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Sep 07, 2022

DEPARTMENT OF
WATER RESOURCES

Lance J. Schuster, ISB No. 5404
BEARD ST. CLAIR GAFFNEY PA
955 Pier View Drive
Idaho Falls, ID 83402
Telephone: (208) 523-5171
Facsimile: (208) 529-9732
Email: lance@beardstclair.com

Attorneys for Petitioners

**IDAHO DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

IN THE MATTER OF THE WATER
RIGHTS OF:
MICHAEL BEER AND LORI BEER
AND WATER RIGHT NO. 29-13740.

Docket No. CM-DC-2021-001

PETITIONERS' WITNESS AND
EXHIBIT LIST

Petitioners, Michael Beer and Lori Beer, by and through their attorney, Lance J. Schuster of the firm Beard St. Clair Gaffney PA, hereby submits the following list of proposed witnesses and exhibits that they may use at the trial of this matter:

WITNESSES

1. Michael Beer.
2. Lori Beer.
3. Mike McVay.
4. Matt Groll, or other individual from Lava Hot Springs Property Owners Association
5. Dr. Justin Tobias
6. Ken Bernt, or other individual from the Bernt Family Trust

7. Petitioners may call any witness identified by any Party in discovery and/or witnesses to offer rebuttal testimony and/or witnesses necessary to lay the foundation for the introduction of evidence.

EXHIBITS

1. Beer Water Right Report.
2. September 15, 2019, The 13714 South Smith Canyon Spring Failure.
3. July 2021, Surface Water and Spring Flow Measurements for Upper Deer Creek in Smith Canyon, Bannock County ID.
4. July 2021, Addendum To: Surface Water and Spring Flow Measurements for Upper Deer Creek in Smith Canyon, Bannock County ID.
5. November 2021, Deer Creek Aquifer Well Elevations.
6. December 7, 2021, Technical Report, Mike McVay, and any updates to the report.
7. April 2022, Locations of Hydrologic Features in Lava Ranch.
8. August 30, 2022 Surface Water and Spring Flow Measurements for Upper Deer Creek in Smith Canyon, Bannock County ID 2019-2022.
9. Letter from Dr. Justin Tobias.
10. Letter from Bernt Family Trust.
11. Any documents produced by any Party in discovery or obtained via subpoena.
12. Any exhibits of any Party in this matter.
13. Any pleadings filed with the Court in this matter.
14. Any document introduced by any Party in this matter through discovery, and/or any exhibit offered as impeachment or rebuttal evidence.

DATED: September 7, 2022.

/s/ Lance J. Schuster

Lance J. Schuster
BEARD ST. CLAIR GAFFNEY PA
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing *Petitioners' Witness and Exhibit*

List upon the following by mailing a copy thereof, properly addressed with postage prepaid, to:

Mat Weaver, Hearing Officer
Idaho Department of Water Resources
322 E. Front St.
Boise, ID 83702-0098
mathew.weaver@idwr.idaho.gov
sarah.tschohl@idwr.idaho.gov
file@idwr.idaho.gov

Travis Thompson
Barker Rosholt & Simpson, LLP
163 Second Ave. West
P.O. Box 63
Twin Falls, ID 83301
tlt@idahowaters.com

Dated: September 7, 2022.

/s/ Lance J. Schuster

Lance J. Schuster
Beard St. Clair Gaffney PA
Attorneys for Petitioners