

Albert P. Barker, ISB #2867
Travis L. Thompson, ISB #6168
MARTEN LAW LLP
101 S. Capitol Blvd., Suite 305
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Email: abarker@martenlaw.com
tthompson@martenlaw.com

*Attorneys for South Valley Ground Water
District*

James R. Laski, ISB #5429
Heather E. O’Leary, ISB #8693
LAWSON LASKI CLARK, PLLC
675 Sun Valley Rd., Suite A
P.O. Box 3310
Ketchum, Idaho 83340
Telephone: (208) 725-0055
Email: jrl@lawsonlaski.com
heo@lawsonlaski.com
efiling@lawsonlaski.com

*Attorneys for Galena Ground Water
District*

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE BIG WOOD
GROUND WATER MANAGEMENT AREA

**SOUTH VALLEY AND GALENA
GROUND WATER DISTRICTS’ JOINT
INITIAL WITNESS DISCLOSURE**

IN THE MATTER OF APPLICATIONS
FOR PERMITS FOR THE DIVERSION
AND USE OF SURFACE AND
GROUND WATER WITHIN THE
SNAKE RIVER BASIN

COME NOW, South Valley Ground Water District (“SVGWD”) and Galena Ground Water District (“GGWD”) (collectively “Districts”), by and through their undersigned counsel of record, and pursuant to the Director’s March 31, 2023 *Scheduling Order* hereby provides the following list of witnesses that may be called at the hearing in this matter. The Districts reserve the right to supplement this list as necessary.

Expert Witnesses

With respect to the issue (a) identified on page 3 of the *Scheduling Order* the District may call the following witnesses who are expected to be able to testify about “municipal” water rights issued by IDWR, as well as policies and guidance regarding the same:

Mat Weaver, Idaho Department of Water Resources

Shelley Keen, Idaho Department of Water Resources

James Cefalo, Idaho Department of Water Resources

Jeff Peppersack, former employee Idaho Department of Water Resources

It is not known at this time what documents may be relied upon the above individuals for any testimony to be offered.

Dave Shaw, ERO Resources

Mr. Shaw provides the following initial list of documents that may be relied upon for any testimony to be offered.

- Young, Norm, September 27, 1996, *Application Processing Memorandum No. 61*, Idaho Department of Water Resources.
- Judge Eric J. Wildman, December 28, 2021, *Memorandum Decision & Order*, Canyon County Dist. Ct., Third Jud. Dist., Case No. CV14-21-05008

With respect to the issue (c) identified on page 3 of the *Scheduling Order* the District may call the following witnesses who are expected to be able to testify about the following:

Sean Vincent, Idaho Department of Water Resources

Kevin Lakey, Big Wood Canal Company

Sunny Healy, Water District 37 Watermaster

With respect to hydrology of the Big Wood River Basin, interaction between ground and surface water resources including the Big Wood River and Silver Creek:

Jennifer Sukow, Idaho Department of Water Resources

Erick G. Powell, Brockway Engineering PLLC

In addition to the documents identified by Jennifer Sukow in this matter by IDWR, Dr.

Powell provides the following initial list of documents that may be relied upon for any testimony to be offered.

- Bartolino, J.R., 2009, Ground-water budgets for the Wood River Valley aquifer system, south-central Idaho, 1995–2004: U.S. Geological Survey Scientific Investigations Report 2009-5016.
- Bartolino, J.R., 2014, Stream Seepage and Groundwater Levels, Wood River Valley, South-Central Idaho, 2012-13: U.S. Geological Survey Scientific Investigations Report 2014-5151.
- Skinner, K.D., J.R. Bartolino, and A.W. Tranmer. 2007. Water-Resource Trends and Comparisons Between Partial-Development and October 2006 Hydrologic Conditions, Wood River Valley, South-Central Idaho: U.S. Geological Survey Scientific Investigations Report 2007-5258.
- Frenzel, S.A. 1989. Water Resources of the Upper Big Wood River Basin, Idaho. U.S. Geological Survey Water-Resources Investigations Report 89-4018.
- Powell, G.E., C.G. Brockway, and C.E. Brockway. 2008. Development of a Groundwater Flow Model for the Big Wood River Aquifer: East Fork to Bellevue. Brockway Engineering, PLLC. Twin Falls, Idaho.
- Moreland, J.A. 1977. Ground Water – Surface Water Relations in the Silver Creek Area, Blaine County, Idaho. Water Information Bulletin No. 45. Idaho Department of Water Resources. Boise, Idaho.
- Castelin, P.M. and S.L. Chapman. 1972. Water Resources of the Big Wood River – Silver Creek Area, Blaine County, Idaho. Water Information Bulletin No. 28. Idaho Department of Water Administration. Boise, Idaho.

