

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 LLC)
ASSIGNED TO THE CITY OF EAGLE)
_____)

DEPOSITION OF DON READING, PH.D.
SEPTEMBER 23, 2011

REPORTED BY:

JEFF LaMAR, C.S.R. No. 640

Notary Public

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<p>1 THE DEPOSITION OF DON READING, PH.D., was</p> <p>2 taken on behalf of M3 Eagle LLC at the offices of Idaho</p> <p>3 Department of Water Resources, 322 East Front Street,</p> <p>4 Suite 600, Boise, Idaho, commencing at 1:00 p.m. on</p> <p>5 September 23, 2011, before Jeff LaMar, Certified</p> <p>6 Shorthand Reporter and Notary Public within and for the</p> <p>7 State of Idaho, in the above-entitled matter.</p> <p>8</p> <p>9 APPEARANCES:</p> <p>10 For M3 Eagle LLC:</p> <p>11 GIVENS PURSLEY LLP</p> <p>12 BY MR. JEFFREY C. FEREDAY</p> <p>13 MR. MICHAEL P. LAWRENCE</p> <p>14 601 West Bannock Street</p> <p>15 P.O. Box 2720</p> <p>16 Boise, Idaho 83701-2720</p> <p>17 For City of Eagle:</p> <p>18 MOORE, SMITH, BUXTON & TURCKE, CHARTERED</p> <p>19 BY MR. BRUCE M. SMITH</p> <p>20 950 West Bannock Street, Suite 520</p> <p>21 Boise, Idaho 83702</p> <p>22 For Protestants:</p> <p>23 ALAN SMITH</p> <p>24 3135 North Osprey Road</p> <p>25 Eagle, Idaho 83616</p>	<p>1 INDEX</p> <p>2</p> <p>3 TESTIMONY OF DON READING, PH.D. PAGE</p> <p>4 Examination by Mr. Fereday 7,126</p> <p>5 Examination by Mr. Smith 66</p> <p>6</p> <p>7 EXHIBITS</p> <p>8 21 - Motion for Subpoenas Duces Tecum to Mat 12</p> <p>9 Weaver and Don Reading</p> <p>10 22 - Memo from D. Reading to S. Buxton and 12</p> <p>11 N. Baird Spencer, dated 10/28/2007</p> <p>12 23 - It's official: M3's Eagle foothills 12</p> <p>13 development will be called Spring Valley</p> <p>14 article</p> <p>15 24 - M3 Eagle Fact Sheet, updated 07/05/2008 12</p> <p>16 25 - Table 5. The Most Populous Counties and 12</p> <p>17 Incorporated Place by Race and Hispanic or</p> <p>18 Latino Origin in Idaho: 2010 spreadsheet</p> <p>19 26 - Map of wells 12</p> <p>20 27 - Maps and various other charts and graphs 12</p> <p>21 related to Eagle</p> <p>22 28 - Eagle Water Company System Engineering Data, 12</p> <p>23 year ended 12/31/2010</p> <p>24 29 - EWC Active Service Area maps 12</p> <p>25 ///</p>
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<p style="text-align: right;">Page 7</p> <p>1 DON READING, PH.D.,</p> <p>2 first duly sworn to tell the truth relating to said</p> <p>3 cause, testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MR. FEREDAY:</p> <p>7 Q. Please state your name.</p> <p>8 A. Don Reading, R-e-a-d-i-n-g.</p> <p>9 Q. And your profession, sir?</p> <p>10 A. Economist.</p> <p>11 Q. Okay. And you're appearing today at the</p> <p>12 request of the Department of Water Resources; isn't</p> <p>13 that correct?</p> <p>14 A. That is correct.</p> <p>15 Q. Okay. You are the person who prepared the</p> <p>16 document known in this deposition as Exhibit 1, the</p> <p>17 RAFN Evaluation for the City of Eagle in Connection</p> <p>18 with Application for Permit 63-32573; correct?</p> <p>19 A. Only that I was responsible for Appendix C.</p> <p>20 So I won't claim I prepared the whole document.</p> <p>21 Q. Okay. Which portions did you work on other</p> <p>22 than Appendix C?</p> <p>23 A. Appendix C was the one I worked on.</p> <p>24 Obviously, it is in conjunction with some of the other</p> <p>25 parts, took data from Appendix B that Mat did in</p>	<p style="text-align: right;">Page 9</p> <p>1 potentially working on this, and he indicated the</p> <p>2 Director wanted -- had been recommended, wanted an</p> <p>3 economist to examine the population forecasts. And so</p> <p>4 we had a general discussion, and he told me that he had</p> <p>5 no preconceived notions and do my best.</p> <p>6 Q. Did he describe any matters of policy or</p> <p>7 direction that he expected you to follow or that the</p> <p>8 Department was following in this matter?</p> <p>9 A. I can't remember anything specifically he</p> <p>10 said. It became obvious that the requirements we were</p> <p>11 following was what was in the law on RAFN. So follow</p> <p>12 that process. I can't remember explicitly. But</p> <p>13 implicitly, that is what it was.</p> <p>14 And in the earlier meetings with Shelley</p> <p>15 and Mat, that's one of the first things we looked at</p> <p>16 was what the RAFN law said, what it required. And</p> <p>17 those were our marching orders.</p> <p>18 Q. Were you familiar with the RAFN law,</p> <p>19 sometimes known as the 1996 Municipal Water Rights Act?</p> <p>20 A. Very little before I became involved.</p> <p>21 Q. Okay. Do you feel like you're familiar</p> <p>22 with it now?</p> <p>23 A. Oh, yes.</p> <p>24 Q. Do you feel like you're familiar with</p> <p>25 matters of policy as expressed by the Department</p>

