

IDAHO WATER RESOURCES BOARD

* * * * *

Public Information Meeting
On the Swan Falls Agreement
Lewiston, Idaho

TRANSCRIPT OF PROCEEDINGS

Held on October 31, 1984
before Chairman Gene M. Gray

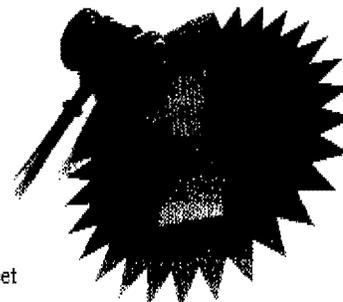
* * * * *

MAIL 95444

Transcribed by
Heidi Blodgett and
Dianne E. Cromwell

P.O. Box 1625
605 West Fort Street
Boise, ID 83701

Voice 208 345 3704
Fax 208 345 3713
Toll free 800 424 2354
Web www.etucker.net
E-mail info@etucker.net



TUCKER
and ASSOCIATES, LLC
Court Reporters

When excellence is an obligation

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PRESENT:

Chairman Gene M. Gray
Pat Costello, Governor's Office
Pat Kole, Attorney General's Office
Tom Nelson, Idaho Power Company
Forrest Hymas
Frank Sherman
Mr. Jones
Mr. Rydulch
Mr. Waggoner

* * * * *

Page 1

1
2 IDAHO WATER RESOURCES BOARD
3
4
5 * * * * *
6
7 Public Information Meeting
8 On the Swan Falls Agreement
9 Lewiston, Idaho
10
11
12 TRANSCRIPT OF PROCEEDINGS
13 Held on October 31, 1984
14 before Chairman Gene M. Gray
15
16 * * * * *
17
18
19
20
21 Transcribed by
22 Heidi Blodgett and
23 Dianne E. Cromwell
24
25

Page 3

1 LEWISTON, IDAHO
2 October 31, 1984
3
4 CHAIRMAN GRAY: Ladies and gentlemen, if I
5 could introduce to you the three gentlemen that
6 have been the major players in the whole
7 settlement of this very intense controversy. From
8 the office of the governor of the State of Idaho,
9 Pat Costello. Pat is an attorney serving the
10 State of Idaho.
11 And in the center an attorney working
12 with the Attorney General's Office, Mr. Pat Kole.
13 And, again, attorney on the far side here, who has
14 represented Idaho Power through the negotiation,
15 Mr. Tom Nelson. And you will notice that
16 in each case they are all attorneys, which kind of
17 reminds me of a little story.
18 A gentleman was driving down the road
19 past a farm going about 40 miles an hour, and he
20 happened to look out the driver's side of the car,
21 and he noticed a chicken running alongside the car
22 40 miles an hour. And he takes a second look at
23 it, and he noticed that darn chicken has three
24 legs.
25 And so he can't believe this, so he

Page 2

1 APPEARANCES
2
3 PRESENT:
4 Chairman Gene M. Gray
5 Pat Costello, Governor's Office
6 Pat Kole, Attorney General's Office
7 Tom Nelson, Idaho Power Company
8 Forrest Hymas
9 Frank Sherman
10 Mr. Jones
11 Mr. Rydulch
12 Mr. Waggoner
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 4

1 backs up and he goes back to the farm. And he
2 says to the farmer, he says, "My gosh, man," he
3 says, "I'm driving past your farm. I'm going
4 40 miles an hour. I look out the window, and
5 there's a chicken keeping up with me, has got
6 three legs." And he says, "What's the deal?"
7 And the guy says "Well, listen," he
8 says, "The people in my family love drumsticks.
9 And so he says, "We messed around with genetics.
10 We did a lot of work with it, and we finally came
11 up with this doggone chicken has three legs."
12 And the guy says, "Well, how do they
13 taste?"
14 And he says, "I don't know. They're too
15 fast. We've never been able to catch one."
16 That's sort of what reminds me of what
17 we've got here.
18 (Laughter.)
19 The way we'd kind of like to work this,
20 we'll start out with Mr. Costello, Mr. Kole.
21 Mr. Nelson will finish it up. When these three
22 gentlemen are through, then we'll open it up for
23 questions and answers. We have one before we
24 start.
25 UNKNOWN SPEAKER: Before you do start,

Page 5	Page 7
<p>1 describe the word "subordinate." Now, I remember 2 last spring in the legislature that it's real 3 confusing. You used educate, subjugate -- 4 CHAIRMAN GRAY: Mr. Costello? 5 MR. COSTELLO: I'll take a stab at that. 6 CHAIRMAN GRAY: And, Pat, when you're 7 through answering the question, please go ahead 8 with your presentation. 9 MR. COSTELLO: Okay. Thank you. 10 Vice-Chairman Gray, Members of the Board, 11 Representative Broad (phonetic). What the term 12 "subordination" means is when a utility, such as 13 Idaho Power, gets a water right such as they have 14 at Swan Falls, it says that they have the right to 15 use whatever the generating capacity there is; in 16 this case, 8400 cubic feet per second. 17 But traditionally that right has been 18 coupled with the condition that says their right 19 to use that much water is subordinate, or is 20 junior to, subsequent upstream beneficial uses. 21 So that even though they have a legal 22 right to use that water as it flows past, the 23 right is conditioned on the fact that they must 24 allow upstream development to take place and can't 25 claim that as a violation of their water right.</p>	<p>1 resolve what has become a very controversial issue 2 here that's consumed a lot of governmental and 3 political resources over the last couple of years. 4 The governor's perspective on this 5 issue is, he had fought for in the legislature the 6 traditional view that all hydropower rights should 7 be subordinate to upstream development. And we 8 supported legislation for two years to try to 9 achieve that goal. And we fought to a stalemate 10 and were not able to get subordination legislation 11 passed. 12 So that left development in the -- 13 along the Snake River and Southern Idaho at a 14 complete stand-still because everything was tied 15 up in two major lawsuits and no new water rights 16 were being granted by the department. 17 And after the second session, the power 18 company approached the governor and asked if he 19 would be willing to sign a contract to partially 20 settle these lawsuits as authorized by the 21 legislature, and the governor responded and said, 22 "I would prefer to enter into negotiations for a 23 complete settlement of the dispute." 24 And they accepted that offer in July. 25 And then we proceeded to explore the areas of</p>
Page 6	Page 8
<p>1 What happened in this case, however, is 2 that a subordination condition was not placed in 3 the license that they got from the Department. 4 And the court decided that, contrary to the 5 state's position, there had not been an implied 6 subordination of that license by the subsequent 7 actions that took place with respect to the 8 Hell's Canyon complex. 9 Does that suffice? 10 UNKNOWN SPEAKER: Well, I understand it, but 11 a lot of people -- other people. 12 MR. COSTELLO: Okay. So that's what we're 13 talking about. I guess the traditional view had 14 been that while hydropower had the right to use 15 the water that came down the river, it had always 16 been viewed as being subordinate to any upstream 17 development. And this 1982 Supreme Court decision 18 kind of stood that on its ear. 19 As I believe Gene Gray pointed out at 20 the beginning, the governor did ask to have these 21 public information meetings put on around the 22 state and appreciates the Water Board's 23 cooperation in providing this forum so that we can 24 share with you the details of the agreement that 25 we have reached with Idaho Power Company to</p>	<p>1 agreement and disagreement and then try to work 2 out those remaining areas of disagreement, which 3 we were finally able to do last Thursday. 4 I would like to correct one impression 5 that Gene may have given you. The three of us 6 were not the central players in this drama. The 7 governor and the attorney general and the Idaho 8 Power Company, through its chief executive officer 9 Jim Bruce, were the three principles. And the 10 three of us met between their meetings to flesh 11 out the ideas that they had come up with when the 12 three of them sat at the table. 13 But the major outline here were all 14 things that were hammered out at that level among 15 those three principles, and all we did was then 16 flesh it out further and provide all the detail. 17 As I've said, the governor was a strong 18 supporter of -- supporter of subordination. But 19 as we've gone through this process over the last 20 couple of months, he's about reached a conclusion 21 that what we have come up with here is in his view 22 even better than if we had won a total victory on 23 subordination. Total victory in this case by 24 either side would probably have been short-lived. 25 Because when you have competing</p>

1 interests for such a vital natural resource, in my
 2 view the political will would not be there to
 3 sustain a one-sided result in either one's favor.
 4 So that had we achieved total
 5 subordination, there would have been a strong
 6 reaction from the public to put restrictions on
 7 development. And had the power company won a
 8 total victory in court, there would have been the
 9 political will to loosen up what would have
 10 been a very restrictive environment for future
 11 agricultural development. So that the final
 12 result would probably be in any case some kind of
 13 balance between these two competing interests.
 14 And that is exactly what we believe
 15 we've come up with in this Swan Falls compromise.
 16 And the governor now feels that we are better off
 17 having achieved that through negotiation rather
 18 than spending hundreds of thousands, perhaps
 19 millions of dollars, in litigation only to come
 20 back around and achieve some kind of political
 21 compromise in the end anyway.
 22 So what we're trying to do here is to
 23 save several years and several millions of dollars
 24 by going to the negotiating table and trying to
 25 approximate as best we can what is a sound balance

1 between hydropower and agricultural development.
 2 And that is the way we would like to
 3 present it to you and have you form your own
 4 conclusions as to whether or not this is where the
 5 balance should be struck. The governor both does
 6 commend it to you as a sound program not only to
 7 settle this litigation but also to provide the
 8 kind of public policy and a management system that
 9 will serve Idaho well for many decades to come.
 10 Again, I thank you for your interest in
 11 coming out tonight, and I'll be happy to respond
 12 to questions later.
 13 CHAIRMAN GRAY: Thank you, Mr. Costello.
 14 Now Mr. Kole from the attorney
 15 general's office, please.
 16 MR. KOLE: Thank you, Vice Chairman Gray,
 17 Members of the Water Resource Board.
 18 I guess you always get a little bit
 19 weary if a lawyer stands up and says "I'll be
 20 brief," but I'll try and be as brief as I possibly
 21 can.
 22 When we went into the negotiations, we
 23 tried to focus on the areas that required the most
 24 immediate attention, and we found five problems
 25 that we saw that we wanted to address.