With respect to Groundwater withdrawals in the Wood River Valley, Water District 37; including Groundwater Districts, Cities, Sun Valley Company, Sun Valley Sewer and Water District:

Zach Hill, Ecosystem Sciences

Mr. Hill will rely on the following documents and data sources:

- *Idaho Department of Water Resources, Water Measurement Information System (WMIS). Water measurement locations of diversions that are subject to measurement and reporting requirements and are contained within the Idaho Department of Water Resources Water Measurement Information System (WMIS). These include both spatial and tabular records.*
 - *WMIS Records / Annual_Time_Series_Sites.csv.*
<https://data-idwr.hub.arcgis.com/datasets/IDWR::annual-time-series-sites-2/explore?location=43.537549%2C-114.149344%2C9.46>
 - *WMIS Records Shapefile (GIS) / Annual_Time_Series_Sites. This layer contains water measuring locations that are contained within the Idaho Department of Water Resources Water Measurement Information System (WMIS), a database system used for entering and storing water measurement data.*
<https://data-idwr.hub.arcgis.com/datasets/IDWR::annual-time-series-sites-2/explore?location=43.537549%2C-114.149344%2C9.46>
- *Idaho Department of Water Resources, 2009-2022. Water District 37 Watermaster Annual Reports to Idaho Department of Water Resources, 2009-2022. Including the watermaster report form and tabular databases maintained by Watermaster.*
https://research.idwr.idaho.gov/apps/waterrights/relateddocs/relateddocswaterdistrictyearwithyear.asp?water_dist_no=37&wateryear=
- *Idaho Department of Water Resources Water Districts 37, watermaster reports for various years between 1971 and 2013, submitted to Idaho Department of Water Administration or Idaho Department of Water Resources. Bound volumes are available for inspection at the IDWR State Office.*
- *Idaho Department of Water Resources, 2022, Final Big Wood River Ground Water Management Area Management Plan, dated April 29, 2022, and Appendices A-F, 73 p.*
<https://idwr.idaho.gov/wp-content/uploads/sites/2/groundwater-mgmt/big-wood-gwma-advisory-comm/Order-Approving-BWRGWMA-Mgmt-Plan-05042022.pdf>
- *Idaho Department of Water Resources, 2023, Galena GWD 2022 Groundwater Reductions Summary, Updated Report: March 23, 2023, 8 p.*
<https://idwr.idaho.gov/wp-content/uploads/sites/2/groundwater-mgmt/big-wood-gwma-advisory-comm/5a-Updated-Galena-GWD-2022-Reduction-Summary-03232023.pdf>

- *Idaho Department of Water Resources, 2023, South Valley GWD 2022 Groundwater Reductions Summary, Updated Report: March 23, 2023, 6 p. <https://idwr.idaho.gov/wp-content/uploads/sites/2/groundwater-mgmt/big-wood-gwma-advisory-comm/6a-Updated-SouthValley-GWD-2022-Reduction-Summary-03232023.pdf>*
- *Sukow, J., 2015, Hydrology, hydrogeology, and hydrologic data, Big Wood & Little Wood Water Users Association delivery calls, CM-DC-2015-001 and CM-DC-2015- 002. Idaho Department of Water Resources, August 28, 2015, 25 p., <https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/CM-DC-2015-001/CM-DC-2015-001-20150828-WRCall-Hydro-Memo-w-Attach.pdf>*
- *Bartolino, J.R., C.B. Adkins, 2012, Hydrogeologic Framework of the Wood River Valley Aquifer System, South-Central Idaho, U.S. Geological Survey Scientific Investigations Report 2012-5053, 36 p., 1 pl., <http://pubs.usgs.gov/sir/2012/5053/>*

