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*Attorneys for Lava Ranch Property Owners Assn.*

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE 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

**LRPOA’S LAY WITNESS AND EXHIBIT  
LIST / REQUEST TO ALLOW CERTAIN  
VIDEO CONFERENCE TESTIMONY**

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COMES NOW, Respondent LAVA RANCH PROPERTY OWNERS ASSOCIATION, INC. (“LRPOA” or “Association”), by and through its counsel of record, BARKER ROSHOLT & SIMPSON LLP, and pursuant to the *Revised Scheduling Order* hereby provides the following list of lay witnesses and exhibits (See Attachment A) that may be called and offered at the hearing in the above-referenced matter:

**Lay Witnesses**

Adrienne Buckley  
29 East 100 North  
Malad, ID 83252  
Phone: (801) 712-5989

Ms. Buckley currently serves on the LRPOA Board of Directors and has knowledge concerning the Association’s wells, their use, and history, as well as Association records. Ms. Buckley is also familiar with the subdivision, water sources, climate and water supplies in the area. Ms. Buckley is also familiar with the results of a water use survey of the Association members that was taken and water needs of its members.

Gary Forgeon  
P.O. Box 785  
Lava Hot Springs, Idaho 83246  
Phone: (208) 317-5084

Mr. Forgeon is familiar with the subdivision and history of the upper well. Mr. Forgeon has knowledge of aquifer supplies and wells in the area.

James Patterson  
348 E 800 N  
Brigham City, UT 84302  
Phone: (435) 730-0912

Mr. Patterson is a current board member of LRPOA and has owned Lot #57 since 2014. Mr. Patterson is familiar with seasonal ground and spring water supplies in the subdivision, as well as issues with a well on his property.

Frank May  
6110 N Hwy 38  
Brigham City, UT 83402  
Phone: (435) 730-1606

Mr. May owns Lots #31, 33, and 34. The property has been in the May family since 1983. Mr. May is familiar with a spring on his property, including seasonal water supplies and how the spring has diminished over time.

Thomas Bland  
973 N 2700 W  
Farr West, Utah 84404  
Phone: (801) 726-7407

Mr. Bland has owned Lot 401 since 2005. Mr. Bland is familiar with spring flow on his property and its supplies over the years. Mr. Bland was also on the board of directors from 2017-2021 and is familiar with the upper well and tank system and the measurements and use from the upper well in 2021.

Scott Sheffield  
532 Country Cr. Dr.  
Layton, Utah 84041  
Phone: (801) 390-5230

Mr. Sheffield assisted with installation of the timer and lock systems on the upper and lower wells in 2021. Mr. Sheffield has knowledge about the water system operations and is responsible for opening and closing the upper well in the spring and fall if its use is allowed.

Harry and Maxine Scott  
1932 N 106<sup>th</sup> Pl.  
Mesa, Arizona 85207-4538  
Phone: (480) 226-8831

The Scotts have owned Lot 413 since 1979 and hold water right 29-7808 from a spring for domestic use. The Scotts are familiar with the spring flow and Mr. Scott was part of the project installing the tanks and pump on the upper well in 2015. Mr. Scott is familiar with the water system for the HOA and can testify about water use and water supplies in general.

Any witness called by the Petitioners

Any witness called by IDWR, including Mike McVay

**REQUEST TO ALLOW CERTAIN VIDEO CONFERENCE TESTIMONY**

LRPOA requests the Hearing Officer to allow Mr. and Mrs. Scott to provide testimony via video conference. The Scotts live in Arizona in the fall/winter and will be unable to travel to Idaho during the hearing due to time and costs. The question/answer period for each can be brief and can be readily conducted via Zoom, Microsoft Teams, or some other platform that could also be recorded for the benefit of the Hearing Officer. This testimony could be arranged to be taken at a mutually agreed to time with counsel on a day/time either before or after the in-person hearing set for October 18-19, 2022 in Pocatello, Idaho.

Dated this 4<sup>th</sup> day of October, 2022.

**BARKER ROSHOLT & SIMPSON LLP**



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Travis L. Thompson

*Attorneys for Lava Ranch Property Owners Assn.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of October, 2022, I served a true and correct copy of the foregoing LRPOA'S LAY WITNESS AND EXHIBIT LIST / REQUEST TO ALLOW CERTAIN TESTIMONY VIA VIDEO CONFERENCE:

By U.S. Mail and Email to the following:

Mat Weaver, Hearing Officer  
Idaho Department of Water Resources  
State Office  
322 E. Front St.  
Boise, Idaho 83702-0098  
[mathew.weaver@idwr.idaho.gov](mailto:mathew.weaver@idwr.idaho.gov)  
[sarah.tschohl@idwr.idaho.gov](mailto:sarah.tschohl@idwr.idaho.gov)  
[file@idwr.idaho.gov](mailto:file@idwr.idaho.gov)

Lance Schuster  
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955 Pier View Dr.  
Idaho Falls, Idaho 83402  
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*Attorneys for Petitioners Mike & Lori Beer*



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Travis L. Thompson

## **ATTACHMENT A**

### **Exhibit List**

1. James Patterson September 22, 2022 Letter
2. Trench Route
3. Upper Well Tanks Picture – Taken at the time of Installation P1060390
4. Upper Well Tanks Picture – Taken at the time of Installation P1060391
5. Upper Well Tanks Picture – Taken at the time of Installation P1060392
6. Upper Well Tanks Picture – Taken at the time of Installation P1060413
7. Tank Alignment 1 Picture
8. Tank Alignment 2 Picture
9. Tank Pipe Placement 1 Picture
10. Tank Pipe Placement 2 Picture
11. How the Wolverine Upper Well and Tanks Work
12. June 3, 2021 IDWR Letter to LRPOA
13. July 2021 LRPOA Water Survey Results
14. Sept. 22, 2014 Barfus MJEMO for Wolverine Well Pump
15. May 2015 Great Western Supply, Inc. Quote & Material Detail
16. July 27, 2015 Wolverine Well Water Level Memo
17. June 27, 2016 Well Project Info. – Save for Records
18. NORWESCO 1799 GWLOW Grown Cistern
19. Lava Ranch Map 1-1
20. Lava Ranch Phase 1
21. Lava Ranch Phase 3

22. Harry and Maxine Scott August 1, 2022 Letter (with September 20, 2022 note)
23. Water Right 29-7649 Map
24. Water Right 29-7649 POU Map
25. Water Right License 29-7649 dated March 26, 1992
26. Water Right 29-7808 Map
27. Water Right 29-7808 License and Map