1 Number one, we wanted to make sure that
 2 all current water users would be protected under
 3 the terms of this agreement so that we would not
 4 have to face the prospect of anybody who had
 5 invested a large amount of time and capital in
 6 developing their farm, be in a situation where
 7 they could be required to be shut down. And this
 8 agreement does that. It protects everybody who is
 9 currently using water.
 10 Number two, we wanted to make sure that
 11 new development in the future, that was approved
 12 by the state, would be good development and that
 13 we would get the most return from the use of our
 14 water resource that we could possibly predict.
 15 And I think our agreement achieves that goal also.
 16 It picks and chooses amongst the various types of
 17 developments to make sure that we get the best
 18 development.
 19 Number three, we wanted to make sure as
 20 we went through the process that Idaho water law
 21 could be revised and re-codified to bring it into
 22 the 21st Century. Right now we've got a very good
 23 system of laws that are on the books, but they're
 24 growing out of date year by year. Most of those
 25 laws were written when Idaho first became a state,

1 and they've been the subject of piecemeal action
 2 over the last 80 years.
 3 So what we've tried to do here is come
 4 up with some new legislation that will hopefully
 5 achieve a couple of results. One, to give us a
 6 system that we can look to to give us the answers
 7 to very difficult policy questions that we have.
 8 And number two, one that will eliminate a lot of
 9 confusing red tape and governmental bureaucracy in
 10 the future. And we think that the legislation
 11 that we've got does that.
 12 Fourth, we wanted to make sure that the
 13 state would be in a position to take responsible
 14 management actions in the future. In other words,
 15 that the state would have the power and the
 16 authority to make sure that we got the most bang
 17 for the buck when we started developing this water
 18 bloc that we have available.
 19 I think that the agreement that we have
 20 achieves that result also, because it requires the
 21 state to begin sifting and taking a look at
 22 different projects before each project is
 23 approved.
 24 And finally, we wanted to make sure
 25 that whatever decisions were made, those decisions

1 were made by the public, in a public process, and
2 not in a corporate boardroom. And frankly, I
3 think, as we went through the negotiations, we
4 discovered that Idaho Power did not really want to
5 be the water master of the Snake River.

6 They had decided that that type of role
7 was not appropriate for a corporation, and they
8 felt that it was more appropriately handled by the
9 state legislature and by the State Water Resource
10 Board.

11 So I think the agreement that we have
12 restores that degree of state control over our
13 water resources that may have been called into
14 question by the 1982 Supreme Court decision.

15 I think in conclusion I would like to
16 say that, as Mr. Costello has indicated,
17 litigation has both its benefits and its
18 drawbacks. A lot of people think that the
19 benefits of litigation primarily inure to lawyers,
20 and there's a lot of probable truth to that
21 assertion.

22 But we are at a crossroads here in
23 Idaho with our water. The amount of water that we
24 have left, the amount of water that we can
25 develop, and what we know about the water resource

1 as far as Idaho is concerned.

2 To put it in perspective, the state
3 water plan calls for a target minimum of 3300 cfs
4 at the Murphy Gauge just below Swan Falls. Water
5 that makes it past Swan Falls, as far as future
6 development goes, will largely remain in the river
7 below Swan Falls. So once it gets past there, you
8 have whatever is running in the Bruneau, which in
9 dry seasons is next to nothing; the Owyhee, the
10 Weiser, and then you reach the Hell's Canyon
11 complex. The minimum flow at Hell's Canyon is
12 5000 cfs or in-flow to Brownlee, whichever is
13 less. The in-flow at Brownlee has been 5000 or
14 less.

15 So in a dry year, you can get a
16 situation where you have very little net in-flow
17 to the Snake between the Murphy Gauge and Hell's
18 Canyon Dam. Below that, of course, you get the
19 Imnaha (phonetic) and the Rogue, the Salmon, and
20 the Clearwater drainage, and I don't know what
21 that -- what that really adds up to when you get
22 to Lewiston.

23 But as I see where you are, your
24 interests are not as much in development as they
25 would be in recreation, navigation, fish, and wild

1 is that it's finite. You can see from here to the
2 end when the water is all used up. So if we're
3 going to be in a situation where we're gonna
4 eventually have to confront hard policy choices,
5 we may as well do it now as opposed to spending
6 the hundreds of thousands or millions of dollars
7 in litigation. We might just as well spend that
8 money productively and get something for it as
9 opposed to spending it in the court.

10 Thanks for your attention.

11 CHAIRMAN GRAY: Thank you, Mr. Kole.

12 And, finally, Mr. Tom Nelson from the
13 Idaho Power Company.

14 MR. NELSON: Thank you, Gene.

15 Ladies and gentlemen, I said as we
16 started that there were eight more of you here
17 than I had expected. And I asked myself, you
18 know, "Why are you here?"

19 And looking at it from the standpoint
20 of someone who lives upriver, let me give you my
21 perspective of what this really means to people
22 who live here. I've said before, since I get
23 introduced last, that I've lived at the end of the
24 ditch all my life. But now I guess I'm talking to
25 people who really do live at the end of the ditch

1 life.

2 So I guess what's at stake in this
3 area, in the Swan Falls controversy, is what
4 happens to that 1200 cfs at the Murphy Gauge. In
5 a year like this, it doesn't mean much. You can
6 take 10,000 cfs out of the river almost any day of
7 the year and probably not notice it. In a dry
8 year, 1200 cfs is critical throughout the whole
9 length of the Snake, and it's even critical here,
10 although my guess again is that your minimum flow
11 is probably closer to 10 or 15,000 than it is to
12 3,000.

13 So what the agreement does is
14 eliminates, to the extent we can physically, the
15 possibility that you'll see a 3300 cfs minimum
16 flow at Murphy, and the possibility exists that
17 that minimum will remain at 4500 for some period
18 of time while new development takes place.

19 So as I see it, that's what your
20 interest is, is what happens to that 1200 cfs
21 that's really at stake at the Murphy Gauge. I can
22 see where that could be 10 percent of your river
23 flow in a dry year at Lewiston. So given your
24 interests, as I see them, that's an important
25 factor for you to consider.

1 I know that there's been some criticism
2 of the proposal from both sides. The developers
3 say that we left too much in the river. The more
4 environmentally concerned analysis is that we took
5 too much out. My own view is that if you look at
6 the potential on either end, the important thing
7 is what remains from your point of view.

8 If the power company had lost the
9 litigation entirely, there would have been nothing
10 to stop the slide to 3300. So that would be the
11 downside from the interest that Lewiston has. The
12 upside would be that we won everything, and the
13 river flow would remain at 4500 in a critical
14 year. That to me was probably unlikely. That
15 would certainly be a best case scenario.

16 This way we have a specific known
17 result against which to weigh the interests that
18 you're concerned about. If that result is not
19 palatable, you should be heard from.

20 But while you're looking at the
21 agreement, I suggest you look at the entirety of
22 the agreement, because there's a lot more to it
23 than merely minimum flows at Murphy. And there
24 are some other controls on development and some
25 other things that have to happen, which in my mind

1 are just as important as the minimum flow.

2 So you must be concerned about the
3 agreement or you wouldn't be here. But since you
4 are here, be concerned about the entire agreement.
5 Because it's not important how we got here. The
6 question is, do we have a result that we can live
7 with? And that is the entirety of the agreement,
8 not just a piece or two of it.

9 So I appreciate your coming out, and I
10 too will respond to questions.

11 CHAIRMAN GRAY: Thank you, Mr. Nelson.

12 Mr. Sherman, would you come up front,
13 please, and sit with us.

14 Ladies and gentlemen, I think I feel --
15 the balance of the board feels that we have three
16 of the sharpest water attorneys in the state of
17 Idaho that have been working on this problem. And
18 they're sitting before you, and right now I'd like
19 to open it up for questions. And please hammer
20 them, because we want you to know, we want you to
21 get everything out of your system. And they
22 worked long. They worked hard. They worked under
23 duress. They worked under a lot of
24 political heat. And I think they have some good
25 answers for you.

1 So I would very much now like to open
2 it up, Mr. Sherman from the Department of Water
3 Resource has stepped forward, and he'll try to
4 answer your questions. Yes, sir?

5 MR. SATRELL: My name's Don Satrell. I'm on
6 the board of directors of the (inaudible)
7 irrigation district up at Post Falls. My
8 question, I have several, isn't so much to do with
9 the Snake River, per se. But one of my first
10 questions is, if I'm hearing things right, the
11 doctrine of "first in time, first in right" may
12 change in this legislature. Is that, is this
13 true, if this agreement goes through?

14 MR. NELSON: As to anyone looking at new
15 development on a river where you have existing
16 hydropower rights, that would be the only place
17 where you would have a new criterion applied.

18 So the constitution sets forth first in
19 time is first in right. And unless you have an
20 appropriated river against which to weigh this new
21 system, you wouldn't change that. So certainly
22 any existing water user doesn't face it, and new
23 development wouldn't face it unless it's affected
24 by an old hydropower right.

25 MR. COSTELLO: The principle of "first in

1 time" is still preserved to the extent that if you
2 are able to obtain a water right, you will still
3 be able to shut off junior appropriators in times
4 of low water.

5 MR. KOLE: I might add one thing too: You
6 folks up there have got the exact same problem
7 that we've got on the Snake River. I don't know
8 if you've read about it, but the dam at
9 Post Falls owned by Washington Water Power has an
10 earlier water right than most of the irrigation
11 water rights up there. And any time that they
12 wanted to, they could throw your system into
13 jeopardy by calling all that water down.

14 Now, what we have got in this package
15 is a piece of legislation that will encourage
16 other utilities like Washington Water Power to
17 come in and voluntarily negotiate with the state
18 to get the same kind of protection that Idaho
19 Power is getting in exchange for which they would
20 give up their priority to all of you folks.

21 So what we've tried to build into this
22 package is a statewide approach so that if, down
23 the road, it appears that you're going to get in
24 the same problem, there will be a law on the books
25 to cover it.

1 MR. SATRELL: Well, I guess that helps a
2 great deal. Okay. Then we come down to the
3 thing, and that is, the ground water versus the
4 surface water. Now, in our situation up there,
5 the surface water very definitely affects our
6 ground water directly, much more so I think than
7 it does probably in the Snake River aquifer.

8 Under the adjudication, if I understood
9 this right, you're only going to adjudicate from
10 the Snake River and its tributaries possibly.
11 Would that cost of that be spread statewide? Or
12 at what time would we, the northern part of it,
13 get adjudicated?

14 MR. KOLE: The way the adjudication is set
15 up is on a fee schedule so that the director would
16 have the ability at any time to order an
17 adjudication for any river, and then the people
18 within that river system would pay for it. So the
19 way it's structured now, the people on the
20 Snake River will be paying for their adjudication.
21 And when it reaches your -- you know, your river,
22 then you'll pay for your adjudication.

