

Michael P. Lawrence [ISB No. 7288]  
Charlie S. Baser [ISB No. 10884]  
GIVENS PURSLEY LLP  
601 West Bannock Street  
P.O. Box 2720  
Boise, Idaho 83701-2720  
Office: (208) 388-1200  
Fax: (208) 388-1300  
mpl@givenspursley.com  
csb@givenspursley.com

*Attorneys for Intervenor Veolia Water Idaho Inc.*

**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

**VEOLIA’S DISCLOSURE OF  
POTENTIAL WITNESSES AND  
DOCUMENTS FOR HEARING**

IN THE MATTER OF BIG WOOD RIVER  
GROUND WATER MANAGEMENT AREA

Veolia Water Idaho, Inc. (“Veolia”), by and through its counsel of record, Givens Pursley LLP, hereby files this *Disclosure of Potential Witnesses and Documents for Hearing* pursuant to the Director’s March 31, 2023 *Order Consolidating Proceedings for Hearing, Authorizing Discovery, and Scheduling; Notice of Hearing*.

**I. IDENTIFICATION OF POSSIBLE WITNESSES AND SUMMARY OF TESTIMONY**

- 1. Terry Scanlan, P.E., P.G.**  
HDR Engineering, Inc.  
412 E. Parkcenter Blvd., Suite 100  
Boise, ID 83706  
(208) 387-7000

Mr. Scanlan may testify as an expert on matters related to the Director’s conclusion that applications for municipal water use shall be considered fully consumptive. He also may testify

to Veolia's water use and water rights, and its municipal water diversion, treatment, and distribution systems. He also may testify as a lay or expert witness regarding the City of Boise's wastewater collection, treatment, and disposal systems. Any report containing Mr. Scanlan's opinions will be timely disclosed under the scheduling order.

Mr. Scanlan also may testify to any other factual or technical issues concerning or relevant to the above-captioned matters raised by the Idaho Department of Water Resources or any other party or witness.

**2. Cathy Cooper, P.E.**

Director of Engineering  
Veolia Water Idaho, Inc.  
8248 W. Victory Rd.  
Boise, ID 83709  
(208) 810-0516

Ms. Cooper may testify as a lay or expert witness regarding Veolia's water use and water rights, and its municipal water diversion, treatment, and distribution systems. She also may testify as an expert on matters related to the Director's conclusion that applications for municipal water use shall be considered fully consumptive. To the extent Ms. Cooper testifies as an expert, her report and opinions will be timely disclosed under the scheduling order.

Ms. Cooper may testify to any other factual or technical issues concerning or relevant to the above-captioned matters raised by the Idaho Department of Water Resources or any other party or witness.

**3. City of Boise representative (to be identified)**

A representative from the City of Boise may testify as a lay or expert witness regarding the City's wastewater collection, treatment, and disposal systems. To the extent a City of Boise representative testifies as an expert, their report and opinions will be timely disclosed under the scheduling order.

**4. 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.

**5. 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.

**6. 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.

**7. 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 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.

**8. 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.

**9. 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.

**10. Other Witnesses and Rebuttal**

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

**II. DOCUMENTS THAT MAY BE RELIED UPON AT HEARING**

1. Decrees, licenses and permits related to Veolia's water rights.
2. Water right diversion and water use data within Veolia's service area, as well as other Idaho cities, and other municipalities across the western United States.
3. City of Boise's wastewater discharge data.
4. Documents related to City of Boise's wastewater treatment processes and operations, including without limitation its NPDES permit(s).
5. Engineering reports, scientific studies, and administrative policies related to municipal consumptive use.
6. IDWR and other agency materials related to municipal consumptive use.

7. IDWR materials related to consumptive use of other water rights, including irrigation.
8. IDWR orders, permits, and licenses related to municipal water rights.
9. Engineering or expert reports prepared by any party to this case.
10. Communications between parties in this case and/or the Department.
11. Documents related to other parties' water rights and wastewater treatment facilities, and the operation of same.
12. Pleadings and other documents, without limitation: deeds, decrees, diversion records, maps, aerial photographs, contracts, and engineering that relates to the issues in dispute.
13. Any documents disclosed or used at the hearing by IDWR or any party.

