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RECEIVED

JUN 13 2016
DEPARTMENT OF
WATER RESOURCES

Attorneys for Nelson Mackay Ranch, L.L.C.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF ROTATION
CREDIT IN WATER DISTRICT 34,
BIG LOST RIVER BASIN

WITNESS AND EXHIBIT LIST

PLEASE TAKE NOTICE that Nelson Mackay Ranch, L.L.C., et al.¹ will call some or all of the witnesses listed on Exhibit 1 and produce some or all of the Exhibits listed in Exhibit 2.

DATED this 13 day of June, 2016.

HAEMMERLE LAW, P.L.L.C.


FRITZ X. HAEMMERLE

¹ Nelson Mackay Ranch, LLC et al includes Bell Smith, LLC; Byron Pehrson, Lanna Pehrson, Terry Pehrson, and Loy Pehrson; Harry J. and Beverly Crawford; Jennie M. and Orville E. Smith; John and Patrick Powers; Magee Family Trust; Mojanet J. and Deborah D. Broadie; Nelson Mackay Ranch, LLC; Notch Butte Farms, LLC; Peggy and Randy D. Pehrson; and Wight Enterprises, LLC.

CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of June, 2016, I have caused to be presented the foregoing to the Department of Water Resources and Participants and will send notification of such filing to the following e-mail addresses and/or Post Office Boxes by United State Mail:

Original:

Gary Spackman
322 East Front Street
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deborah.gibson@idwr.idaho.gov

Bell Smith, LLC
Byron Pehrson, Lanna Pehrson,
Terry Pehrson, and Loy Pehrson
Harry J. and Beverly Crawford
Jennie M. and Orville E. Smith
John and Patrick Powers
Magee Family Trust
Mojanet J. and Deborah D. Broadie
Nelson Mackay Ranch, LLC
Notch Butte Farms, LLC
Peggy and Randy D. Pehrson
Wight Enterprises, LLC
Represented by:
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Big Lost River Irrigation District
Represented by:
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Darla Ann Hintze

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Mike Telford
Telford Lands, LLC
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Paul, Idaho 83347-8666

Mitchell D. Sorensen
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Moore, Idaho 83255

Seth Beal
2827 N. 3375 W.
Moore, Idaho 83255

Young Harvey Walker
2338 N. 2930 W.
Arco, Idaho 83213



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Exhibit 1 (WITNESS LIST)

1. Stephen Martin (Bell Smith, LLC)
2. Byron Pehrson
3. Lanna Pehrson
4. Terry Pehrson
5. Loy Pehrson
6. Harry J. Crawford
7. Beverly Crawford
8. Jennie M. Smith
9. Orville E. Smith
10. John Powers
11. Patrick Powers
12. Magee Family Trust
13. Mojanet J. Broadie
14. Deborah D. Broadie
15. Randy Nelson (Nelson Mackay Ranch, LLC)
16. John Lezamiz (Notch Butte Farms, LLC)
17. Peggy Pehrson
18. Randy D. Pehrson
19. Gary Wright (Wight Enterprises, LLC)
20. Representative of Big Lost River Irrigation District
21. Marshal Todd Perkes
22. Melvin Marx Hintze, PE
23. Darla Ann Hintze
24. Mike Telford (Telford Lands, LLC)
25. Mitchell D. Sorensen
26. Seth Beal
27. Young Harvey Walker
28. Witnesses identified by IDWR
29. Tim Luke
30. Matt Weaver

Exhibit 2 (EXHIBIT LIST)

1. IDWR Order Suspending Rotation Credits
2. Nelson Mackay Ranch, et al Brief and Objection
3. List of Participants with Partial Decrees
4. BWI 5 Notice of Intent to Participate Seth Beal (9/20/1999)
5. BWI 5 Motion for More Definite State (Sorenson, Beal and Walker) (12/17/1999)
6. BWI 5 Affidavit of Karl Dreyer (12/30/1999)
7. BWI 5 Proposed Order Requesting Supplemental Report on Basis of Recommendations (1/19/2000)
8. BWI 5 Proposed Order Setting Deadlines for IDWR to file Direct Testimony (1/20/2000)
9. BWI 5 State's Notice of Intent to Participate (1/25/2000)
10. BWI 5 Order Setting Mandatory Settlement Conference (2/16/2000)
11. BWI 5 2000 Supplemental Director's Report (3/27/2000)
12. BWI 5 Order Appointing Cushman as Settlement Facilitator (4/28/2000)
13. BWI 5 Settlement Conference Report (5/12/2000)
14. BWI 5 Minutes (5/23/2000)
15. BWI 5 Order to Show Cause (5/25/2000)
16. BWI 5 Trial Setting Order (6/13/2000)
17. BWI 5 Settlement Conference Report (9/15/2000)
18. BWI Order Requesting Dates (12/11/2000)
19. BWI 5 Available Dates Submitted by Sorenson, Walker and Beal (12/20/2000)
20. BWI 5 Minutes from Status Conference (1/16/2001)
21. BWI 5 Second Settlement Conference Report (2/20/2001)
22. BWI 5 Notice of Intent to Produce Evidence and Cross-Exam by Sorenson, Walker & Beal (3/8/2001)
23. BWI 5 Witness List Sorenson, Walker and Beal (3/15/2001)
24. BWI 5 State of Idaho Witness List (3/15/2001)
25. BWI Witness List Sorenson, Walker and Beal (3/16/2001)
26. BWI 5 Pretrial Held (4/23/2001)
27. BWI 5 Order of Partial Decree for General Provisions (5/9/2001)
28. BWI 5 Certificate of Mailing, Notice of Appeal (6/18/2001)
29. BWI 5 Petition for Judicial Review, Sorenson, Walker and Beal (12/31/2002)
30. BLRID Position Statement (6/3/2016)
31. Affidavit of John Lezamiz
32. List of Participants and SRBA Decrees
33. BLRID Position Statement (6/3/2016)
34. *State v. Nelson*, 131 Idaho 12, 951 P.2d 943 (1998)
35. IDAPA 37.03.12.040 (Rotation Credits)
36. Mackay et al. Motion in Limine
- 37-50. Reserved for additional Mackay Exhibits
- 51-70. Reserved for IDWR Exhibits
- 71-90. Reserved of Participants Exhibits