23 MR. COSTELLO: Except there is a portion of
24 the cost that is borne by the state to pay for
25 uses that benefit the entire state aesthetics,

1 fish and wildlife, that kind of thing. So out of
2 -- the state will pay about 10 percent of the
3 cost.

4 MR. SATRELL: I guess I got one more
5 question, and it doesn't really kind of pertain to
6 this. But could you shed a little light on where
7 we are in the ground water study and surface water
8 study? I think that the state water --

9 CHAIRMAN GRAY: I would like to defer that
10 question, if I could please, to Mr. Frank Sherman.
11 He's our ground water specialist in this state,
12 and Frank, if you might kind of bring us up to
13 date on the groundwater, please.

14 MR. SHERMAN: We have -- and I've got to
15 talk mostly about the southern part of the
16 state --

17 CHAIRMAN GRAY: And just touch on the
18 northern part very briefly.

19 MR. SHERMAN: We have identified some seven
20 -- 70 different flow systems within the state
21 which we feel are entities in and of themselves.
22 Now, the Snake Plain is the big one, of course.
23 It's key because you can shut the river off with
24 the dam at Twin Falls basically, and the only
25 water that's in the river in the summertime comes

1 out -- is discharged from that aquifer.

2 The thrust for studies by the
3 department is going to be in that area, certainly
4 in the next five to ten years.

5 South of the Snake River is an area
6 where a great deal of groundwater development has
7 occurred, and water levels have declined so
8 dramatically there that the department has either
9 called them critical areas and said no more
10 irrigation, industrial, municipal uses can occur
11 in those areas, or they're at the point where
12 we think that's what's going to happen in the very
13 near future. And we've said no more new uses
14 unless the applicant provides us proof that he's
15 not impacted on anybody.

16 Now, the thing that this agreement does
17 is takes the existing state law, which says any
18 senior right, be it surface or ground water, that
19 is adversely impacted by pumping a new well, you
20 can't let the guy pump that well. And we feel
21 that that's sort of what has been happening on the
22 Snake Plain, because the discharge at
23 Thousand Springs have been trending downward for
24 the last 20 years. We know that's what's happened
25 on all of the groundwater south of here, where

1 water levels have declined four to five feet a
2 year for 20 years.

3 The northern part of the state we don't
4 see -- except for the Rathdrum Prairie, we don't
5 see big aquifer systems. We see small aquifers
6 that are intimately tied to the river. And in
7 those areas under this agreement, under any kind
8 of progressive water management, we would treat
9 all the water as one body.

10 And we would say, we have in -- and once
11 again, I'm showing my southern experience. In
12 Boise, for example, the Boise Water Corporation
13 has a series of what are called Ranney (phonetic)
14 collector walls near the river. We, the
15 department, the professionals, feel that water is
16 being sucked out of the river, you maybe get a
17 surface water right.

18 I think that's the kind of thing you're
19 gonna see up north. A year or so back, I looked
20 at some of the problem areas in the northern part
21 of the state. In one case it was strictly a case
22 of your aquifer was so bad, it wasn't going to
23 make it hold a lot of water.

24 And on the margins of the aquifer, once
25 you got farther away from the river, people were

1 just not getting enough water from that system.
 2 Partially because it was drawn down, partially
 3 because it fluctuates naturally as the stream flow
 4 changes. Most people on the edges are really in a
 5 place where they technically can't get the water.

6 In a properly-run system, we would like
 7 to see surface water users and groundwater users
 8 kind of trade off. That's happened in Little Lost
 9 River Valley, I think it is, where in drought
 10 years, the groundwater pumpers pump extra water.
 11 Surface water users get to use it. In a year of
 12 high flood flows, the surface water users don't
 13 need it, and it goes to recharge the groundwater
 14 system.

15 I think that's what we're going to see
 16 happening all over the state. And instead of
 17 worrying about -- I think, instead of worrying
 18 about my well interferes with your well, if it's
 19 straight interference, sure. The guy who is
 20 across the road, you're going to shut him off.
 21 But if the aquifer is declining because we feel
 22 perhaps too many people are using it, the key
 23 thing is going to be maintaining a minimum flow.

24 Now, the Snake, we're going to manage
 25 everything. We know that all those wells are

1 probably influencing the senior surface water
 2 rights, but we're just going to ignore that fact.
 3 And now we're going to say 3900 is the magic
 4 number. We're going to allow development to occur
 5 until the department feels we're getting close to
 6 that number, and then we're going to stop.

7 And I think is if Mr. Kole suggests that
 8 at Post Falls you have almost a Swan Falls, in the
 9 northern part of the state, I think what will
 10 likely happen there is that the department -- the
 11 water board will come in and establish a minimum
 12 flow and new uses will be allowed until you get
 13 towards that minimum flow.

14 But I don't think you're going to see 25
 15 geologists or engineers from water resources
 16 running around the northern state, part of the
 17 state. We won't even see 25 running around in the
 18 southern part of the state.

19 CHAIRMAN GRAY: Then to add to your
 20 question, the Idaho Water Resource Board, which is
 21 your board, we're only people too. We were
 22 prepared to go to the public, the public hearings
 23 on groundwater policy for the state of Idaho in
 24 which we're going to start in Sandpoint and just
 25 work our way straight south and down around the

1 Snake system. And we had planned to do that
 2 during the month of November '84 and December of
 3 1984. But the governor called us in on the
 4 Swan Falls deal.

5 So we have taken our groundwater
 6 management thing, and we've kind of set it on the
 7 back burner until 1985. But we will be going out
 8 with, number one, public hearings first, just
 9 general discussion, things like we're doing now.
 10 And then we will follow that up with public
 11 hearings to develop water policy. So if that adds
 12 to the answer that you needed, why --

13 MR. SATRELL: Thank you very much.

14 CHAIRMAN GRAY: Okay. More questions on the
 15 Swan Falls issue?

16 Yes, sir.

17 UNKNOWN SPEAKER: Yeah. It appears to me
 18 that if this agreement were to go through, it
 19 would have an adverse effect on the stockholders
 20 of Idaho Power and the ratepayers of Idaho Power's
 21 system. And since there would be likely a lower
 22 flow going down the Snake River, that all the dams
 23 downstream would be getting potentially, at least,
 24 at sometime or another, less water, therefore less
 25 electricity produced, cheap electricity.

1 Therefore the -- would be a likely increase in the
 2 cost of electricity perhaps due to alternative
 3 sources of power.

4 Would this be a correct statement, or
 5 how often --

6 MR. COSTELLO: You say there'll be less
 7 water and less power produced. I guess I have to
 8 ask, less than what?

9 UNKNOWN SPEAKER: Well, the --

10 MR. COSTELLO: Less than if the power
 11 company had won the lawsuit certainly, more than
 12 if the power company had lost the lawsuit.

13 UNKNOWN SPEAKER: Okay. But it appears to
 14 me if this goes through, if they had won, they're
 15 potentially losing something.

16 MR. COSTELLO: Well, sure. They're
 17 losing. But you have to understand, they may have
 18 lost the whole suit. In which case, under this
 19 agreement, there will be more water reserved for
 20 in-stream uses than there would have been had
 21 there been no agreement and had this gone to a
 22 decision and the power company had lost outright.

23 MR. KOLE: It depends upon whether you look
 24 at the glass as being half full or half empty.
 25 Right? In other words, if you start off from the

1 presumption that where we are right now is where
2 we would have ended up in the litigation, then you
3 can make the argument that you're making
4 logically.

5 But we all sat down, and we all felt
6 that there was a serious risk on both sides. And
7 when you get in that situation, what you try and
8 do is to find something that balances it in the
9 middle so that everybody protects their position
10 to the maximum extent possible. That's what we
11 ended up with.

12 UNKNOWN SPEAKER: I have another question.
13 What does the Idaho Fish and Game suggest as a
14 suggested minimum flow at this point?

15 CHAIRMAN GRAY: If I might answer that
16 question. Minimum flows in the state of Idaho,
17 the minimum flow concept is probably the shortest
18 law that we have on the books, Chapter 15 of the
19 Idaho Code. It deals with five paragraphs. And
20 within that particular amount of legislation, it
21 states that there shall be only one body in the
22 state of Idaho that can request a minimum stream
23 flow, and that body is the Idaho Water Resource
24 Board.

25 But the request from you, or from

1 county commissioners, or from the BLM, or the
2 Forest Service comes through our body. And we go
3 through the process of holding public hearings.

4 Now, those public hearings have not been
5 held yet in regard to raising it from 3300 cfs to
6 39 in the 56. This is the next step, and it's the
7 step in which the Water Resource Board will go
8 through, and we won't know what the Fish and Game
9 has to say about it until we hold those public
10 hearings.

11 And maybe if some of you fellows will
12 talk to the Fish and Game, but the Board so far
13 hasn't had any input from the Fish and
14 Game. Tom?

15 MR. NELSON: In the original Water Board
16 hearings, Fish and Game did provide some
17 information to the Board. And I have seen that.
18 It's an old memory, but it seems to me it was, I
19 think, in the range of 5000. That's in the reach
20 above Swan Falls Dam, that they identified as
21 necessary for fish and aquatic life.

22 MR. COSTELLO: And there is nothing in this
23 agreement that would prohibit raising that minimum
24 stream flow in the future to, you know, 4000,
25 4500, 5000, whatever Fish and Game and the public,

1 all of you, feel it should be set at.

2 The one thing it does provide, though,
3 is that you can't move in the other direction.
4 After we have settled as 3900 and 5600, the power
5 company will have a vested right at that level
6 that is not subject to being reduced. So the
7 state will have no more flexibility to back up.
8 It has all the flexibility that it needs to go in
9 the other direction.

10 UNKNOWN SPEAKER: Are any other interests
11 vested in this agreement? I don't know if I said
12 that right. Are we guaranteeing anybody else's
13 interests, that is, the irrigators or the -- other
14 than what is already appropriated according to
15 that prior first file, first whatever that is?

16 MR. NELSON: In terms of guarantees, no.
17 The only thing that gets fixed is the minimum flow
18 and the power company's rights up to that and the
19 rights of existing water users of whatever class.
20 And beyond that, then everybody has to come into
21 the system and qualify under the new standards.
22 So outside of existing users and the minimum flow
23 rights, there's nothing fixed.

24 MR. KOLE: The only thing that's guaranteed
25 is that it's a public process.

1 MR. SHERMAN: In fact, by working to a
2 general adjudication by quantifying the Indian
3 rights and the federal reserve rights, some of the
4 irrigators that we feel we are protecting now may
5 not be protected. (Inaudible) So, no. The intent
6 is to protect existing users. The negotiators in
7 my opinion have done the best they can for it, but
8 even they are not guaranteed unless they've got a
9 1800 water right.