<p style="text-align: right;">Page 10</p> <p>1 pertaining to the RAFN law?</p> <p>2 A. I will fully admit that in discussions and</p> <p>3 also some of the -- Bruce Smith was -- I had</p> <p>4 discussions with him also. A lot of the history that</p> <p>5 the -- the Department's history with RAFN, I'm more</p> <p>6 familiar with it now, but I will fully admit I'm</p> <p>7 confused. I will look into it. And so I can't really</p> <p>8 opine on what policy the Department really has. And as</p> <p>9 I said, my focus was on the population forecasts.</p> <p>10 Q. Okay. With regard to the meeting attended</p> <p>11 by the Director, Mr. Spackman, was there any</p> <p>12 conversation with Mr. Spackman at that time about this</p> <p>13 matter, about the production of the Department's report</p> <p>14 that you recall?</p> <p>15 A. That the result of the collective effort</p> <p>16 would be a response to the City of Eagle on the RAFN</p> <p>17 that they filed. Beyond that, that was pretty well it.</p> <p>18 Q. The RAFN that the City of Eagle filed, was</p> <p>19 that filed in late April 2011? Isn't that correct?</p> <p>20 A. Subject to check. Is that the way to speed</p> <p>21 things along?</p> <p>22 Q. Could you look at Exhibit 2, please.</p> <p>23 Do you recognize that document?</p> <p>24 A. Let me thumb through it.</p> <p>25 (Reviews.)</p>	<p style="text-align: right;">Page 12</p> <p>1 in my file is in there, but, you know, we do lots of</p> <p>2 things on the Internet now. So a lot of the stuff you</p> <p>3 just look at. So there's some documents in there about</p> <p>4 Eagle and the growth rate, et cetera. They're not</p> <p>5 official documents from Eagle, but they pertain to the</p> <p>6 economics of Eagle and what's been going on.</p> <p>7 Q. Your prior work for Eagle, though, was with</p> <p>8 regard to really another subject matter, correct, not</p> <p>9 the subject matter of producing this Department report?</p> <p>10 A. Yes, correct.</p> <p>11 Q. Okay. But in terms of producing the</p> <p>12 Department report, the input you obtained from the City</p> <p>13 of Eagle was, as you've described here, the Exhibits 2</p> <p>14 and 3?</p> <p>15 A. Yes. And I looked also at their</p> <p>16 comprehensive plan.</p> <p>17 Q. Okay. Did you bring some documents with</p> <p>18 you today or provide them for this deposition?</p> <p>19 A. Yes.</p> <p>20 MR. FEREDAY: Let's go off the record.</p> <p>21 (Discussion.)</p> <p>22 (Exhibits 21 through 43 marked.)</p> <p>23 MR. FEREDAY: Let's go back on the record,</p> <p>24 please.</p> <p>25 Q. Dr. Reading, you have brought some</p>
<p style="text-align: right;">Page 11</p> <p>1 That looks like theirs. In the material</p> <p>2 I'm providing, there will be an earlier draft that</p> <p>3 was -- that the Department had. So I looked at both</p> <p>4 the earlier draft and this report.</p> <p>5 Q. Could you look at Exhibit 3, please. I</p> <p>6 believe that is the earlier draft. And I'd just like</p> <p>7 you to confirm that so that we're clear that we're</p> <p>8 operating on the same base of documents that we used</p> <p>9 yesterday in Mr. Weaver's deposition.</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. I'm sure that the two that I have in my</p> <p>13 folder are these two.</p> <p>14 Q. In doing this work in producing the</p> <p>15 Department's report, did you look at any other</p> <p>16 materials from the City of Eagle or obtain any other</p> <p>17 input from the City of Eagle or its representatives?</p> <p>18 A. The short answer is yes. I'm trying to</p> <p>19 think how -- I can't remember how long ago. It was</p> <p>20 like three years ago or four years ago the City of</p> <p>21 Eagle hired me to review John Church's forecasts for</p> <p>22 M3. And I did that and produced also -- it's in the</p> <p>23 material I'm providing, produced a memo or some kind of</p> <p>24 document where I opined about it.</p> <p>25 And then in general, and as much as I had</p>	<p style="text-align: right;">Page 13</p> <p>1 documents with you today that we have marked as</p> <p>2 deposition exhibits, and I'd like to go through those</p> <p>3 very quickly here.</p> <p>4 A. Sure.</p> <p>5 Q. So the first one is, continuing the</p> <p>6 numbering from yesterday, Deposition Exhibit 21.</p> <p>7 Could you tell us what that is.</p> <p>8 A. Yes. That is a subpoena I received about</p> <p>9 this deposition. The dates changed.</p> <p>10 Q. Okay. Thank you.</p> <p>11 MR. BAXTER: Excuse me, Mr. Fereday.</p> <p>12 MR. FEREDAY: Yes.</p> <p>13 MR. BAXTER: Could we clarify, was that a motion</p> <p>14 for a subpoena or was it an actual subpoena?</p> <p>15 MR. FEREDAY: I think it was a motion for a</p> <p>16 subpoena, yeah.</p> <p>17 Q. The next one?</p> <p>18 A. Is a memo that I wrote for the City of</p> <p>19 Eagle in 2007 regarding the M3 development.</p> <p>20 Q. And that's Deposition Exhibit 22?</p> <p>21 A. 22.</p> <p>22 Q. Okay. How does Exhibit 22 relate to your</p> <p>23 work in the Department report?</p> <p>24 A. When the Department contacted me about</p> <p>25 potentially working for them, I remembered that I had</p>

