

Dylan B. Lawrence, ISB No. 7136
Varin Thomas LLC
242 N. 8th Street, Suite 220
P.O. Box 1676
Boise, Idaho 83701-1676
Telephone: (208) 345-6021
Facsimile: (866) 717-1758
dylan@varinthomas.com

Attorneys for Petitioner Elmore County, Board of County Commissioners

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR) **INITIAL WITNESS AND EXHIBIT**
PERMITS FOR THE DIVERSION AND USE) **DISCLOSURE**
OF SURFACE AND GROUND WATER)
WITHIN THE SNAKE RIVER BASIN)
_____)

The Board of Commissioners of Elmore County, through undersigned counsel of record, hereby files this preliminary disclosure of witnesses and exhibits it anticipates relying upon at the hearing in this matter, pursuant to the Director’s order of March 31, 2023. Pursuant to that order, this disclosure is preliminary in nature, and the County reserves the right to supplement these disclosures as appropriate as the matter progresses.

I. WITNESSES

Corbus, Franklin (“Bud”). The County expects to call Mr. Franklin “Bud” Corbus as a witness. Mr. Corbus is a current Elmore County Commissioner and long-time Elmore County resident and would testify regarding the need for water within the County.

Scanlan, Terry M. The County expects to call Mr. Terry M. Scanlan, P.E., P.G., Principal Engineer at HDR, as an expert witness in this matter. Mr. Scanlan's *curriculum vitae* is attached hereto as Attachment A. Expected areas of testimony by Mr. Scanlan include:

Historic Snake River flows and water availability between King Hill and Swan Falls, including historical data at the USGS's Murphy Gage;

The ability to regulate diversion from the Snake River as needed to protect minimum streamflows, as contrasted with the inability to do so with groundwater appropriations;

The need for Snake River water for supplemental irrigation purposes within Elmore County to reduce groundwater pumping and/or provide aquifer recharge;

The need for Snake River water to support economic growth within Elmore County;

The effect of a moratorium in regard to the Swan Falls Agreement, which contemplated reallocation of trust water in accordance with Idaho Code Section 42-203C; and

The effect of a moratorium in regard to the appropriation of non-trust water (*i.e.*, flows in excess of 8400 cfs at Swan Falls) that are considered unappropriated water that is constitutionally available for appropriation.

Vincent, Sean. The County reserves the right to cross examine IDWR employee Sean Vincent regarding the items identified in Item Number 2 of the Department's Notice of April 7, 2023.

Whitney, Rob. The County expects to call Department employee Mr. Rob Whitney as a witness, in his role as the watermaster for Water District 02. Mr. Whitney would testify regarding the ability to regulate diversions from the Snake River in real time.

In addition to the above individuals, Elmore County may designate a witness to testify regarding wind and solar production within Elmore County and their relationship to flows for

hydropower within the Snake River. Elmore County will supplement this disclosure as appropriate.

II. DOCUMENTS

In addition to the documents identified in Item Number 2 in the Department's Notice of April 7, 2023, Elmore County and its witnesses may rely on the following documents at hearing:

Agreement between the State of Idaho and Idaho Power Company (Oct. 25, 1984).

<https://tinyurl.com/5yxyh23h>

Scanlan, T. (2017). *Elmore County water supply alternatives*. SPF Water Engineering, LLC. <https://tinyurl.com/2p92kzcr>

Scanlan, T. (2018). *Additional information for application 02-10535*. SPF Water Engineering, LLC. <https://tinyurl.com/67cxwknd>

Scanlan, T. (2019). *Expert report for application for permit 02-10535*. SPF Water Engineering, LLC. <https://tinyurl.com/4cwejj3d>

Water District 02 annual reports, available at <https://tinyurl.com/yskxw8jw>

DATED THIS 8th day of May, 2023.