10 MR. KOLE: Well, no. I'd disagree with
11 that, Frank. They're guaranteed because their
12 water right takes priority over Idaho Power's
13 water right.

14 MR. NELSON: But I think what Frank was
15 saying, that may not be enough. I mean, there's
16 no rose gardens out there.

17 MR. KOLE: Sure. Yeah.

18 MR. NELSON: But I think Frank said it well.
19 Within our power to do so, given the fact the only
20 thing you had to deal with were minimum flows and
21 the power company's water rights, the existing
22 users are protected.

23 Now, if the Indians come in and get the
24 whole river, everybody's out of luck. But short
25 of something pretty abstruse, I think they're

1 pretty well protected.

2 UNKNOWN SPEAKER: What people at this point
3 or -- what people at this point do not have a
4 right yet, want to get water? I mean, are there
5 people out there waiting to file, and if so, are
6 they being held up by this?

7 MR. NELSON: I don't think the department
8 has issued a permit up above Swan Falls since
9 November of '82.

10 UNKNOWN SPEAKER: So there's a moratorium on
11 the issue.

12 MR. NELSON: Irrigation at least.

13 MR. SHERMAN: Consumptive uses. We have
14 approximately 1400 applications on file within the
15 Snake system above Swan Falls.

16 MR. NELSON: And I might say that when we
17 set the lawsuit up, we used the department's
18 records as the base. And ours are set up a little
19 differently than the department's. But my look at
20 it says, absent the Cary Act and desert entry
21 folks, you're looking at applications and permits
22 for maybe as much as 600,000 acres down there, on
23 the books now. I mean, those aren't even
24 projected. Those people have already paid their
25 money and filed their piece of paper.

1 UNKNOWN SPEAKER: Are most of these
2 applicants people who have land and want to
3 further develop, or are they brand new developers?
4 What kind of percentage could you give me there?

5 CHAIRMAN GRAY: Mr. Sherman?

6 MR. SHERMAN: I can't answer that exactly.
7 I will say that of the 1400, and they are not the
8 DLE (phonetic) and Cary Act people. Those are
9 obviously big companies. They are big companies
10 and we count those.

11 We have -- approximately 700 are for
12 irrigations I said, 400 and some are for 40-acre
13 tracts or less, and we assume those are people who
14 have that land in hand. There are
15 50-some that -- I should know the number but I
16 don't. It's 56 I think -- but 50-some who are
17 applying for water to put on acreages that exceed
18 320 acres.

19 Some of those will probably be new land.
20 Certainly there may be some shift from dry-land
21 farming to irrigated, but probably not too much of
22 that. And then there's 200 and some in the middle
23 that they're asking to apply water to 40 to 320
24 acres, and we don't know what they're up to.

25 CHAIRMAN GRAY: Okay. Other questions?

1 Yes, sir.

2 UNKNOWN SPEAKER: Now, a lot of the water in
3 the Snake comes from Montana and Wyoming. Do we
4 have any agreements with those states?

5 MR. NELSON: Do with Wyoming. There's a
6 compact with Wyoming. They're entitled to
7 4 percent of the water, subject to some
8 conditions. But the Snake River watershed in our
9 area doesn't come out of Montana. You've got some
10 of Nevada, pretty small, pretty dry, a little bit
11 in Wyoming.

12 But most of the water that reaches
13 Oregon arises in Idaho, except for a little bit of
14 the Owyhee and those small bits I've talked about.
15 So it's pretty much an Idaho river until it gets
16 to the border on this side.

17 CHAIRMAN GRAY: Did that -- yes, sir.

18 UNKNOWN SPEAKER: I have one question with
19 regards to some of the language. With regards to
20 subordination, I didn't quite understand. There
21 is a term subordination used in there. And if I
22 could say it correctly, I think it said
23 subordinable or subordinatable or something, which
24 has two different meanings as far as I'm
25 concerned, the way I read it in the draft. So I

1 would like somebody to explain what it means and
2 what impact it will have on subordination.

3 MR. COSTELLO: Well, the traditional view of
4 subordination has been, when the right was
5 granted, it was subject to immediately, subject to
6 a condition that it subordinated to future
7 upstream beneficial uses.

8 In this agreement we did not
9 immediately subordinate the hydropower right above
10 the minimum stream flow simply because we wanted
11 to be able to say that we had a fully-appropriated
12 river system so that we can impose this public
13 interest criteria.

14 So we said that it will become
15 subordinated upon the approval of each of these
16 new upstream uses. And in the meantime, the water
17 right is there and it's recognized, but it's held
18 in trust by the state for the benefit of the power
19 company to use to produce power and for the
20 benefit of the people of the state of Idaho to
21 have it developed according to the requirements
22 imposed by state law.

23 UNKNOWN SPEAKER: The reason I asked the
24 question was because the later term indicated that
25 perhaps each individual circumstance would be

1 wrapped up in an individual piece of very
 2 expensive litigation before it could become
 3 finalized or something like that.
 4 MR. COSTELLO: No. The right becomes
 5 subordinate to each new right automatically by
 6 operation of law. If you acquire a permit from
 7 the Department of Water Resources and develop it
 8 into a license, it -- you -- the power company's
 9 right is subordinate to yours immediately upon the
 10 issuance of the license, if this all is enacted by
 11 the legislature.
 12 MR. NELSON: It doesn't take a separate
 13 proceeding. It's done as part of the licensing
 14 process.
 15 UNKNOWN SPEAKER: That's kind of the way the
 16 terminology kind of --
 17 MR. COSTELLO: Yeah.
 18 UNKNOWN SPEAKER: -- struck me when I was
 19 reading it. So okay, what does the latter mean?
 20 I mean, does it still --
 21 MR. COSTELLO: It struck some other people
 22 that way, too, so we put further language in to
 23 clarify that it happens --
 24 (Break in audio.)
 25 MR. KOLE: Right to come in and make their

1 point of view known, just like any other citizen
 2 would. But the key to the thing is that it's a
 3 public process that has public input from all
 4 concerned citizens.
 5 CHAIRMAN GRAY: I might ask the individual
 6 water board members, Mr. Jones, do you have any
 7 questions of the negotiators?
 8 MR. JONES: After hearing them five times
 9 and now they're making sense.
 10 CHAIRMAN GRAY: Mr. Rydulch. Mr. Wagoner.
 11 Mr. Hymas.
 12 MR. HYMAS: No, sir.
 13 CHAIRMAN GRAY: And do you folks have any
 14 more questions?
 15 Yes, sir.
 16 UNKNOWN SPEAKER: I assume that at the next
 17 meeting the citizens will have a chance for
 18 testimony. This is simply an information
 19 gathering.
 20 UNKNOWN SPEAKER: Right.
 21 CHAIRMAN GRAY: As a matter of fact, if
 22 you'd like to accompany us to Boise tomorrow
 23 night, we'll have another meeting very similar to
 24 this one, and it will be held on 4th floor of the
 25 capitol building in the Gold Room, and you're

1 certainly invited.
 2 And when we come back to you as a
 3 board, we will be coming back for public input and
 4 public testimony, yes, to answer your question.
 5 Representative.
 6 REPRESENTATIVE: Does anyone have any
 7 designs on the Salmon? Is there any -- will it
 8 always remain wild?
 9 UNKNOWN SPEAKER: No.
 10 UNKNOWN SPEAKER: I certainly hope so.
 11 CHAIRMAN GRAY: Mr. Jones.
 12 MR. JONES: The water board took a position
 13 on that a long time ago that that would remain a
 14 free-flowing stream. Perhaps people might have
 15 designs on it, but at the present time --
 16 MR. NELSON: Some of the tributaries are
 17 under attack for hydro. But the river itself,
 18 I've never even seen a pipe drain on the Salmon.
 19 If you really want to create a stir, just propose
 20 a dam on the Salmon.
 21 UNKNOWN SPEAKER: Well, I would imagine that
 22 right at the crook before it goes into the Snake
 23 seems to me like a beautiful site that wouldn't
 24 hurt anyone.
 25 MR. KOLE: Well, there'd be problem with

1 some fish up there, some of the anadromous fish.
 2 But you know the real beauty of this agreement in
 3 my opinion is that what it does is that it
 4 requires both the state and the power company to
 5 go back to the Federal Energy Regulatory
 6 Commission and to say to them, "Here is a
 7 comprehensive state plan for management of this
 8 very vital natural resource."
 9 Now, to date FERC has never recognized
 10 the right of the state to do that kind of thing.
 11 And if we can get FERC to do that in this case,
 12 we're going to go a long ways towards protecting
 13 the other rivers in the state. So there's a lot
 14 of benefit to the agreement.
 15 That's why I agree with what Tom said.
 16 When we get into the process, all of the
 17 contingencies that were up on the board have got
 18 to go into place. And if one of them fails, the
 19 entire agreement fails. So it's pretty important.
 20 CHAIRMAN GRAY: Mr. Hymas, would you like
 21 to --
 22 MR. HYMAS: Well, there's -- yes. Relative
 23 to this point, Policy 39 is very brief, two
 24 sentences.
 25 CHAIRMAN GRAY: This is the state water

1 plan.
 2 MR. HYMAS: The state water plan. I'll read
 3 it to you: "It was the policy of Idaho to
 4 preserve and enhance the state's andronomous
 5 fishery resource. It is in the public interest to
 6 maintain free-flowing stream habitat and in-stream
 7 flows to achieve this policy." I'm sorry, it's
 8 three sentences.

9 "Idaho will promote state participation
 10 and coordinate a regional management of the
 11 Columbia River andronomous fishery." That is
 12 Policy 39 of the water board. So it doesn't refer
 13 directly to the Salmon River, but it says
 14 specifically that it is the policy to maintain
 15 free-flowing streams.

16 CHAIRMAN GRAY: Yes, sir. One more
 17 question.

18 UNKNOWN SPEAKER: Yes. From what you just
 19 said there, you're saying that this agreement
 20 would lead to the feds saying that we would have,
 21 that is, the state of Idaho, would have full
 22 control over --

23 MR. KOLE: No. No, what I'm saying is that
 24 we're going back to them and asking them to
 25 approve our agreement. Okay? And as part of our

1 agreement, we are saying, "We have got this plan
 2 for management of the river. Take a look at it.
 3 Don't you think it's a good plan? Won't you base
 4 your determinations upon what our plan is?"

