

ORIGINAL

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DEPARTMENT OF  
WATER RESOURCES

*ATTORNEYS FOR THE NORTH SNAKE AND MAGIC VALLEY GROUND WATER DISTRICTS*

**BEFORE DEPARTMENT OF WATER RESOURCES**

**STATE OF IDAHO**

IN THE MATTER OF THE MITIGATION  
PLAN OF THE NORTH SNAKE AND  
MAGIC VALLEY GROUND WATER  
DISTRICTS IMPLEMENTED BY  
APPLICATIONS FOR PERMIT NOS. 02-  
10405 AND 36-16645 AND  
APPLICATION FOR TRANSFER NO.  
74904 TO PROVIDE REPLACEMENT  
WATER FOR CLEAR SPRINGS SNAKE  
RIVER FARM

(Water District Nos. 130 and 140)

**NORTH SNAKE GROUND WATER  
DISTRICT and MAGIC VALLEY  
GROUND WATER DISTRICT'S  
WITNESS DISCLOSURE AND  
SUMMARY OF TESTIMONY**

COME NOW NORTH SNAKE GROUND WATER DISTRICT and MAGIC VALLEY  
GROUND WATER DISTRICT ("Ground Water Districts"), for and on behalf of their respective  
members, by the undersigned counsel, hereby provide this Witness Disclosure pursuant to the  
Scheduling Order on September 25, 2008. This disclosure is based upon what the Ground  
Water Districts know about the facts in this matter.

As a preliminary matter, the Ground Water Districts state that discovery has not been completed in this matter. The witnesses disclosed below are based on information the Ground Water Districts possess at this time. Additional witnesses may be revealed and disclosed as discovery proceeds. The Ground Water Districts reserve the right to name additional lay and expert witness, including but not limited to an Aquaculturist, as rebuttal witnesses.

**LAY WITNESSES:**

1. Orlo Maughan – farmer and Chairman of Magic Valley Ground Water District  
453 W 900 S  
Rupert, Idaho 83440
2. Lynn Carlquist – farmer and Chairman of the North Snake Ground Water District  
1092 S 2500 E  
Hazelton, Idaho 83335
3. Dean Stevenson – farmer and former officer and current director of the Magic Valley Ground Water District  
600 N 575 W  
Paul, Idaho 83347

All of the above listed individuals may testify as to his knowledge involving the size of their respective ground water districts, the economic impact to the ground water districts for the costs related to the mitigation plan and the efforts made to comply with the department's requirements for mitigation.

4. Various individuals employed by or associated with Snake River Farms or other parties in this matter. The Ground Water Districts may call these yet to be identified individuals employed by or associated with Snake River Farms as witnesses to discuss the current operations at the facilities and issues relating to their water use and water rights.

**IDWR WITNESSES:**

5. Cindy Yenter – Water District 130 Watermaster and Hydrologist  
IDWR, Southern Region  
1341 Fillmore Street, Suite 200  
Twin Falls, Idaho 83301-3380

Ms. Yenter may testify to her knowledge relating to the Snake River Farms facility, water administration, the proposed mitigation plan and the matters discussed at her deposition. Ms. Yenter may also provide foundation for certain exhibits and documents.

6. Tim Luke – Manager of the Water Distribution Section  
IDWR, State Office  
322 E. Front St.  
Boise, ID 83720-0098

Mr. Luke may testify regarding administration of the rights, water distribution in Water Districts 130 and 140, and the matters discussed at his deposition. Mr. Luke may also provide foundation for certain exhibits and documents.

7. Brian Patton - Engineer  
IDWR, State Office  
322 E. Front St.  
Boise, ID 83720-0098

Mr. Patton may testify regarding aspects of the proposed mitigation plan.

8. Allen Merritt – Engineer and Regional Manager of Southern Region  
IDWR, Southern Region  
1341 Fillmore Street, Suite 200  
Twin Falls, Idaho 83301-3380

Mr. Merritt may testify regarding the department policies in transfer proceedings and prior approved transfers and permit applications and to provide foundation for certain exhibits and documents.

9. Allan Wylie – Hydrologist  
IDWR, State Office  
322 E. Front St.  
Boise, Idaho 83720-0098

Mr. Wylie may testify regarding the ESPA ground water model and the utilization of the model relating to mitigation and the proposed mitigation plan.

10. Representative from the Department of Environmental Quality  
1410 North Hilton  
Boise, ID 83706-1225

A representative from DEQ may testify regarding permitting, water quality and compliance issues relating to the Snake River Farms facility and the relevant reach of the Snake River and may also testify to provide foundation for certain exhibits and documents.

#### EXPERT WITNESSES:

11. Terry Scanlan, P.E., P.G.

SPF Water Engineering  
300 East Mallard Street, Suite 350  
Boise, Idaho 83706

Mr. Scanlan may testify about the Amended Mitigation Plan, well design and construction, and development of groundwater from aquifers beneath the Snake River Farms facility. Mr. Scanlan may provide rebuttal testimony depending on what issues develop in the case.