Varin Thomas LLC

By: 

Dylan B. Lawrence
Attorneys for Elmore County, Board of
County Commissioners

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2023, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Original:

Idaho Department of Water Resources
322 E. Front Street
Boise, Idaho 83702
file@idwr.idaho.gov

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

With copies to:

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
P.O. Box 50130
1000 Riverwalk Drive, Suite 200
Idaho Falls, ID 83405
rharris@holdenlegal.com

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

Candice McHugh
Chris M. Bromley
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
cmchugh@mchughbromley.com
cbromley@mchughbromley.com

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

Norman M. Semanko
Payton G. Hampton
PARSONS BEHLE & LATIMER
800 W. Main St., Suite 1300
Boise, ID 83702
nsemanko@parsonsbehle.com
phampton@parsonsbehle.com
ecf@parsonsbehle.com

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

Albert P. Barker
Travis L. Thompson
Michael A. Short
John K. Simpson
BARKER ROSHOLT & SIMPSON LLP
PO Box 63
Twin Falls, ID 83303-0063
apb@idahowaters.com
tlt@idahowaters.com
mas@idahowaters.com
jks@idahowaters.com

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

Jerry R. Rigby
Chase T. Hendricks
RIGBY, ANDRUS & RIGBY
25 North Second East Rexburg, ID 83440
jrigby@rex-law.com
chendricks@rex-law.com

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

James R. Laski
Heather E. O'Leary
LAWSON LASKI CLARK, PLLC
PO Box 3310
675 Sun Valley Rd., Suite A
Ketchum, ID 83340
jrl@lawsonlaski.com
heo@lawsonlaski.com

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

Thomas J. Budge
Elisheva M. Patterson
RACINE OLSON, PLLP
PO Box 1391
Pocatello, ID 83204-1391
tj@racineolson.com
elisheva@racineolson.com

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

Sarah A. Klahn
Somach Simmons & Dunn
2033 11th Street, #5
Boulder, CO 80302
sklahn@somachlaw.com

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

W. Kent Fletcher
FLETCHER LAW OFFICE
PO Box 248
Burley, ID 83318
wkf@pmt.org

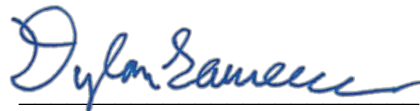
U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

Michael P. Lawrence
Charlie S. Baser
Givens Pursley LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
mpl@givenspursley.com
csb@givenspursley.com

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email

Scott N. Pugrud
IDAHO POWER COMP ANY
P.O. Box 70
Boise, ID 83707
spugrud2@idahopower.com

U.S. Mail
 Overnight Mail
 Hand Delivery
 Fax
 Email



Dylan B. Lawrence

Attachment A



Terry Scanlan

Principal Engineer & Hydrogeologist

Terry Scanlan has over 35 years of professional experience in water supply consulting as an engineer and hydrogeologist. He has particular expertise in well and pumping system design, water rights, public drinking water systems, irrigation, and other water resource matters.

Terry also has experience in low-temperature geothermal resource development, industrial water supply, aquifer recharge, regional water supply studies, and groundwater monitoring. He has served as Chairman of the Idaho Board of Registration for Professional Geologists. Terry is a Certified Water Right Examiner in Idaho.

EDUCATION

MS, Geological Engineering, University of Idaho

BS, Geological Engineering, University of Idaho

REGISTRATIONS

PE – ID #6266,
NV #22016

PG – ID #646
OR #G1311

CWRE – ID #129

INDUSTRY TENURE

37 years

OFFICE LOCATION

Boise, ID

AREAS OF EXPERTISE

- Groundwater development studies
- Water rights
- Design, installation, and testing of high-capacity wells for irrigation, municipal, and industrial water supply

RELEVANT EXPERIENCE

WATER/WATER RIGHTS PROJECT EXPERIENCE

Permitting, Design, Testing, and Equipping of Public Drinking Water Supply Wells - Idaho

Project Manager | Over the past 35 years, Terry has been responsible for design, construction administration, permitting, and equipping of over 200 public drinking water system wells for municipalities, public utilities, schools, residential developments, industries, churches, and businesses in Idaho. Municipalities include Boise, Meridian, Nampa, Eagle, Homedale, Greenleaf, and Marsing. Well capacities have ranged from less than 20 gpm for small businesses to more than 3,000 gpm for municipal supply.

