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*Attorneys for City of Bellevue*

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

IN THE MATTER OF APPLICATIONS FOR  
PERMITS FOR THE DIVERSION AND USE  
OF SURFACE AND GROUND WATER  
WITHIN THE SNAKE RIVER BASIN

IN THE MATTER OF BIG WOOD RIVER  
GROUND WATER MANAGEMENT AREA

**CTIY OF BELLEVUE  
DISCLOSURE OF POTENTIAL  
WITNESSES AND DOCUMENTS  
FOR HEARING**

COMES NOW the City of Bellevue (“Wellsprings”), by and through its attorneys of record, McHugh Bromley, PLLC, and pursuant to the Director’s March 31, 2023 *Order Consolidating Proceedings for Hearing, Authorizing Discovery, and Scheduling; Notice of Hearing* and hereby files this *Disclosure of Potential Witnesses and Documents for Hearing*.

**IDENTIFICATION OF POSSIBLE WITNESSES  
AND SCOPE OF TESTIMONY**

**1. Expert Witness**

**Greg Sullivan, P.E.**  
Spronk Water Engineers, Inc.  
1000 Logan Street  
Denver, Colorado, 80203  
(303) 861-9700

Mr. Sullivan may testify as an expert on matters related to the Director’s conclusion that applications for municipal water use shall be considered fully consumptive. He may also testify

to the City's water use and water rights. He may also testify to the impact of groundwater pumping on surface water within the basin. Mr. Sullivan's report and opinions will be timely disclosed under the scheduling order.

**2. Lay Witnesses**

Chris Johnson, City of Bellevue, c/o counsel set forth below

Mike Woodworth, Engineer, Mountain Waterworks, c/o counsel set forth below.

Mr. Johnson and/or Mr. Woodworth may testify to the City's water rights and use.

**3. IDWR Witnesses**

**Tim Luke**

Idaho Department of Water Resources  
322 E. Front St.  
Boise, ID 83702  
(208) 287-4800

Mr. Luke may testify regarding the process of determining municipal water rights permits and licenses. Mr. Luke may testify regarding the Big Wood River Ground Water Management Area.

**Shelley Keen**

Idaho Department of Water Resources  
322 E. Front St.  
Boise, ID 83702  
(208) 287-4800

Mr. Keen may testify regarding the process of determining municipal water rights permits and licenses. Mr. Keen may testify regarding the Big Wood River Ground Water Management Area.

**Mat Weaver**

Idaho Department of Water Resources  
322 E. Front St.  
Boise, ID 83702  
(208) 287-4800

Mr. Weaver may testify regarding the process of determining municipal water rights permits and licenses. Mr. Weaver, who signed the *Amended Snake River Basin Moratorium Order* that is consolidated within this proceeding, may testify as to the same.

**James Cefalo**

Idaho Department of Water Resources  
900 N. Skyline Dr., Ste. A  
Idaho Falls, ID 83402  
(208) 525-7161

Mr. Cefalo is IDWR's Eastern Regional Manager and was identified by IDWR as a witness who can testify to the Director's conclusion that applications for municipal water use and for domestic water use from community water systems shall be considered fully consumptive. Mr. Cefalo is scheduled to be deposed on May 11, 2023. If additional topics of testimony are understood beyond the purported fully consumptive nature of municipal and domestic water right applications, this disclosure will be timely updated.

**Corey Skinner**

Idaho Department of Water Resources  
650 Addison Ave. W., Ste. 500  
Twin Falls, ID 83301  
(208) 736-3033

Mr. Skinner is IDWR's Southern Regional Manager and may testify regarding the process of determining municipal water rights permits and licenses.

**Nick Miller**

Idaho Department of Water Resources  
2735 W. Airport Wy.  
Boise, ID 83705  
(208) 334-2190

Mr. Miller is IDWR's Western Regional Manager and may testify regarding the process of determining municipal water rights permits and licenses.

**Jennifer Sukow**  
Idaho Department of Water Resources  
2735 W. Airport Wy.  
Boise, ID 83705  
(208) 334-2190

Ms. Sukow is IDWR's modeler and may testify regarding the use of the model in the BWRGWMA and Moratorium area, and its prediction of impacts from groundwater pumping on surface water sources.

#### **4. Other Witnesses and Rebuttal**

Bellevue reserves the right to examine and call all individuals disclosed in other parties' Disclosure of Potential Witnesses and Documents. Bellevue reserves the right to call any witnesses necessary for rebuttal testimony.

