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**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

IN THE MATTER OF BIG WOOD RIVER
GROUND WATER MANAGEMENT AREA

**CITY OF POCATELLO'S
DISCLOSURE OF POTENTIAL
WITNESSES AND DOCUMENTS
FOR HEARING**

Fee Category: Exempt
Idaho Code § 67-2301

BACKGROUND

On March 31, 2023, the Director of the Idaho Department of Water Resources (“Department”) issued an *Order Consolidating Proceedings for Hearing, Authorizing Discovery, and Scheduling; Notice of Hearing* (“Consolidation Order”) in the above-captioned, consolidated matter. The first proceeding pertains to the May 17, 2022 *Order Establishing Moratorium for the Big Wood River Ground Water Management Area* and the second proceeding pertains to the October 21, 2022 *Amended Snake River Basin Moratorium Order* (collectively, “Orders”).

The Director ordered a May 8, 2023 deadline for the parties to “exchange a list of lay and expert witnesses and identify documents that may be relied upon at hearing.” *Consolidation Order* at 2. The Director further ordered that “[a] general summary of testimony shall be

provided for each witness identified.” *Id.* The City of Pocatello (“Pocatello”) submits the following in compliance with the *Consolidation Order*.

I. IDENTIFICATION OF POSSIBLE WITNESSES AND SCOPE OF TESTIMONY

a. 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 and domestic use from community water systems shall be considered fully consumptive. His report and opinions will be timely disclosed under the scheduling order.

b. Levi Adams, Superintendent

City of Pocatello, Water Pollution Control Department
10733 N Rio Vista Road
Pocatello, ID 83202
(208) 234-6254

Mr. Adams may testify as lay or expert witness on matters related to Pocatello’s wastewater collection, treatment, and disposal systems. To the extent Mr. Adams testifies as an expert, his report and opinions will be timely disclosed under the scheduling order.

c. Justin Bloxham, Operations Supervisor

City of Pocatello, Water Pollution Control Department
10733 N Rio Vista Road
Pocatello, ID 83202
(208) 234-6254

Mr. Bloxham may testify as a lay witness to Pocatello’s wastewater collection, treatment, and disposal systems.

d. Justin Armstrong, Superintendent

City of Pocatello, Water Department
1889 N Arthur Ave
Pocatello, ID 83204
(208) 234-6182

Mr. Armstrong may testify as a lay or expert witness regarding Pocatello's water rights, and Pocatello's municipal water diversion, treatment, and distribution systems. To the extent Mr. Armstrong testifies as an expert, his report and opinions will be timely disclosed under the scheduling order.

e. Skyler Allen, Utility Engineer, P.E.

City of Pocatello, Engineering Department
911 N 7th Avenue
Pocatello, ID 83201
(208) 234-6225

Mr. Allen may testify as a lay or expert witness regarding Pocatello's water rights, and Pocatello's municipal water diversion, treatment, and distribution systems. To the extent Mr. Allen testifies as an expert, his report and opinions will be timely disclosed under the scheduling order.

f. Tim Luke, Chief, Water Compliance Bureau

Idaho Department of Water Resources
322 E Front Street
Boise, ID 83702
(208) 287-4800

Mr. Luke may testify regarding the process of determining municipal water rights permits and licenses.

g. Other parties in this case and their present and former employees, witnesses, consultants, and representatives that are likely to have discoverable information relevant to the allegations made by them in this case.

h. Persons identified in other parties' disclosures made pursuant to the scheduling order in this matter.

Pocatello's listing of any person who may have discoverable information does not constitute an endorsement of any such persons as a witness, nor does it constitute a waiver of any applicable privilege or of the necessity to follow appropriate procedures to obtain information from such individuals.

II. DOCUMENTS, DATA AND COMPILATIONS THAT MAY BE USED AS EXHIBITS

- a. Decrees, licenses and permits related to Pocatello's and other Eastern Snake Plain Aquifer ("ESPA") cities' water rights.
- b. Water right diversion and water use data from Pocatello, other ESPA cities, and other municipalities across the western United States.
- c. Engineering reports, scientific studies, and administrative policies related to municipal consumptive use.
- d. Pocatello's wastewater discharge data.
- e. Pocatello's NPDES permit.
- f. Documents related to Pocatello's wastewater treatment processes and operations.
- g. IDWR materials related to municipal consumptive use.
- h. IDWR materials related to consumptive use of other water rights, including irrigation.
- i. IDWR orders, permits, and licenses related to municipal water rights.
- j. Engineering reports prepared by Pocatello and other parties to this case.

- k. Communications between Pocatello and other parties in this case and/or the Department.
- l. Documents related to other parties' water rights and wastewater treatment facilities, and the operation of same.
- m. Pleadings and other documents, without limitation: deeds, decrees, diversion records, maps, aerial photographs, contracts, and engineering that relates to the issues in dispute.

The listing of or reference to any document above does not constitute a waiver of any applicable privilege or protective doctrine, and Pocatello will withhold from disclosure any document protected by the work product, attorney-client, common interest, or other applicable privilege or protection.

Materials considered by Pocatello's expert witness(es) in developing opinions will be identified at the time of the disclosure of any expert reports.

DATED this 8th day of May 2023.



Sarah A. Klahn, ISB #7928
Attorney for City of Pocatello

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May 2023, a true and correct copy of the foregoing document was served by email and addressed to the following:

<p>Gary Spackman, Director Mat Weaver, Acting Director IDAHO DEPARTMENT OF WATER RESOURCES PO Box 83720 Boise, ID 83720-0098 Gary.Spackman@idwr.idaho.gov Mathew.weaver@idwr.idaho.gov file@idwr.idaho.gov</p>	<p>Garrick L. Baxter Deputy Attorney General Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Garrick.baxter@idwr.idaho.gov</p>
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<p>John K. Simpson MARTEN LAW LLP PO Box 2139 Boise, ID 83701-2139 jsimpson@martenlaw.com</p>	<p>Scott N. Pugrud IDAHO POWER COMPANY PO Box 70 Boise, ID 83707 Spugrud2@idahopower.com</p>
<p>Dylan B. Lawrence VARIN THOMAS LLC PO Box 1676 Boise, ID 83701-1676 dylan@varinthomas.com</p>	<p>Michael P. Lawrence Charlie S. Baser Givens Pursley LLP P O Box 2720 Boise, ID 83701-2720 mpl@givenspursley.com csb@givenspursley.com</p>
<p>Matthew A. Johnson Brian O'Bannon WHITE PETERSON GIGRAY & NICHOLS, P.A. 5700 E. Franklin Rd., Ste. #200 Nampa, ID 83687-7901 mjohnson@whitepeterson.com bobannon@whitepeterson.com</p>	<p>Evan Robertson ROBERTSON & SLETTE, PLLC PO Box 1906 Twin Falls, ID 83303-1906 erobertson@rsidaholaw.com</p>

COURTESY COPIES VIA EMAIL TO:

<p><u>BWRGWMA Advisory Committee Members:</u></p>	
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