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Attorneys for City of Hailey

**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

**CITY OF HAILEY’S
DISCLOSURE OF POTENTIAL
WITNESSES AND DOCUMENTS
FOR HEARING**

IN THE MATTER OF BIG WOOD RIVER
GROUND WATER MANAGEMENT AREA

City of Hailey (the “City”), by and through its counsel of record, Givens Pursley LLP, hereby files this *Disclosure of Potential Witnesses and Documents for Hearing* pursuant to the Director’s March 31, 2023 *Order Consolidating Proceedings for Hearing, Authorizing Discovery, and Scheduling; Notice of Hearing*.

I. IDENTIFICATION OF POSSIBLE WITNESSES AND SUMMARY OF TESTIMONY

- 1. 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 also may testify

to the City's water use and water rights, and its municipal water diversion, treatment, and distribution systems. He also may testify as a lay or expert witness regarding the City's wastewater collection, treatment, and disposal systems. He also may testify to the impact of groundwater pumping on surface water within the Wood River basin. Any report containing Mr. Sullivan's opinions will be timely disclosed under the scheduling order.

Mr. Sullivan also may testify to any other factual or technical issues concerning or relevant to the above-captioned matters raised by the Idaho Department of Water Resources or any other party or witness.

2. Brian Yeager, P.E. / P.L.S.

City of Hailey Public Works Director/City Engineer/Land Surveyor
115 S. Main Street
Hailey, ID 83333
(208) 788-9815 Ext. 4224

Mr. Yeager is the City's Public Works Director and may be called upon as a lay or expert witness to testify as to the City's water rights and the diversion and use of water under the City's water rights. He may also testify as a lay or expert witness on matters related to the City's wastewater collection, treatment, and disposal systems. To the extent Mr. Yeager testifies as an expert, his report and opinions will be timely disclosed under the scheduling order.

Mr. Yeager may testify to any other factual or technical issues concerning or relevant to the above-captioned matters raised by the Idaho Department of Water Resources or any other party or witness.

3. 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.

4. 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.

5. 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 May 17, 2022 *Order Establishing Moratorium* in the Big Wood River Ground Water Management Area, may testify as to the same.

6. 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 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.

7. 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.

8. 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.

9. 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.

10. Other Witnesses and Rebuttal

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

II. DOCUMENTS THAT MAY BE RELIED UPON AT HEARING

1. Decrees, licenses and permits related to the City's water rights.

2. Water right diversion and water use data within the City's service area, as well as other Idaho cities, and other municipalities across the western United States.
3. The City's wastewater discharge data.
4. Documents related to the City's wastewater treatment processes and operations, including without limitation its NPDES permit(s).
5. Engineering reports, scientific studies, and administrative policies related to municipal consumptive use.
6. IDWR and other agency materials related to municipal consumptive use.
7. IDWR materials related to consumptive use of other water rights, including irrigation.
8. IDWR orders, permits, and licenses related to municipal water rights.
9. Engineering or expert reports prepared by any party to this case.
10. Communications between parties in this case and/or the Department.
11. Documents related to other parties' water rights and wastewater treatment facilities, and the operation of same.
12. Pleadings and other documents, without limitation: deeds, decrees, diversion records, maps, aerial photographs, contracts, and engineering that relates to the issues in dispute.
13. Any documents disclosed or used at the hearing by IDWR or any party.

The City reserves the right to amend or supplement this disclosure as discovery progresses, and to present additional expert witnesses, testimony, and/or exhibits at the hearing as rebuttal or otherwise. The City also reserves the right to not use any of the documents listed above or call any of the persons listed above and to restrict or limit the scope of the witness's testimony in the event any of the above-listed persons are called to testify.

Respectfully submitted this 8th day of May, 2023.

GIVENS PURSLEY LLP



By

Michael P. Lawrence
Attorneys for City of Hailey

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 2023, the foregoing, together with any appendices or exhibits, was filed, served, and copied as shown below.

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