#### **DOCUMENTS, DATA AND COMPILATIONS THAT MAY BE USED AS EXHIBITS**

1. Decrees, licenses and permits related to Bellevue's water rights.
2. Water right diversion, water use data, wastewater discharge data, NPDES permits, and documents related to the same from cities within the Big Wood River Ground Water Management Area, the BWR Moratorium Area, cities within the boundaries of the *Amended Snake River Basin Moratorium Order*, and other municipalities across the western United States.
3. Engineering reports, scientific studies, and administrative policies related to municipal consumptive use and impacts of groundwater pumping with the area and use of the groundwater model. Including Mr. Sullivan's report that he provided to parties in the informal settlement process.
4. IDWR and other agencies' materials related to municipal consumptive use.

5. IDWR materials and other agencies' materials related to consumptive use of other water rights, including irrigation.
6. IDWR orders, permits, and licenses related to municipal water rights.
7. Engineering reports prepared by any party to this case.
8. Communications between Bellevue and other parties in this case and/or the Department.
9. Documents related to other parties' water rights and wastewater treatment facilities, and the operation of same.
10. Pleadings and other documents, without limitation: deeds, decrees, diversion records, maps, aerial photographs, contracts, and engineering that relates to the issues in dispute.
11. Bellevue reserves the right to use any and all documents in rebuttal and to supplement this list as other documents become known.

DATED this 8th day of May 2023.

/s/

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Candice M. McHugh  
*Attorneys for City of Bellevue*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of May 2023, a true and correct copy of the foregoing document was served by email and addressed to the following:

<p>Gary Spackman, Director          IDAHO DEPARTMENT OF WATER          RESOURCES          PO Box 83720          Boise, ID 83720-0098  <a href="mailto:gary.spackman@idwr.idaho.gov">gary.spackman@idwr.idaho.gov</a>  <a href="mailto:file@idwr.idaho.gov">file@idwr.idaho.gov</a></p>	<p>Norman M. Semanko          Payton G. Hampton          PARSONS BEHLE LATIMER          800 W. Main Street, Suite 1300          Boise, ID 83702  <a href="mailto:nsemanko@parsonsbehle.com">nsemanko@parsonsbehle.com</a>  <a href="mailto:phampton@parsonsbehle.com">phampton@parsonsbehle.com</a>  <a href="mailto:ecf@parsonsbehle.com">ecf@parsonsbehle.com</a></p>
<p>Garrick L. Baxter          Deputy Attorney General          IDAHO DEPARTMENT OF WATER          RESOURCES          PO Box 83720          Boise, ID 83720-0098  <a href="mailto:Garrick.baxter@idwr.idaho.gov">Garrick.baxter@idwr.idaho.gov</a></p>	<p>James R. Laski          Heather E. O’Leary          LAWSON LASKI CLARK, PLLC          PO Box 3310          Ketchum, ID 83340  <a href="mailto:jrl@lawsonlaski.com">jrl@lawsonlaski.com</a>  <a href="mailto:heo@lawsonlaski.com">heo@lawsonlaski.com</a></p>
<p>W. Kent Fletcher          FLETCHER LAW OFFICE          PO Box 248          Burley, ID 83318  <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<p>Jerry R. Rigby          Chase T. Hendricks          RIGBY, ANDRUS &amp; RIGBY, PLLC          25 North Second East          Rexburg, ID 83440  <a href="mailto:jrigby@rex-law.com">jrigby@rex-law.com</a>  <a href="mailto:chendricks@rex-law.com">chendricks@rex-law.com</a></p>
<p>Albert P. Barker          John Simpson          Travis L. Thompson          BARKER ROSHOLT &amp; SIMPSON LLP          PO Box 63          Twin Falls, ID 83303-0063  <a href="mailto:abarker@martenlaw.com">abarker@martenlaw.com</a>  <a href="mailto:jsimpson@martenlaw.com">jsimpson@martenlaw.com</a>  <a href="mailto:tthompson@martenlaw.com">tthompson@martenlaw.com</a>  <a href="mailto:jnielsen@martenlaw.com">jnielsen@martenlaw.com</a></p>	<p>Randall C. Budge          Thomas J. Budge          Elisheva M. Patterson          RACINE OLSON, PLLP          PO Box 1391          Pocatello, ID 83204  <a href="mailto:randy@racineolson.com">randy@racineolson.com</a>  <a href="mailto:tj@racineolson.com">tj@racineolson.com</a>  <a href="mailto:elisheva@racineolson.com">elisheva@racineolson.com</a></p>

<p>John K. Simpson          BARKER ROSHOLT &amp; SIMPSON LLP          PO Box 2139          Boise, ID 83701-2139  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a></p>	<p>Scott N. Pugrud          IDAHO POWER COMPANY          PO Box 70          Boise, ID 83707  <a href="mailto:Spugrud2@idahopower.com">Spugrud2@idahopower.com</a></p>
<p>Dylan B. Lawrence          VARIN THOMAS LLC          PO Box 1676          Boise, ID 83701-1676  <a href="mailto:dylan@varinthomas.com">dylan@varinthomas.com</a></p>	

/s/

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Candice M. McHugh