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DEPARTMENT OF
WATER RESOURCES

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Attorneys for M3 Eagle LLC

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE ASSIGNED
TO THE CITY OF EAGLE

M3 EAGLE'S WITNESS DISCLOSURE

Applicant M3 Eagle LLC ("M3 Eagle"), through Jeffrey C. Fereday and Michael P. Lawrence of the firm Givens Pursley LLP, pursuant to the Hearing Officer's September 8, 2011 *Prehearing Order*, hereby discloses the following persons who may testify at the October 18-20, 2011 remand hearing:

- 1. Steven E. Holt**
T-O Engineers
9777 Chinden Boulevard
Boise, ID 83714-2008
Office: 208-323-2288
E-mail: sholt@to-engineers.com

Summary of potential testimony: Mr. Holt is expected to testify as an expert witness about matters related to the evaluation of population projections and water needs entitled *RAFN Evaluation for the City of Eagle in connection with Application for Permit 63-32573* prepared by Don Reading and Mat Weaver ("IDWR RAFN Evaluation"), which shall become part of the record as a staff memorandum as set forth in the Hearing Officer's August 2, 2011 *Notice of Hearing, Prehearing, and*

Scheduling Order. Mr. Holt may also testify about other matters related M3 Eagle's or the City of Eagle's reasonably anticipated future needs.

2. **Dr. John Church**
Special Lecturer - Economics
Department of Economics
Boise State University
1910 University Drive
Boise, Idaho 83725
Office: 208-426-3465
E-mail: ideconomics@earthlink.net

Summary of potential testimony: Dr. Church is expected to testify as an expert witness about matters related to the IDWR RAFN Evaluation, and M3 Eagle's and City of Eagle's reasonably anticipated future needs.

3. **William I. Brownlee**
Managing Partner
M3 Eagle LLC
533 E. Riverside Drive, Suite 110
Eagle, ID 83616
Office: 208-939-6263
E-mail: BBrownlee@m3companiesllc.com

Summary of potential testimony: Mr. Brownlee, if called as a witness, is expected to testify as a lay witness about matters related to M3 Eagle's planned community project and its relationship with the City of Eagle.

The expert witnesses listed above also may be made available as lay witnesses to provide background and other information relevant to Application for Permit No. 63-32573 and the issues properly presented in these remand proceedings, as set forth in the *Amended Order, M3 Eagle LLC v. Idaho Department of Water Resources*, Case No. CV OC 10003180, Fourth Judicial District (July 5, 2011). M3 Eagle reserves the right to expand the scope of witnesses' testimony to address other matters relevant to such properly presented issues that may be raised by other parties or the Hearing Officer. M3 Eagle further reserves the right to add additional experts or lay witnesses as necessary, to call and examine witnesses disclosed by other parties, and to object to witnesses and/or testimony presented by other parties.

M3 Eagle notes that Protestants have disclosed witnesses who do not appear to have knowledge or information relevant to the issues within the scope of these remand proceedings. Nothing herein shall constitute a waiver by M3 Eagle as to any objection or motion it may make to exclude such witnesses or testimony.

DATED this 9th day of September, 2011.

Respectfully submitted,

GIVENS PURSLEY LLP

By

A handwritten signature in black ink, appearing to read "JCF" followed by a long horizontal flourish, positioned above a solid horizontal line.

Jeffrey C. Fereday
Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th of September, 2011, the foregoing was filed, served, or copied as follows:

FILED

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