5 UNKNOWN SPEAKER: But they wouldn't be
 6 giving up whatever control they have.

7 MR. KOLE: Oh, no. No.

8 CHAIRMAN GRAY: Okay, ladies and gentlemen,
 9 I'd like to thank you very much for coming. Had
 10 there been just one of you, we would have given
 11 you the whole banana.

12 MR. NELSON: Maybe in a different location
 13 but --

14 CHAIRMAN GRAY: But you're sure welcome to
 15 attend our meeting in Boise tomorrow night if you
 16 can see to get there, and we'll be back again with
 17 full-blown public hearings as a board in maybe 60
 18 days -- I don't know -- wherever it comes and
 19 wherever we're directed to do it. But we'll be
 20 back and prepare your testimony, and we'll be
 21 ready to hear you.

22 And if you have any further questions,
 23 we'll hang around for a little while. And again,
 24 thank you.

25 (Proceedings concluded.)

1 REPORTER'S CERTIFICATE

2
 3
 4 I, Dianne E. Cromwell, court Reporter, a
 5 Notary Public, do hereby certify:

6 That I am the reporter who transcribed
 7 the proceedings had in the above-entitled action
 8 in machine shorthand and thereafter the same was
 9 reduced into typewriting under my direct
 10 supervision; and

11 That the foregoing transcript contains a
 12 full, true, and accurate record of the proceedings
 13 had in the above and foregoing cause, which was
 14 heard at Boise, Idaho.

15 IN WITNESS WHEREOF, I have hereunto set
 16 my hand April 3, 2007.

17
 18
 19
 20
 21 Dianne F. Cromwell, court Reporter
 22 CSR No. 21



<p>A</p> <p>ability 21:16 able 4:15 7:10 8:3 20:2,3 36:11 above-entitled 43:7 absent 33:20 abstruse 32:25 accepted 7:24 accompany 38:22 accurate 43:12 achieve 7:9 9:20 12:5 41:7 achieved 9:4,17 achieves 11:15 12:20 acquire 37:6 acres 34:17 acres 33:22 34:18,24 Act 33:20 34:8 action 12:1 43:7 actions 6:7 12:14 add 20:5 26:19 address 10:25 adds 15:21 27:11 adjudicate 21:9 adjudicated 21:13 adjudication 21:8,14,17 21:20,22 32:2 adverse 27:19 adversely 23:19 aesthetics 21:25 ago 39:13 agree 40:15 agreement 1:8 6:24 8:1 11:3,8,15 12:19 13:11 16:13 17:21,22 18:3,4,7 19:13 23:16 24:7 27:18 28:19,21 30:23 31:11 36:8 40:2,14,19 41:19 41:25 42:1 agreements 35:4 agricultural 9:11 10:1 ahead 5:7 allow 5:24 26:4 allowed 26:12 alongside 3:21 alternative 28:2 amount 11:5 13:23,24 29:20 anadromous 40:1 analysis 17:4 andronomous 41:4,11 answer 19:4 27:12 29:15 34:6 39:4 answering 5:7 answers 4:23 12:6 18:25 anybody 11:4 23:15 31:12 anyway 9:21 appears 20:23 27:17 28:13 applicant 23:14</p>	<p>applicants 34:2 applications 33:14,21 applied 19:17 apply 34:23 applying 34:17 appreciate 18:9 appreciates 6:22 approach 20:22 approached 7:18 appropriate 13:7 appropriated 19:20 31:14 appropriately 13:8 appropriators 20:3 approval 36:15 approve 41:25 approved 11:11 12:23 approximate 9:25 approximately 33:14 34:11 April 43:16 aquatic 30:21 aquifer 21:7 23:1 24:5,22 24:24 25:21 aquifers 24:5 area 16:3 23:3,5 35:9 areas 7:25 8:2 10:23 23:9 23:11 24:7,20 argument 29:3 arises 35:13 asked 7:18 14:17 36:23 asking 34:23 41:24 assertion 13:21 assume 34:13 38:16 attack 39:17 attend 42:15 attention 10:24 14:10 attorney 2:4 3:9,11,12,13 8:7 10:14 attorneys 3:16 18:16 audio 37:24 authority 12:16 authorized 7:20 automatically 37:5 available 12:18</p> <p>B</p> <p>back 4:1 9:20 24:19 27:7 31:7 39:2,3 40:5 41:24 42:16,20 backs 4:1 bad 24:22 balance 9:13,25 10:5 18:15 balances 29:8 banana 42:11 bang 12:16 base 33:18 42:3 basically 22:24 beautiful 39:23 beauty 40:2 beginning 6:20</p>	<p>believe 3:25 6:19 9:14 beneficial 5:20 36:7 benefit 21:25 36:18,20 40:14 benefits 13:17,19 best 9:25 11:17 17:15 32:7 better 8:22 9:16 beyond 31:20 big 22:22 24:5 34:9,9 bit 10:18 35:10,13 bits 35:14 BLM 30:1 bloc 12:18 Blodgett 1:21 board 1:2 5:10 10:17 13:10 18:15 19:6 26:11 26:20,21 29:24 30:7,12 30:15,17 38:6 39:3,12 40:17 41:12 42:17 boardroom 13:2 Board's 6:22 body 24:9 29:21,23 30:2 Boise 24:12,12 38:22 42:15 43:14 books 11:23 20:24 29:18 33:23 border 35:16 borne 21:24 brand 34:3 Break 37:24 brief 10:20,20 40:23 briefly 22:18 bring 11:21 22:12 Broad 5:11 Brownlee 15:12,13 Bruce 8:9 Bruneau 15:8 buck 12:17 build 20:21 building 38:25 bureaucracy 12:9 burner 27:7</p> <p>C</p> <p>C 2:1 43:1,1 called 13:13 23:9 24:13 27:3 calling 20:13 calls 15:3 Canyon 6:8 15:10,11,18 capacity 5:15 capital 11:5 capitol 38:25 car 3:20,21 Cary 33:20 34:8 case 3:16 5:16 6:1 8:23 9:12 17:15 24:21,21 28:18 40:11 catch 4:15 cause 43:13</p>	<p>center 3:11 central 8:6 Century 11:22 certainly 17:15 19:21 23:3 28:11 34:20 39:1 39:10 certify 43:5 cfs 15:3,12 16:4,6,8,15,20 30:5 Chairman 1:14 2:3 3:4 5:4,6 10:13,16 14:11 18:11 22:9,17 26:19 27:14 29:15 34:5,25 35:17 38:5,10,13,21 39:11 40:20,25 41:16 42:8,14 chance 38:17 change 19:12,21 changes 25:4 Chapter 29:18 cheap 27:25 chicken 3:21,23 4:5,11 chief 8:8 choices 14:4 chooses 11:16 circumstance 36:25 citizen 38:1 citizens 38:4,17 claim 5:25 clarify 37:23 class 31:19 Clearwater 15:20 close 26:5 closer 16:11 Code 29:19 collector 24:14 Columbia 41:11 come 8:11,21 9:15,19 10:9 12:3 18:12 20:17 21:2 26:11 31:20 32:23 35:9 37:25 39:2 comes 22:25 30:2 35:3 42:18 coming 10:11 18:9 39:3 42:9 commend 10:6 Commission 40:6 commissioners 30:1 compact 35:6 companies 34:9,9 company 2:5 6:25 7:18 8:8 9:7 14:13 17:8 28:11,12,22 31:5 36:19 40:4 company's 31:18 32:21 37:8 competing 8:25 9:13 complete 7:14,23 complex 6:8 15:11 comprehensive 40:7 compromise 9:15,21</p>	<p>concept 29:17 concerned 15:1 17:4,18 18:2,4 35:25 38:4 concluded 42:25 conclusion 8:20 13:15 conclusions 10:4 condition 5:18 6:2 36:6 conditioned 5:23 conditions 35:8 confront 14:4 confusing 5:3 12:9 consider 16:25 constitution 19:18 consumed 7:2 Consumptive 33:13 contains 43:11 contingencies 40:17 contract 7:19 contrary 6:4 control 13:12 41:22 42:6 controls 17:24 controversial 7:1 controversy 3:7 16:3 cooperation 6:23 coordinate 41:10 corporate 13:2 corporation 13:7 24:12 correct 8:4 28:4 correctly 35:22 cost 21:11,24 22:3 28:2 Costello 2:4 3:9 4:20 5:4 5:5,9 6:12 10:13 13:16 19:25 21:23 28:6,10,16 30:22 36:3 37:4,17,21 count 34:10 county 30:1 couple 7:3 8:20 12:5 coupled 5:18 course 15:18 22:22 court 6:4,17 9:8 13:14 14:9 43:4,20 cover 20:25 create 39:19 criteria 36:13 criterion 19:17 critical 16:8,9 17:13 23:9 criticism 17:1 Cromwell 1:22 43:4,20 crook 39:22 crossroads 13:22 CSR 43:21 cubic 5:16 current 11:2 currently 11:9</p> <p>D</p> <p>dam 15:18 20:8 22:24 30:20 39:20 dams 27:22 darn 3:23 date 11:24 22:13 40:9</p>
---	--	---	---	--