Kendra Kaiser, Boise State University

Ms. Kaiser will provide testimony about general hydrology in Wood River Valley and statistical analysis regarding the same. Ms. Kaiser provides the following initial list of documents that may be relied upon for any testimony to be offered:

- *Bartolino, J.R., C.B. Adkins, 2012, Hydrogeologic Framework of the Wood River Valley Aquifer System, South-Central Idaho, U.S. Geological Survey Scientific Investigations Report 2012-5053, 36 p., 1 pl., <http://pubs.usgs.gov/sir/2012/5053/>*
- *Kaiser, K., December 27, 2021, Wood River Water Collaborative Predictive Streamflow and Curtailment Date Model Details*
- *Kaiser, K., Model Fits 2021*

Finally, the Districts identify any and all documents, exhibits, briefing, orders, and decisions in the following administrative proceedings and judicial appeals publicly available on file with IDWR at the following links:

<https://idwr.idaho.gov/legal-actions/administrative-actions/M-255-01-Nampa/>

<https://idwr.idaho.gov/legal-actions/district-court-actions/Riverside-v-IDWR/>

Lay Witnesses:

None at this time. The Districts reserve the right to identify any necessary lay witnesses as discovery continues.

DATED this 8th May, 2023.

MARTEN LAW LLP

LAWSON LASKI CLARK, PLLC

/s/ Al Barker
Albert P. Barker

/s/ Heather O'Leary
Heather E. O'Leary

*Attorneys for South Valley Ground
Water District*

*Attorneys for Galena Ground Water
District*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 2023, I caused to be served a true and correct copy of the foregoing **SOUTH VALLEY AND GALENA GROUND WATER DISTRICTS' INITIAL WITNESS DISCLOSURE** by the method indicated below, and addressed to each of the following:

<p>Director Gary Spackman IDWR 322 E Front St Boise, ID 83720-0098 *** service by U.S. Mail and electronic mail file@idwr.idaho.gov gary.spackman@idwr.idaho.gov garrick.baxter@idwr.idaho.gov</p>	<p>Candice McHugh Chris Bromley McHugh Bromley, PLLC 380 S. 4th St., Ste. 103 Boise ID 83702 cmchugh@mchughbromley.com cbromley@mchughbromley.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>Jerry R. Rigby Chase T. Hendricks Rigby, Andrus & Rigby, Chartered 25 North Second East Rexburg, ID 83440 jrigby@rex-law.com chendricks@rex-law.com</p>	<p>James R. Laski Heather E. O’Leary Lawson Laski Clark, PLLC 675 Sun Valley Road, Suite A P.O. Box 3310 Ketchum, Idaho 83340 jrl@lawsonlaski.com heo@lawsonlaski.com</p>	<p>Robert L. Harris Holden, Kidwell, Hahn & Crapo P.O. Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com</p>
<p>Sarah A. Klahn Somach Simmons & Dunn 2033 11th Street Suite 5 Boulder, Colorado 80302 sklahn@somachlaw.com</p>	<p>Thomas J. Budge Racine Olson PLLP P.O. Box 1391 Pocatello, ID 83204-1391 tj@racineolson.com</p>	<p>Norman M. Semanko Parsons Bahle & Latimer 800 W. Main St., Ste. 1300 Boise, ID 83702 nsemanko@parsonsbehle.com</p>
<p>Dylan B. Lawrence Varin Thomas LLC 242 N. 8th Street, Suite 220 P.O. Box 1676 Boise, Idaho 83701-1676 dylan@varinthomas.com</p>		

/s/ Al Barker
Albert P. Barker