Water Supply Planning And Engineering Services; Micron Technology—Boise, ID

Project Manager | Terry has provided water supply planning and engineering services to Micron Technology for over 30 years. This work has included the design of several water supply wells and pump systems, permitting of a surface water supply (including a Boise River pump station shared with Veolia), development of an ASR program, and water right management. Micron is located within the Southeast Boise Ground Water Management Area (SEBGWMA), which has required innovative methods to maintain facility water supply while minimizing net groundwater use. Annual monitoring and reporting of groundwater use and aquifer water levels has been required in the SEBGWMA since 1994.

Well & Water Supply Consulting; Boise Parks & Recreation

Department—Boise, ID Project Manager and Technical Review | Terry has served as the primary water supply consultant to the City of Boise Parks and Recreation Department for more than 30 years. This work has included planning, design, and construction of groundwater and surface water supply systems for irrigation of more than 50 park sites. Since 1994, Mr. Scanlan has conducted annual evaluations of all well and surface water pumps systems for the Park Department. This work reviews well performance, pump performance, and static water levels to determine whether wells or pumps require maintenance, or whether aquifer water levels are impacting productivity.

Permitting, Design, Construction, Testing, and Equipping of Fish Hatchery Water Supply Wells – Western US

Project Manager | Terry has been responsible for groundwater supply investigations and groundwater supply development at numerous fish hatchery facilities in Idaho, Oregon, Washington, and Nevada for state and federal agencies and for public utilities. This work has included water supply studies, water rights consulting, well design, well rehabilitation, and

pump system design. Hatchery facilities include Sawtooth National Fish Hatchery (Stanley, ID), Upper Pahsimeroi Hatchery (May, ID), Springfield Hatchery (Springfield, ID), Mason Valley Hatchery (Yerington, NV), Lahontan National Fish Hatchery (Gardnerville, NV), Irrigon and Umatilla Fish Hatcheries (Irrigon, OR), and Abernathy Fish Technology Center (Longview, WA). Water supply wells have consisted primarily of high-capacity (up to 6,000 gpm) wells for fish propagation, but have also included small domestic supply wells.

Water Supply Alternatives Study—Elmore County, ID

Project Manager | Terry provided management and input on a water planning study of the Mountain Home Plateau for the Elmore County Board of Commissioners. The study was 2/3 funded by the Idaho Water Resource Board, examined current water supply and water management on the Mountain Home Plateau, and provided recommendations for improving water supply through the importation of water from the Boise and Snake Rivers. Terry subsequently provided water right permitting for the appropriation of water from the Snake River, South Fork Boise River, and Canyon Creek, along with the design of recharge facilities and preliminary design of 200-cfs capacity pumping and conveyance facilities at Anderson Ranch Reservoir. The work included right-of-way applications to the BLM and USFS, and an evaluation of hydroelectric generation potential. Mr. Scanlan currently provides technical input to the Elmore County Water Advisory Committee and ongoing water permitting and planning assistance for the County. Current projects include the South Fork Boise River project and a proposed Snake River water supply to the Mountain Home area

Testing & Design of Five Well & Pump Systems for Irrigation & Industrial Supply; CS Beef Packers—Ada County, ID

Project Manager | Terry was responsible for testing and design of five well and pump systems for irrigation and industrial supply at the CS Beef Packers plant and reuse site. The work has included assistance with water rights permitting, and ongoing monitoring of water production and groundwater levels in compliance with water right permit conditions.

Geothermal Water Supply Consulting—City of Boise, ID

Project Manager & Technical Review | Mr. Scanlan has provided consulting services to the City of Boise related to geothermal water supply for more than 30 years. The work has included monitoring, water rights assistance, expert witness testimony, injection well design, pump system rehabilitation, and injection permitting. The geothermal wells draw water from the Boise Front Low-Temperature Geothermal Resource Ground Water Management Area. The Boise Front Ground Water Management Area has successfully recovered groundwater levels and artesian pressures by reducing net discharge through re-injection activities.

Design, Construction Monitoring, and Testing of Production and Injection Well Systems for Heating and Cooling Purposes; Idaho and Oregon.

Project Manager | Mr. Scanlan has provided design, construction, and operation assistance for several open-loop hydronic systems in Idaho and Oregon serving office building, schools, and public facilities. These systems have generally utilized cold-groundwater from deep and shallow wells for supply with reinjection after heat exchange. Most of these systems have experienced operational challenges due to plugging of injection wells, resulting in the need for frequent well maintenance activities.