day 16:6 days 42:18 deal 4:6 21:2 23:6 27:4 32:20 deals 29:19 decades 10:9 December 27:2 decided 6:4 13:6 decision 6:17 13:14 28:22 decisions 12:25,25 declined 23:7 24:1 declining 25:21 defer 22:9 definitely 21:5 degree 13:12 department 6:3 7:16 19:2 23:3,8 24:15 26:5,10 33:7 37:7 department's 33:17,19 depends 28:23 describe 5:1 desert 33:20 designs 39:7,15 detail 8:16 details 6:24 determinations 42:4 develop 13:25 27:11 34:3 37:7 developed 36:21 developers 17:2 34:3 developing 11:6 12:17 development 5:24 6:17 7:7,12 9:7,11 10:1 11:11,12,18 15:6,24 16:18 17:24 19:15,23 23:6 26:4 developments 11:17 Dianne 1:22 43:4,20 different 12:22 22:20 35:24 42:12 differently 33:19 difficult 12:7 direct 43:9 directed 42:19 direction 31:3,9 directly 21:6 41:13 director 21:15 directors 19:6 disagree 32:10 disagreement 8:1,2 discharge 23:22 discharged 23:1 discovered 13:4 discussion 27:9 dispute 7:23 district 19:7 ditch 14:24,25 DLE 34:8 doctrine 19:11 doggone 4:11 doing 27:9	dollars 9:19,23 14:6 Don 19:5 downside 17:11 downstream 27:23 downward 23:23 draft 35:25 drain 39:18 drainage 15:20 drama 8:6 dramatically 23:8 drawbacks 13:18 drawn 25:2 driver's 3:20 driving 3:18 4:3 drought 25:9 drumsticks 4:8 dry 15:9,15 16:7,23 35:10 dry-land 34:20 due 28:2 duress 18:23	executive 8:8 existing 19:15,22 23:17 31:19,22 32:6,21 exists 16:16 expected 14:17 expensive 37:2 experience 24:11 explain 36:1 explore 7:25 extent 16:14 20:1 29:10 extra 25:10	flexibility 31:7,8 flood 25:12 floor 38:24 flow 15:11 16:10,16,23 17:13 18:1 22:20 25:3 25:23 26:12,13 27:22 29:14,17,23 30:24 31:17,22 36:10 flows 5:22 17:23 25:12 29:16 32:20 41:7 fluctuates 25:3 focus 10:23 folks 20:6,20 33:21 38:13 follow 27:10 foregoing 43:11,13 Forest 30:2 form 10:3 Forrest 2:5 forth 19:18 forum 6:23 forward 19:3 fought 7:5,9 found 10:24 four 24:1 Fourth 12:12 Frank 2:6 22:10,12 32:11 32:14,18 frankly 13:2 free-flowing 39:14 41:6 41:15 front 18:12 full 28:24 41:21 43:12 fully-appropriated 36:11 full-blown 42:17 further 8:16 34:3 37:22 42:22 future 9:10 11:11 12:10 12:14 15:5 23:13 30:24 36:6	42:10 giving 42:6 glass 28:24 go 5:7 26:22 27:18 30:2,7 31:8 40:5,12,18 goal 7:9 11:15 goes 4:1 15:6 19:13 25:13 28:14 39:22 going 3:19 4:3 9:24 14:3 20:23 21:9 23:3,12 24:22 25:15,20,23,24 26:2,3,4,6,14,24 27:7 27:22 40:12 41:24 Gold 38:25 gonna 14:3 24:19 good 11:12,22 18:24 42:3 gosh 4:2 governmental 7:2 12:9 governor 3:8 6:20 7:18,21 8:7,17 9:16 10:5 27:3 governor's 2:4 7:4 granted 7:16 36:5 Gray 1:14 2:3 3:4 5:4,6 5:10 6:19 10:13,16 14:11 18:11 22:9,17 26:19 27:14 29:15 34:5 34:25 35:17 38:5,10,13 38:21 39:11 40:20,25 41:16 42:8,14 great 21:2 23:6 ground 21:3,6 22:7,11 23:18 groundwater 22:13 23:6 23:25 25:7,10,13 26:23 27:5 growing 11:24 guaranteed 31:24 32:8,11 guaranteeing 31:12 guarantees 31:16 guess 6:13 10:18 14:24 16:2,10 21:1 22:4 28:7 guy 4:7,12 23:20 25:19			
 E						
	E 1:22 2:1,1 43:1,1,1,1,4 43:20 ear 6:18 earlier 20:10 edges 25:4 educate 5:3 effect 27:19 eight 14:16 either 8:24 9:3 17:6 23:8 electricity 27:25,25 28:2 eliminate 12:8 eliminates 16:14 else's 31:12 empty 28:24 enacted 37:10 encourage 20:15 ended 29:2,11 Energy 40:5 engineers 26:15 enhance 41:4 enter 7:22 entire 18:4 21:25 40:19 entirely 17:9 entirety 17:21 18:7 entities 22:21 entitled 35:6 entry 33:20 environment 9:10 environmentally 17:4 establish 26:11 eventually 14:4 everybody 11:8 29:9 31:20 everybody's 32:24 exact 20:6 exactly 9:14 34:6 example 24:12 exceed 34:17 exchange 20:19 F	F 43:1 face 11:4 19:22,23 fact 5:23 26:2 32:1,19 38:21 factor 16:25 falls 40:18,19 Falls 1:8 5:14 9:15 15:4,5 15:7 16:3 19:7 20:9 22:24 26:8,8 27:4,15 30:20 33:8,15 family 4:8 far 3:13 15:1,5 30:12 35:24 farm 3:19 4:1,3 11:6 farmer 4:2 farming 34:21 farther 24:25 fast 4:15 favor 9:3 federal 32:3 40:5 feds 41:20 fee 21:15 feel 18:14 22:21 23:20 24:15 25:21 31:1 32:4 feels 9:16 18:15 26:5 feet 5:16 24:1 fellows 30:11 felt 13:8 29:5 FERC 40:9,11 file 31:15 33:5,14 filed 33:25 final 9:11 finalized 37:3 finally 4:10 8:3 12:24 14:12 find 29:8 finish 4:21 finite 14:1 first 11:25 19:9,11,11,18 19:19,25 27:8 31:15,15 fish 15:25 22:1 29:13 30:8 30:12,13,16,21,25 40:1 40:1 fishery 41:5,11 five 10:24 23:4 24:1 29:19 38:8 fixed 31:17,23 flesh 8:10,16 G	Game 29:13 30:8,12,14 30:16,25 gardens 32:16 gathering 38:19 Gauge 15:4,17 16:4,21 Gene 1:14 2:3 6:19 8:5 14:14 general 8:7 27:9 32:2 general's 2:4 3:12 10:15 generating 5:15 genetics 4:9 gentleman 3:18 gentlemen 3:4,5 4:22 14:15 18:14 42:8 geologists 26:15 getting 20:19 25:1 26:5 27:23 give 12:5,6 14:20 20:20 34:4 given 8:5 16:23 32:19 H	habitat 41:6 half 28:24,24 hammer 18:19 hammered 8:14 hand 34:14 43:16 handled 13:8 hang 42:23 happen 17:25 23:12 26:10 happened 3:20 6:1 23:24 25:8 happening 23:21 25:16 happens 16:4,20 37:23 happy 10:11 hard 14:4 18:22 hear 42:21 heard 17:19 43:14

hearing 19:10 38:8
 hearings 26:22 27:8,11
 30:3,4,10,16 42:17
 heat 18:24
 Heidi 1:21
 held 1:13 30:5 33:6 36:17
 38:24
 Hell's 6:8 15:10,11,17
 helps 21:1
 hereunto 43:15
 he'll 19:3
 high 25:12
 hold 24:23 30:9
 holding 30:3
 hope 39:10
 hopefully 12:4
 hour 3:19,22 4:4
 hundreds 9:18 14:6
 hurt 39:24
 hydro 39:17
 hydropower 6:14 7:6
 10:1 19:16,24 36:9
 Hymas 2:5 38:11,12
 40:20,22 41:2

I

Idaho 1:2,9 2:5 3:1,8,10
 3:14 5:13 6:25 7:13 8:7
 10:9 11:20,25 13:4,23
 14:13 15:1 18:17 20:18
 26:20,23 27:20,20
 29:13,16,19,22,23
 32:12 35:13,15 36:20
 41:3,9,21 43:14
 ideas 8:11
 identified 22:19 30:20
 ignore 26:2
 imagine 39:21
 immediate 10:24
 immediately 36:5,9 37:9
 Imnaha 15:19
 impact 36:2
 impacted 23:15,19
 implied 6:5
 important 16:24 17:6
 18:1,5 40:19
 impose 36:12
 imposed 36:22
 impression 8:4
 inaudible 19:6 32:5
 increase 28:1
 Indian 32:2
 Indians 32:23
 indicated 13:16 36:24
 individual 36:25 37:1
 38:5
 industrial 23:10
 influencing 26:1
 information 1:7 6:21
 30:17 38:18
 input 30:13 38:3 39:3

intense 3:7
 intent 32:5
 interest 10:10 16:20
 17:11 36:13 41:5
 interests 9:1,13 15:24
 16:24 17:17 31:10,13
 interference 25:19
 interferes 25:18
 intimately 24:6
 introduce 3:5
 introduced 14:23
 inure 13:19
 invested 11:5
 invited 39:1
 in-flow 15:12,13,16
 in-stream 28:20 41:6
 irrigated 34:21
 irrigation 19:7 20:10
 23:10 33:12
 irrigations 34:12
 irrigators 31:13 32:4
 issuance 37:10
 issue 7:1,5 27:15 33:11
 issued 33:8

J

jeopardy 20:13
 Jim 8:9
 Jones 2:6 38:6,8 39:11,12
 July 7:24
 junior 5:20 20:3

K

keeping 4:5
 key 22:23 25:22 38:2
 kind 3:16 4:19 6:18 9:12
 9:20 10:8 20:18 22:1,5
 22:12 24:7,18 25:8 27:6
 34:4 37:15,16 40:10
 know 4:14 13:25 14:18
 15:20 17:1 18:20 20:7
 21:21 23:24 25:25 30:8
 30:24 31:11 34:15,24
 40:2 42:18
 known 17:16 38:1
 Kote 2:4 3:12 4:20 10:14
 10:16 14:11 20:5 21:14
 26:7 28:23 31:24 32:10
 32:17 37:25 39:25
 41:23 42:7

L

ladies 3:4 14:15 18:14
 42:8
 land 34:2,14,19
 language 35:19 37:22
 large 11:5
 largely 15:6
 Laughter 4:18
 law 11:20 20:24 23:17
 29:18 36:22 37:6

laws 11:23,25
 lawsuit 28:11,12 33:17
 lawsuits 7:15,20
 lawyer 10:19
 lawyers 13:19
 lead 41:20
 left 7:12 13:24 17:3
 legal 5:21
 legislation 7:8,10 12:4,10
 20:15 29:20
 legislature 5:2 7:5,21
 13:9 19:12 37:11
 legs 3:24 4:6,11
 length 16:9
 level 8:14 31:5
 levels 23:7 24:1
 Lewiston 1:9 3:1 15:22
 16:23 17:11
 license 6:3,6 37:8,10
 licensing 37:13
 life 14:24 16:1 30:21
 light 22:6
 listen 4:7
 litigation 9:19 10:7 13:17
 13:19 14:7 17:9 29:2
 37:2
 little 3:17 10:18 15:16
 22:6 25:8 33:18 35:10
 35:13 42:23
 live 14:22,25 18:6
 lived 14:23
 lives 14:20
 location 42:12
 logically 29:4
 long 18:22 39:13 40:12
 look 3:20,22 4:4 12:6,21
 17:5,21 28:23 33:19
 42:2
 looked 24:19
 looking 14:19 17:20
 19:14 33:21
 loosen 9:9
 losing 28:15,17
 lost 17:8 25:8 28:12,18,22
 4:10 6:11 7:2 12:8
 13:18,20 17:22 18:23
 24:23 35:2 40:13
 love 4:8
 low 20:4
 lower 27:21
 luck 32:24

