRW including but not limited to State- or County-owned highways, roads, or rights of way.

2. For properties identified in response to Topic No. 1, the extent to which fertilizers (organic or inorganic), biosolids, sludge, pesticides, and herbicides have been stored, applied, or used on such properties, including the periods of use and the amounts used.

3. For properties identified in response to Topic No. 1, the location, size, capacity, condition, use, maintenance, repair history, and age of septic systems, wastewater lagoons, wastewater treatment systems, pump stations, recreational vehicle waste dumping stations, or lift stations used to store, dispose, treat, or handle sewage or wastes and any discharges, releases, overflows, leaching, or run off of sewage or wastes from such properties.

4. The location, depth, flow, and quality of any groundwater located beneath properties identified in response to Topic No. 1 and the results of any testing or sampling of such groundwater.

5. The specific identification and location of surface waters and groundwaters within the IRW for which the State asserts standing to pursue claims for trespass against the Defendants.