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1 worked for the City of Eagle before. So my interest
2 was trying to remember what I said. So the first
3 document I did, I looked at what I said in there to
4 help bring me up to speed.

5 Q. Did you find anything in your work in
6 producing the Department report that conflicted with
7 your findings in Exhibit 22?

8 A. I would have to nitpick at it, but no.

9 Q. Okay. The next exhibit, 23?

10 A. A Statesman article, January 3rd, 2011,
11 about foothills development.

12 Q. Thank you.

13 The next one, Exhibit 24?

14 A. A sheet, I believe off the M3 website,
15 called "Fact Sheet" for M3 Eagle.

16 Q. Did you rely on Exhibit 24 in doing your
17 work in producing the Department report?

18 A. Only in general terms. The specific
19 documents were the two produced by John Church for M3
20 with population projections, more detailed information.

21 Q. Okay. And we'll get to those in a bit.

22 A. Yeah.

23 Q. Okay. Thank you.

24 And the next exhibit, No. 24?

25 A. 25.

1 try to get your head around it before you sit down with
2 a pencil and start cranking stuff out.

3 Q. Okay. Exhibit 28, please.

4 A. It is one sheet from the Eagle Water
5 Company's annual report submitted to the PUC.

6 Q. And what was the purpose of obtaining this
7 document and how was it used?

8 A. I would say I did not use it specifically
9 at all. Again, familiarized myself. As I remember, I
10 either gave it to Mat Weaver or told him about it.

