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Attorneys for Petitioner South Valley Ground Water District and Galena Ground Water District

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

SOUTH VALLEY GROUND WATER)
DISTRICT and GALENA GROUND WATER) CASE NO. CV07-21-00243
DISTRICT,)
)
)
Petitioners,)
) **DECLARATION OF MARK**
vs.) **JOHNSON**
)
)
THE IDAHO DEPARTMENT OF WATER)
RESOURCES and GARY SPACKMAN in his)

_____)
I, Mark Johnson, hereby declare and state as follows:

1. I am over the age of 18 and state the following based upon my own personal knowledge.
2. I am a potato farmer operating at Silver Creek Seeds. I grow seed potatoes for a variety of commercial growers on 660 acres in the Bellevue Triangle.
3. Last fall I entered into contracts with my customers, and with landowners to rent the fields. The fields were all planted before this proceeding began. Potatoes must have water until the first of September to survive, then a little water at harvest time at the end of September.
4. I just received notice of the order curtailing groundwater withdrawals in the Bellevue Triangle effective July 1, 2021. This order curtailing groundwater use in the Bellevue Triangle affects water delivery to most of my crops. If water delivery is curtailed to the potato crop on July 1, 2021, the crops will die.
5. Right now is the most critical stage of the development of the potato crop. The potatoes are in the tuber-initiation stage. This tuber-initiation stage is when the potatoes sprout underground. When a potato sprouts, a stolon will come off the main stem on the potato plant. This stolon growth is the basis for the number of tubers that form and determine the yield of the potatoes. That is, the growth of the stolon will determine the number of seed potatoes that will be produced or if any seed potatoes will be produced.
6. Stress on the potatoes at this stage of their development is disastrous. If stressed, as it would be in the absence of water, the crop will not produce a set, the stolon will not form

tubers and I will not have a crop of seed potatoes. Stress on the potatoes due to lack of water at this point in its growth will destroy my crop of seed potatoes.

7. I expect a loss of \$3 million in the event I lose my crop of seed potatoes.
8. The Director's curtailment order will kill my crops. My customers would leave me, looking for a more reliable supplier. I started this business with nothing. I've endured years of ups and down and now I risk going out of business based on one administrator's decision, and my thirty-four years in the potato business would be over. I have put my whole life into the potato business and I don't know what I will do next.

DATED this 24th day of June, 2021.

A handwritten signature in blue ink that reads "Mark Johnson". The signature is written in a cursive style with a horizontal line underneath the name.

Mark Johnson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2021, the foregoing was filed, served, and copied as shown below.

IDAHO DEPARTMENT OF WATER RESOURCES P.O. Box 83720 Boise, ID 83720-0098	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Hand Delivered Overnight Mail iCourt
Gary L. Spackman IDAHO DEPARTMENT OF WATER RESOURCES PO Box 83720 Boise, ID 83720-0098	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt
James R. Laski Heather O’Leary LAWSON LASKI CLARK PLLC PO Box 3310 Ketchum, ID 83340	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt
Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC 380 S. 4th St., Ste. 103 Boise, ID 83702	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt
W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt
Sarah A. Klahn SOMACH SIMMONS & DUNN 2033 11th St., #5 Boulder, CO 80302	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt
Joseph F. James James Law Office, PLLC 125 5th Ave. West Gooding, ID 83330	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt

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U. S. Mail
 Overnight Mail
 iCourt

/s/ Albert P. Barker
Albert P. Barker