Veolia reserves the right to amend or supplement this disclosure as discovery progresses, and to present additional expert witnesses, testimony, and/or exhibits at the hearing as rebuttal or otherwise. Veolia also reserves the right to not use any of the documents listed above or call any of the persons listed above and to restrict or limit the scope of the witness's testimony in the event any of the above-listed persons are called to testify.

Respectfully submitted this 8th day of May, 2023.

GIVENS PURSLEY LLP



By

---

Michael P. Lawrence  
*Attorneys for Intervenor*  
*Veolia Water Idaho, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8th day of May, 2023, the foregoing, together with any appendices or exhibits, was filed, served, and copied as shown below.

**DOCUMENT FILED:**

Idaho Department of Water Resources	<input type="checkbox"/>	U.S. Mail, postage prepaid
IDAHO WATER CENTER	<input type="checkbox"/>	Express Mail
322 E Front St., Suite 648	<input type="checkbox"/>	Hand Delivery
Boise, Idaho 83702-7371	<input type="checkbox"/>	Facsimile
	<input checked="" type="checkbox"/>	Efile: <a href="mailto:file@idwr.idaho.gov">file@idwr.idaho.gov</a>

**DOCUMENT SERVED:**

Garrick L. Baxter	<input checked="" type="checkbox"/>	U.S. Mail, postage prepaid
Deputy Attorney General	<input type="checkbox"/>	Express Mail
IDAHO DEPARTMENT OF WATER	<input type="checkbox"/>	Hand Delivery
RESOURCES	<input type="checkbox"/>	Facsimile
PO Box 83720	<input checked="" type="checkbox"/>	Email
Boise, ID 83720-0098		
<a href="mailto:Garrick.baxter@idwr.idaho.gov">Garrick.baxter@idwr.idaho.gov</a>		

W. Kent Fletcher	<input checked="" type="checkbox"/>	U.S. Mail, postage prepaid
FLETCHER LAW OFFICE	<input type="checkbox"/>	Express Mail
PO Box 248	<input type="checkbox"/>	Hand Delivery
Burley, ID 83318	<input type="checkbox"/>	Facsimile
<a href="mailto:wkf@pmt.org">wkf@pmt.org</a>	<input checked="" type="checkbox"/>	Email

Albert P. Barker	<input checked="" type="checkbox"/>	U.S. Mail, postage prepaid
Travis L. Thompson	<input type="checkbox"/>	Express Mail
MARTEN LAW LP	<input type="checkbox"/>	Hand Delivery
PO Box 63	<input type="checkbox"/>	Facsimile
Twin Falls, ID 83303-0063	<input checked="" type="checkbox"/>	Email
<a href="mailto:abarker@martenlaw.com">abarker@martenlaw.com</a>		
<a href="mailto:tthompson@martenlaw.com">tthompson@martenlaw.com</a>		

John K. Simpson	<input checked="" type="checkbox"/>	U.S. Mail, postage prepaid
MARTEN LAW LP	<input type="checkbox"/>	Express Mail
PO Box 2139	<input type="checkbox"/>	Hand Delivery
Boise, ID 83701-2139	<input type="checkbox"/>	Facsimile
<a href="mailto:jsimpson@martenlaw.com">jsimpson@martenlaw.com</a>	<input checked="" type="checkbox"/>	Email

Dylan B. Lawrence  
VARIN THOMAS LLC  
PO Box 1676  
Boise, ID 83701-1676  
[dylan@varinthomas.com](mailto:dylan@varinthomas.com)

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Email

Norman M. Semankko  
Payton G. Hampton  
PARSONS BEHLE LATIMER  
800 W. Main Street, Suite 1300  
Boise, ID 83702  
[nsemanko@parsonsbehle.com](mailto:nsemanko@parsonsbehle.com)  
[phampton@parsonsbehle.com](mailto:phampton@parsonsbehle.com)  
[ecf@parsonsbehle.com](mailto:ecf@parsonsbehle.com)