M

M 1:14 2:3
 machine 43:8
 magic 26:3
 maintain 41:6,14
 maintaining 25:23
 major 3:6 7:15 8:13
 making 29:3 38:9
 man 4:2

manage 25:24
 management 10:8 12:14
 24:8 27:6 40:7 41:10
 42:2
 margins 24:24
 master 13:5
 matter 38:21
 maximum 29:10
 mean 16:5 32:15 33:4,23
 37:19,20
 meanings 35:24
 means 5:12 14:21 36:1
 meeting 1:7 38:17,23
 42:15
 meetings 6:21 8:10
 members 5:10 10:17 38:6
 memory 30:18
 merely 17:23
 messed 4:9
 met 8:10
 middle 29:9 34:22
 miles 3:19,22 4:4
 millions 9:19,23 14:6
 mind 17:25
 minimum 15:3,11 16:10
 16:15,17 17:23 18:1
 25:23 26:11,13 29:14
 29:16,17,22 30:23
 31:17,22 32:20 36:10
 money 14:8 33:25
 Montana 35:3,9
 month 27:2
 months 8:20
 moratorium 33:10
 move 31:3
 municipal 23:10
 Murphy 15:4,17 16:4,16
 16:21 17:23

N

N 2:1
 name's 19:5
 natural 9:1 40:8
 naturally 25:3
 navigation 15:25
 near 23:13 24:14
 necessary 30:21
 need 25:13
 needed 27:12
 needs 31:8
 negotiate 20:17
 negotiating 9:24
 negotiation 3:14 9:17
 negotiations 7:22 10:22
 13:3
 negotiators 32:6 38:7
 Nelson 2:5 3:15 4:21
 14:12,14 18:11 19:14
 30:15 31:16 32:14,18
 33:7,12,16 35:5 37:12
 39:16 42:12

net 15:16
 Nevada 35:10
 never 4:15 39:18 40:9
 new 7:15 11:11 12:4
 16:18 19:14,17,20,22
 23:13,19 26:12 31:21
 34:3,19 36:16 37:5
 night 38:23 42:15
 north 24:19
 norther 26:16
 northern 21:12 22:18
 24:3,20 26:9
 Notary 43:5
 notice 3:15 16:7
 notified 3:21,23
 November 27:2 33:9
 number 11:1,10,19 12:8
 26:4,6 27:8 34:15

O

O 43:1
 obtain 20:2
 obviously 34:9
 occur 23:10 26:4
 occurred 23:7
 October 1:13 3:2
 offer 7:24
 office 2:4,4 3:8,12 10:15
 officer 8:8
 Oh 42:7
 okay 5:9 6:12 21:2 27:14
 28:13 34:25 37:19
 41:25 42:8
 old 19:24 30:18
 once 15:7 24:10,24
 one's 9:3
 one-sided 9:3
 open 4:22 18:19 19:1
 operation 37:6
 opinion 32:7 40:3
 opposed 14:5,9
 order 21:16
 Oregon 35:13
 original 30:15
 outline 8:13
 outright 28:22
 outside 31:22
 owned 20:9
 Owyhee 15:9 35:14

P

P 2:1,1 43:1
 package 20:14,22
 paid 33:24
 palatable 17:19
 paper 33:25
 paragraphs 29:19
 part 21:12 22:15,18 24:3
 24:20 26:9,16,18 37:13
 41:25
 partially 7:19 25:2,2

participation 41:9
particular 29:20
passed 7:11
Pat 2:4,4 3:9,9,12 5:6
pay 21:18,22,24 22:2
paying 21:20
people 4:8 6:11,11 13:18
14:21,25 21:17,19
24:25 25:4,22 26:21
33:2,3,5,24 34:2,8,13
36:20 37:21 39:14
percent 16:22 22:2 35:7
percentage 34:4
period 16:17
permit 33:8 37:6
permits 33:21
perspective 7:4 14:21
15:2
pertain 22:5
phonetic 5:11 15:19
24:13 34:8
physically 16:14
picks 11:16
piece 18:8 20:15 33:25
37:1
piecemeal 12:1
pipe 39:18
place 5:24 6:7 16:18
19:16 25:5 40:18
placed 6:2
Plain 22:22 23:22
plan 15:3 40:7 41:1,2
42:1,3,4
planned 27:1
players 3:6 8:6
please 5:7 10:15 18:13,19
22:10,13
point 17:7 23:11 29:14
33:2,3 38:1 40:23
pointed 6:19
policy 10:8 12:7 14:4
26:23 27:11 40:23 41:3
41:7,12,14
political 7:3 9:2,9,20
18:24
portion 21:23
position 6:5 12:13 29:9
39:12
possibility 16:15,16
possible 29:10
possibly 10:20 11:14
21:10
Post 19:7 20:9 26:8
potential 17:6
potentially 27:23 28:15
power 2:5 3:14 5:13 6:25
7:17 8:8 9:7 12:15 13:4
14:13 17:8 20:9,16,19
27:20 28:3,7,10,12,22
31:4,18 32:19,21 36:18
36:19 37:8 40:4

Power's 27:20 32:12
Prairie 24:4
predict 11:14
prefer 7:22
prepare 42:20
prepared 26:22
present 2:3 10:3 39:15
presentation 5:8
preserve 41:4
preserved 20:1
presumption 29:1
pretty 32:25 33:1 35:10
35:10,15 40:19
primarily 13:19
principle 19:25
principles 8:9,15
prior 31:15
priority 20:20 32:12
probable 13:20
probably 8:24 9:12 16:7
16:11 17:14 21:7 26:1
29:17 34:19,21
problem 18:17 20:6,24
24:20 39:25
problems 10:24
proceeded 7:25
proceeding 37:13
proceedings 1:11 42:25
43:7,12
process 8:19 11:20 13:1
30:3 31:25 37:14 38:3
40:16
produce 36:19
produced 27:25 28:7
productively 14:8
professionals 24:15
program 10:6
progressive 24:8
prohibit 30:23
project 12:22
projected 33:24
projects 12:22
promote 41:9
proof 23:14
properly-run 25:6
proposal 17:2
propose 39:19
prospect 11:4
protect 32:6
protected 11:2 32:5,22
33:1
protecting 32:4 40:12
protection 20:18
protects 11:8 29:9
provide 8:16 10:7 30:16
31:2
provides 23:14
providing 6:23
public 1:7 6:21 9:6 10:8
13:1,1 26:22,22 27:8,10
30:3,4,9,25 31:25 36:12

38:3,3 39:3,4 41:5
42:17 43:5
pump 23:20 25:10
pumpers 25:10
pumping 23:19
put 6:21 9:6 15:2 34:17
37:22

O

quality 31:21
quantifying 32:2
question 5:7 13:14 18:6
19:8 22:5,10 26:20
29:12,16 35:18 36:24
39:4 41:17
questions 4:23 10:12 12:7
18:10,19 19:4,10 27:14
34:25 38:7,14 42:22
quite 35:20

R

R 2:1 43:1,1,1,1
raising 30:5,23
range 30:19
Ranney 24:13
ratepayers 27:20
Rathdrum 24:4
reach 15:10 30:19
reached 6:25 8:20
reaches 21:21 35:12
reaction 9:6
read 20:8 35:25 41:2
reading 37:19
ready 42:21
real 5:2 40:2
really 13:4 14:21,25
15:21 16:21 22:5 25:4
39:19
reason 36:23
recharge 25:13
recognized 36:17 40:9
record 43:12
records 33:18
recreation 15:25
red 12:9
reduced 31:6 43:9
refer 41:12
regard 30:5
regards 35:19,19
regional 41:10
Regulatory 40:5
Relative 40:22
remain 15:6 16:17 17:13
39:8,13
remaining 8:2
remains 17:7
remember 5:1
reminds 3:17 4:16
reporter 43:4,6,20
Representative 5:11 39:5
39:6

represented 3:14
request 29:22,25
required 10:23 11:7
requirements 36:21
requires 12:20 40:4
reserve 32:3
reserved 28:19
resolve 7:1
resource 9:1 10:17 11:14
13:9,25 19:3 26:20
29:23 30:7 40:8 41:5
resources 1:2 7:3 13:13
26:15 37:7
respect 6:7
respond 10:11 18:10
responded 7:21
responsible 12:13
restores 13:12
restrictions 9:6
restrictive 9:10
result 9:3,12 12:20 17:17
17:18 18:6
results 12:5
return 11:13
revised 11:21
re-codified 11:21
right 5:13,14,17,18,22,23
5:25 6:14 11:22 18:18
19:10,11,19,24 20:2,10
21:9 23:18 24:17 28:25
29:1 31:5,12 32:9,12,13
33:4 36:4,9,17 37:4,5,9
37:25 38:20 39:22
40:10
rights 7:6,15 19:16 20:11
26:2 31:18,19,23 32:3,3
32:21
risk 29:6
river 6:15 7:13 13:5 15:6
16:6,22 17:3,13 19:9,15
19:20 20:7 21:7,10,17
21:18,20,21 22:23,25
23:5 24:6,14,16,25 25:9
27:22 32:24 35:8,15
36:12 39:17 41:11,13
42:2
rivers 40:13
road 3:18 20:23 25:20
Rogue 15:19
role 13:6
Room 38:25
rose 32:16
running 3:21 15:8 26:16
26:17
Rydulch 2:7 38:10