12. Scott King, P.E.  
SPF Water Engineering  
300 East Mallard Street, Suite 350  
Boise, Idaho 83706

Mr. King may testify about the Amended Mitigation Plan and the measurement of flows from the Idaho Department of Fish and Game springs located east of the Snake River Farms facility and other water rights issues that may arise in the course of litigation. Mr. King may provide rebuttal testimony depending on what issues develop in the case.

13. Bob Hardgrove, P.E.  
SPF Water Engineering  
300 East Mallard Street, Suite 350  
Boise, Idaho 83706

Mr. Hardgrove may testify about the Amended Mitigation Plan and the conceptual plans and cost estimates for pumping systems and pipelines to provide replacement water to the Snake River Farms facility. Mr. Hardgrove may provide rebuttal testimony depending on what issues develop in the case.

14. Charles Brendecke, Ph.D.  
AMEC Earth and Environmental  
1002 Walnut Street  
Suite 200  
Boulder, Colorado 80302

Dr. Brendecke may testify about the Amended Mitigation Plan and issues relating to the ESPA model, calculation of mitigation credit, the characteristics of the ESPA and the source from which Snake River Farms diverts water. Dr. Brendecke may also testify regarding other mitigation strategies and options. Dr. Brendecke may provide rebuttal testimony depending on what issues develop in the case.

15. Ray Eldridge, P.E.  
ESC  
Boise, ID

Mr. Eldridge may testify about the Amended Mitigation Plan and issues relating to the pump back design and construction, water quality and treatment, and fish hatchery operation and water use and re-use. Mr. Eldridge may provide rebuttal testimony depending on what issues develop in the case.

The Ground Water Districts reserve the right to call any witness disclosed by Snake River Farms or other parties in this matter. Furthermore, as the issues in the case develop, it may be necessary to supplement the above list of witnesses. The Ground Water Districts also reserve the right to call other witnesses in rebuttal.

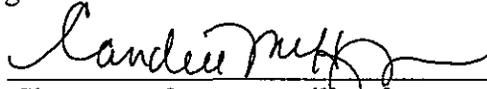
DATED this 24<sup>th</sup> day of October, 2008.

RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED

By:   
CANDICE M. MCHUGH  
*Attorneys for the Ground Water Districts*

## CERTIFICATE OF MAILING

I hereby certify that on this 21<sup>st</sup> day of October, 2008, **GROUND WATER DISTRICTS' DISCLOSURE OF WITNESSES**, was served to those with email addresses or by U.S. Mail postage prepaid to the following:

  
 \_\_\_\_\_  
 Signature of person mailing form

David R. Tuthill, Jr., Director c/o Victoria Wigle Idaho Dept of Water Resources PO Box 83720 Boise ID 83720-0098 <a href="mailto:Dave.tuthill@idwr.idaho.gov">Dave.tuthill@idwr.idaho.gov</a>	Phillip J. Rassier Chris Bromley Idaho Dept of Water Resources PO Box 83720 Boise, ID 83720-0098 <a href="mailto:Phil.rassier@idwr.idaho.gov">Phil.rassier@idwr.idaho.gov</a> <a href="mailto:Chris.bromley@idwr.idaho.gov">Chris.bromley@idwr.idaho.gov</a>
Magic Valley Water District Orlo H. Maughan, Chairman PO Box 430 Paul, ID 83347 <a href="mailto:mvgwd@hotmail.com">mvgwd@hotmail.com</a>	North Snake Ground Water District Lynn Carlquist, Chairman 1092 South 2500 East Hazelton, ID 83335 <a href="mailto:carlquil@yahoo.com">carlquil@yahoo.com</a>
John Simpson Travis L Thompson Barker, Rosholt PO Box 2139 Boise, ID 83701-2139 <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a> <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a>	Daniel V Steenson Charles L Honsinger S Bryce Farris Ringert Clark PO Box 2773 Boise, ID 83701-2773 <a href="mailto:dvs@ringertclark.com">dvs@ringertclark.com</a> <a href="mailto:clh@ringertclark.com">clh@ringertclark.com</a>
Tracy Harr, President Clear Lake Country Club 403 Clear Lake Lane Buhl, ID 83316	Stephen P Kaatz, Vice President Clear Lake Homeowners Assoc 223 Clear Lake Lane Buhl, ID 83316
Allen Merritt Cindy Yenter Watermaster – WD 130 IDWR Southern Region 1341 Fillmore Street, Suite 200 Twin Falls, ID 83301-3380 <a href="mailto:Allen.merritt@idwr.idaho.gov">Allen.merritt@idwr.idaho.gov</a> <a href="mailto:Cindy.yenter@idwr.idaho.gov">Cindy.yenter@idwr.idaho.gov</a>	