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Email

James R. Laski  
Heather E. O'Leary  
LAWSON LASKI CLARK, PLLC  
PO Box 3310  
Ketchum, ID 83340  
[jrl@lawsonlaski.com](mailto:jrl@lawsonlaski.com)  
[heo@lawsonlaski.com](mailto:heo@lawsonlaski.com)

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Email

Jerry R. Rigby  
Chase T. Hendricks  
RIGBY, ANDRUS & RIGBY, PLLC  
25 North Second East  
Rexburg, ID 83440  
[jrigby@rex-law.com](mailto:jrigby@rex-law.com)  
[chendricks@rex-law.com](mailto:chendricks@rex-law.com)

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Email

Thomas J. Budge  
Elisheva M. Patterson  
RACINE OLSON, PLLP  
PO Box 1391  
Pocatello, ID 83204  
[tj@racineolson.com](mailto:tj@racineolson.com)  
[elisheva@racineolson.com](mailto:elisheva@racineolson.com)

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Email

Scott N. Pugrud  
IDAHO POWER COMPANY  
PO Box 70  
Boise, ID 83707

- U.S. Mail, postage prepaid
- Express Mail
- Hand Delivery
- Facsimile
- Email

[Spugrud2@idahopower.com](mailto:Spugrud2@idahopower.com)

Candice McHugh  
Chris Bromley  
MCHUGH BROMLEY, PLLC  
380 S. 4th St., Ste. 103  
Boise, ID 83702  
[cbromley@mchughbromley.com](mailto:cbromley@mchughbromley.com)  
[cmchugh@mchughbromley.com](mailto:cmchugh@mchughbromley.com)

U.S. Mail, postage prepaid  
 Express Mail  
 Hand Delivery  
 Facsimile  
 Email

Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC  
1000 Riverwalk Dr., Ste. 200  
P.O. Box 50130  
Idaho Falls, Idaho 83405  
[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)

U.S. Mail, postage prepaid  
 Express Mail  
 Hand Delivery  
 Facsimile  
 Email

Sarah A. Klahn  
Maximilian C. Bricker  
SOMACH SIMMONS & DUNN  
2033 11<sup>th</sup> Street, #5  
Boulder, CO 80302  
[sklahn@somachlaw.com](mailto:sklahn@somachlaw.com)  
[mbricker@somachlaw.com](mailto:mbricker@somachlaw.com)

U.S. Mail, postage prepaid  
 Express Mail  
 Hand Delivery  
 Facsimile  
 Email

**COURTESY COPIES to BWRGWMA Advisory Committee Members (via email):**

Corey Allen  
[callen@sunvalley.com](mailto:callen@sunvalley.com)  
Rod Hubsmith  
[Kaysi10@live.com](mailto:Kaysi10@live.com)  
Pat McMahn  
[pat@svwsd.com](mailto:pat@svwsd.com)  
Carl Pendleton  
[pendletonranch@hotmail.com](mailto:pendletonranch@hotmail.com)  
William Simon  
[Wasimon9@gmail.com](mailto:Wasimon9@gmail.com)  
Nick Westendorf  
[nick@41farms.com](mailto:nick@41farms.com)

Cooper Brossy  
[Cooper.brossy@gmail.com](mailto:Cooper.brossy@gmail.com)  
Sharon Lee  
[Slee247@mac.com](mailto:Slee247@mac.com)  
Kristy Molyneux  
[Jkmoly78@gmail.com](mailto:Jkmoly78@gmail.com)  
Pat Purdy  
[pat@purdyent.com](mailto:pat@purdyent.com)  
Michelle Stennett  
[mstennett@senate.idaho.gov](mailto:mstennett@senate.idaho.gov)  
Brian Yeager  
[Brian.yeager@haileycityhall.org](mailto:Brian.yeager@haileycityhall.org)



---

Michael P. Lawrence