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Attorneys for Coalition of Cities

**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

**COALITION OF CITIES’
DISCLOSURE OF POTENTIAL
WITNESSES AND DOCUMENTS
FOR HEARING**

COMES NOW the Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell (“Coalition of Cities”), by and through their attorneys of record, McHugh Bromley, PLLC, and pursuant to the Director’s March 31, 2023 *Order Consolidating Proceedings for Hearing, Authorizing Discovery, and Scheduling; Notice of Hearing* and hereby files this *Disclosure of Potential Witnesses and Documents for Hearing*.

**IDENTIFICATION OF POSSIBLE WITNESSES
AND SCOPE OF TESTIMONY**

1. Expert Witness

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. Mr. Sullivan's report and opinions will be timely disclosed under the scheduling order.

2. City Witness

The following witnesses may testify to their respective city's water rights and water use:

- **City of Bliss**
- **City of Burley**
 - Bryan Reiter, Water Engineer
- **City of Carey**
- **City of Declo**
- **City of Dietrich**
- **City of Gooding**
 - Larry Bybee, Public Works Director
- **City of Hazelton**
- **City of Heyburn**
 - Charles G. Brockway, Jr., Ph.D., P.E., Brockway Engineering, PLLC
 - Ivan McCracken, Engineer
- **City of Jerome**
 - Brian Ahrens, Public Works Director
- **City of Paul**
 - Adam Peterson, Public Works Director
- **City of Richfield**
- **City of Rupert**

- **City of Shoshone**

- **City of Wendell**
 - Bob Baily, Fire Chief
 - Stephen Devereaux, Public Works Director

The Coalition of Cities reserves the right to supplement this list as more names are made available to counsel.

3. IDWR Witnesses

Tim Luke

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

Mr. Luke may testify regarding the process of determining municipal water rights permits and licenses. Mr. Luke may testify regarding the Big Wood River Ground Water Management Area.

Shelley Keen

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

Mr. Keen may testify regarding the process of determining municipal water rights permits and licenses. Mr. Keen may testify regarding the Big Wood River Ground Water Management Area.

Mat Weaver

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

Mr. Weaver may testify regarding the process of determining municipal water rights permits and licenses. Mr. Weaver, who signed the *Order Establishing Moratorium* relative to the

Big Wood River Ground Water Management Area that is consolidated within this proceeding, may testify to the same.

James Cefalo

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402
(208) 525-7161

Mr. Cefalo is IDWR’s Eastern Regional Manager and was identified by IDWR as a witness who can testify to the Director’s conclusion that applications for municipal water use and for domestic water use from community water systems shall be considered fully consumptive. Mr. Cefalo is scheduled to be deposed on May 11, 2023. If additional topics of testimony are understood beyond the purported fully consumptive nature of municipal and domestic water right applications, this disclosure will be timely updated.

Corey Skinner

Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301
(208) 736-3033

Mr. Skinner is IDWR’s Southern Regional Manager and may testify regarding the process of determining municipal water rights permits and licenses.

Nick Miller

Idaho Department of Water Resources
2735 W. Airport Wy.
Boise, ID 83705
(208) 334-2190

Mr. Miller is IDWR’s Western Regional Manager and may testify regarding the process of determining municipal water rights permits and licenses.

4. Other Witnesses and Rebuttal

The Coalition of Cities reserves the right to examine and call all individuals disclosed in other parties' Disclosure of Potential Witnesses and Documents. The Coalition of Cities reserves the right to call any witnesses necessary for rebuttal testimony.

**DOCUMENTS, DATA AND COMPILATIONS
THAT MAY BE USED AS EXHIBITS**

1. Decrees, licenses and permits related to the Coalition of Cities' water rights.
2. Water right diversion, water use data, wastewater discharge data, NPDES permits, and documents related to the same from the Coalition of Cities, cities within the Big Wood River Ground Water Management Area, cities within the boundaries of the *Amended Snake River Basin Moratorium Order*, and other municipalities across the western United States.
3. Engineering reports, scientific studies, and administrative policies related to municipal consumptive use.
4. IDWR and other governmental materials related to municipal consumptive use.
5. IDWR and other governmental materials related to consumptive use of other water rights, including irrigation.
6. IDWR orders, permits, and licenses related to municipal water rights.
7. Engineering reports prepared by any party to this case.
8. Communications between Coalition of Cities and other parties in this case and/or the Department.
9. Documents related to other parties' water rights and wastewater treatment facilities, and the operation of same.
10. Pleadings and other documents, without limitation: deeds, decrees, diversion records, maps, aerial photographs, contracts, and engineering that relates to the issues in dispute.

11. The Coalition of Cities reserves the right to use any and all documents in rebuttal.

DATED this 8th day of May 2023.

/s/ Candice M. McHugh
Candice M. McHugh
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Attorneys for Coalition of Cities

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:

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