S

S 2:1 43:1
Salmon 15:19 39:7,18,20
41:13
Sandpoint 26:24

sat 8:12 29:5
Satrell 19:5,5 21:1 22:4
27:13
save 9:23
saw 10:25
saying 32:15 41:19,20,23
42:1
says 4:2,2,3,6,7,8,9,12,14
5:14,18 10:19 23:17
33:20 41:13
scenario 17:15
schedule 21:15
se 19:9
seasons 15:9
second 3:22 5:16 7:17
see 14:1 15:23 16:15,19
16:22,24 24:4,5,5,19
25:7,15 26:14,17 42:16
seen 30:17 39:18
senior 23:18 26:1
sense 38:9
sentences 40:24 41:8
separate 37:12
series 24:13
serious 29:6
serve 10:9
Service 30:2
serving 3:9
session 7:17
set 21:14 27:6 31:1 33:17
33:18 43:15
sets 19:18
settle 7:20 10:7
settled 31:4
settlement 3:7 7:23
seven 22:19
share 6:24
sharpest 18:16
shed 22:6
Sherman 2:6 18:12 19:2
22:10,14,19 32:1 33:13
34:5,6
shift 34:20
short 32:24
shortest 29:17
shorthand 43:8
short-lived 8:24
showing 24:11
shut 11:7 20:3 22:23
25:20
side 3:13,20 8:24 35:16
sides 17:2 29:6
sifting 12:21
sign 7:19
similar 38:23
simply 36:10 38:18
sir 19:4 27:16 35:1,17
38:12,15 41:16
sit 18:13
site 39:23
sitting 18:18

situation 11:6 14:3 15:16
21:4 29:7
slide 17:10
small 24:5 35:10,14
Snake 7:13 13:5 15:17
16:9 19:9 20:7 21:7,10
21:20 22:22 23:5,22
25:24 27:1,22 33:15
35:3,8 39:22
somebody 36:1
sorry 41:7
sort 4:16 23:21
sound 9:25 10:6
sources 28:3
south 23:5,25 26:25
southern 7:13 22:15
24:11 26:18
SPEAKER 4:25 6:10
27:17 28:9,13 29:12
31:10 33:2,10 34:1 35:2
35:18 36:23 37:15,18
38:16,20 39:9,10,21
41:18 42:5
specialist 22:11
specific 17:16
specifically 41:14
spend 14:7
spending 9:18 14:5,9
spread 21:11
spring 5:2
Springs 23:23
stab 5:5
stake 16:2,21
stalemate 7:9
standards 31:21
standpoint 14:19
stands 10:19
stand-still 7:14
start 4:20,24,25 26:24
28:25
started 12:17 14:16
state 3:8,10 6:22 11:12,25
12:13,15,21 13:9,9,12
15:2 18:16 20:17 21:24
21:25 22:2,8,11,16,20
23:17 24:3,21 25:16
26:9,16,17,18,23 29:16
29:22 31:7 36:18,20,22
40:4,7,10,13,25 41:2,9
41:21
statement 28:4
states 29:21 35:4
statewide 20:22 21:11
state's 6:5 41:4
step 30:6,7
stepped 19:3
stir 39:19
stockholders 27:19
stood 6:18
stop 17:10 26:6
story 3:17

straight 25:19 26:25
stream 25:3 29:22 30:24
36:10 39:14 41:6
streams 41:15
strictly 24:21
strong 8:17 9:5
struck 10:5 37:18,21
structured 21:19
studies 23:2
study 22:7,8
subject 12:1 31:6 35:7
36:5,5
subjugate 5:3
subordinable 35:23
subordinatable 35:23
subordinate 5:1,19 6:16
7:7 36:9 37:5,9
subordinated 36:6,15
subordination 5:12 6:2,6
7:10 8:18,23 9:5 35:20
35:21 36:2,4
subsequent 5:20 6:6
sucked 24:16
suffice 6:9
suggest 17:21 29:13
suggested 29:14
suggests 26:7
suit 28:18
summertime 22:25
supervision 43:10
supported 7:8
supporter 8:18,18
Supreme 6:17 13:14
sure 11:1,10,17,19 12:12
12:16,24 25:19 28:16
32:17 42:14
surface 21:4,5 22:7 23:18
24:17 25:7,11,12 26:1
sustain 9:3
Swan 1:8 5:14 9:15 15:4
15:5,7 16:3 26:8 27:4
27:15 30:20 33:8,15
system 10:8 11:23 12:6
18:21 19:21 20:12
21:18 25:1,6,14 27:1,21
31:21 33:15 36:12
systems 22:20 24:5

T

T 43:1,1,1
table 8:12 9:24
take 5:5,24 12:13 16:6
37:12 42:2
taken 27:5
takes 3:22 16:18 23:17
32:12
talk 22:15 30:12
talked 35:14
talking 6:13 14:24
tape 12:9
target 15:3

taste 4:13
technically 25:5
ten 23:4
term 5:11 35:21 36:24
terminology 37:16
terms 11:3 31:16
testimony 38:18 39:4
42:20
thank 5:9 10:10,13,16
14:11,14 18:11 27:13
42:9,24
Thanks 14:10
thing 17:6 20:5 21:3 22:1
23:16 24:18 25:23 27:6
31:2,17,24 32:20 38:2
40:10
things 8:14 17:25 19:10
27:9
think 11:15 12:10,19 13:3
13:11,15,18 18:14,24
21:6 22:8 23:12 24:18
25:9,15,17 26:7,9,14
30:19 32:14,18,25 33:7
34:16 35:22 42:3
Thousand 23:23
thousands 9:18 14:6
three 3:5,23 4:6,11,21 8:5
8:9,10,12,15 11:19
18:15 41:8
throw 20:12
thrust 23:2
Thursday 8:3
tied 7:14 24:6
time 11:5 16:18 19:11,19
20:1,11 21:12,16 39:13
39:15
times 20:3 38:8
Tom 2:5 3:15 14:12 30:14
40:15
tomorrow 38:22 42:15
tonight 10:11
total 8:22,23 9:4,8
touch 22:17
tracts 34:13
trade 25:8
traditional 6:13 7:6 36:3
traditionally 5:17
transcribed 1:21 43:6
transcript 1:11 43:11
treat 24:8
trending 23:23
tributaries 21:10 39:16
tried 10:23 12:3 20:21
true 19:13 43:12
trust 36:18
truth 13:20
try 7:8 8:1 10:20 19:3
29:7
trying 9:22,24
Twin 22:24
two 7:8,15 9:13 11:10

12:8 18:8 35:24 40:23
type 13:6
types 11:16
typewriting 43:9
U
understand 6:10 28:17
35:20
understood 21:8
UNKNOWN 4:25 6:10
27:17 28:9,13 29:12
31:10 33:2,10 34:1 35:2
35:18 36:23 37:15,18
38:16,20 39:9,10,21
41:18 42:5
upriver 14:20
upside 17:12
upstream 5:20,24 6:16
7:7 36:7,16
use 5:15,19,22 6:14 11:13
25:11 36:19
user 19:22
users 11:2 25:7,7,11,12
31:19,22 32:6,22
uses 5:20 21:25 23:10,13
26:12 28:20 33:13 36:7
36:16
utilities 20:16
utility 5:12

V

Valley 25:9
various 11:16
versus 21:3
vested 31:5,11
Vice 10:16
Vice-Chairman 5:10
victory 8:22,23 9:8
view 6:13 7:6 8:21 9:2
17:5,7 36:3 38:1
viewed 6:16
violation 5:25
vital 9:1 40:8
voluntarily 20:17

W

Waggoner 2:7
Wagoner 38:10
waiting 33:5
walls 24:14
want 13:4 18:20,20 33:4
34:2 39:19
wanted 10:25 11:1,10,19
12:12,24 20:12 36:10
Washington 20:9,16
wasn't 24:22
water 1:2 5:13,19,22,25
6:15,22 7:15 10:17 11:2
11:9,14,20 12:17 13:5,9
13:13,23,23,24,25 14:2
15:3,4 18:16 19:2,22

20:2,4,9,10,11,13,16
21:3,4,5,6 22:7,7,8,11
22:25 23:7,18 24:1,8,9
24:12,15,17,23 25:1,5,7
25:10,11,12 26:1,11,15
26:20 27:11,24 28:7,19
29:23 30:7,15 31:19
32:9,12,13,21 33:4
34:17,23 35:2,7,12
36:16 37:7 38:6 39:12
40:25 41:2,12
watershed 35:8
way 4:19 10:2 17:16
21:14,19 26:25 35:25
37:15,22
ways 40:12
weary 10:19
weigh 17:17 19:20
Weiser 15:10
welcome 42:14
wells 25:25
went 10:22 11:20 13:3
we'll 4:20,22 38:23 42:16
42:19,20,23
we're 6:12 9:22 14:2,3
25:15,24 26:2,3,4,5,6
26:21,24 27:9 40:12
41:24 42:19
we've 4:15,17 8:19 9:15
11:22 12:3,11 20:7,21
23:13 27:6
WHEREOF 43:15
whichever 15:12
wild 15:25 39:8
wildlife 22:1
willing 7:19
window 4:4
WITNESS 43:15
won 8:22 9:7 17:12 28:11
28:14
word 5:1
words 12:14 28:25
work 4:10,19 8:1 26:25
worked 18:22,22,22,23
working 3:11 18:17 32:1
worrying 25:17,17
wouldn't 18:3 19:21,23
39:23 42:5
wrapped 37:1
written 11:25
Wyoming 35:3,5,6,11

Y

Yeah 27:17 32:17 37:17
year 11:24,24 15:15 16:5
16:7,8,23 17:14 24:2,19
25:11
years 7:3,8 9:23 12:2 23:4
23:24 24:2 25:10

I

10 16:11,22 22:2
10,000 16:6
1200 16:4,8,20
1400 33:14 34:7
15 29:18
15,000 16:11
1800 32:9
1982 6:17 13:14
1984 1:13 3:2 27:3
1985 27:7

2

20 23:24 24:2
200 34:22
2007 43:16
21 43:21
21st 11:22
25 26:14,17

3

3 43:16
3,000 16:12
31 1:13 3:2
320 34:18,23
3300 15:3 16:15 17:10
30:5
39 30:6 40:23 41:12
3900 26:3 31:4

4

4 35:7
4th 38:24
40 3:19,22 4:4 34:23
40-acre 34:12
400 34:12
4000 30:24
4500 16:17 17:13 30:25

5

50-some 34:15,16
5000 15:12,13 30:19,25
56 30:6 34:16
5600 31:4

6

60 42:17
600,000 33:22

7

70 22:20
700 34:11

8

80 12:2
82 33:9
84 27:2
8400 5:16

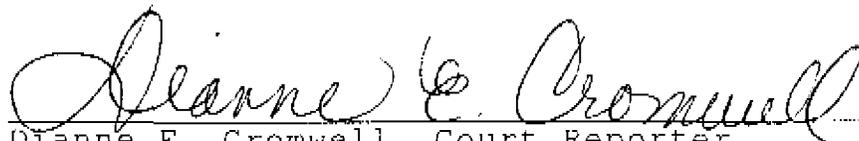
R E P O R T E R ' S C E R T I F I C A T E

I, Dianne E. Cromwell, court Reporter, a
Notary Public, do hereby certify:

That I am the reporter who transcribed
the proceedings had in the above-entitled action
in machine shorthand and thereafter the same was
reduced into typewriting under my direct
supervision; and

That the foregoing transcript contains a
full, true, and accurate record of the proceedings
had in the above and foregoing cause, which was
heard at Boise, Idaho.

IN WITNESS WHEREOF, I have hereunto set
my hand April 3, 2007.


Dianne E. Cromwell, Court Reporter
CSR No. 21