11 Q. Okay. No. 29?

12 A. 29 is three maps that Mat Weaver supplied
13 me, again, just in general, so I can understand his
14 work and how he used GIS to determine the population of
15 various entities within the city of Eagle, such as the
16 overlap of Star and the Eagle Water Company's area.

17 Q. And what significance did this have in the
18 Department's report?

19 A. That Mat Weaver used this and handed off to
20 me the population for the city of Eagle, less those
21 other water-supplying entities, as I understand the
22 RAFN says you're supposed to do.

23 Q. That is, you're supposed to exclude those
24 areas --

25 A. Yes.

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1 Q. 25. Excuse me.

2 A. A page from the 2010 census outlining the
3 growth of cities and counties in Idaho.

4 Q. Exhibit 26?

5 A. Is a map indicating the M3 development and
6 the Eagle area and different wells.

7 Q. Did you rely on this Exhibit 26 in any way
8 in producing your work for the Department report?

9 A. No, nothing specific. This was supplied by
10 me by Mat Weaver, and I have not worried about cfs or
11 wells or anything like that.

12 Q. Thank you.

13 The next exhibit, No. 26 (sic)?

14 A. A document pulled off the web, City data, a
15 review of Eagle City with a multiplicity of demographic
16 and economic data about the City of Eagle.

17 Q. And I apologize. That was Exhibit 27;
18 correct?

19 A. Correct.

20 Q. Did you rely on this document in producing
21 the Department report?

22 A. I would put this in a category of yes,
23 generally. You know, the first thing you do is try to
24 tool up and familiarize yourself with what's going on
25 out there, so you look at a lot of different sources to

1 Q. -- served by other water --

2 A. Yes.

3 Q. -- providers; is that your view?

4 A. Yes. And certainly in my mind, that's
5 logical.

6 MR. FEREDAY: Okay. Could we go off the record
7 for just a second.

8 (Discussion.)

9 MR. FEREDAY: Let's go back on the record.

10 Q. Exhibit 30, please. Could you describe
11 this.

12 A. That is a 30-year projection of housing
13 population, et cetera, for M3 Eagle from the John
14 Church report.

15 Q. Dr. Reading, I'd like you to refer to
16 Exhibit 6 that was included in yesterday's exhibits in
17 our deposition of Mr. Weaver. I'll represent to you
18 that that's the same document as this Exhibit 30. And
19 I'd like you to confirm that.

20 A. It looks exactly the same to me.

21 Q. Okay. Well, here's hoping I don't refer to
22 Exhibit 30 again today, but I will be referring to
23 Exhibit 6. And you can leave it as Exhibit 30, the one
24 that's in front of you, but we will talk about this
25 document in terms of it being Exhibit 6.

<p style="text-align: right;">Page 18</p> <p>1 And, Dr. Reading, I'll also represent to 2 you that as noted here this document was also 3 Exhibit 60 in the hearing record previously in this 4 case. 5 Okay. Let's go to 31, please. 6 A. It is a one-page printout that I obviously 7 took data from the census to show Eagle growth over the 8 last ten years. 9 Q. Did you prepare this? 10 A. Yes, from census data. 11 Q. Would that census data have included 12 exhibit I think it was 27 that we just went through? 13 A. Not 27. 27? 14 Q. No, I'm sorry. It wasn't 27. We just went 15 through a list of census data. Exhibit 25. 16 Is that where you got the numbers for this 17 Exhibit 31? 18 A. I will look and check. It may or may not 19 have been. The census has several different pages on 20 their website with different datas. 21 Q. Okay. 22 A. No, it is not, because this -- 25 is 2010 23 only, whereas Exhibit 31 contains data from 2000 24 through 2010. 25 Q. Okay. Thank you.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. Is this the most recent publication 2 of the Idaho Community Profile for the Eagle area? 3 A. I cannot answer that. I can see they have 4 data only up to 2004. I do not know whether they've 5 updated it or not. 6 Q. Looks to me like it goes up through 2005, 7 at least with regard to the county. 8 A. That could be. That could be. 9 Q. Is that your understanding? 10 A. Yeah. 11 Q. Okay. Thank you. 12 Exhibit 33, please. 13 A. That is from Idaho Economics, a report 14 produced by John Church for M3. And since it goes 15 through 20 years, I'm assuming it's the earlier 16 version. 17 Q. Earlier version, meaning the first of two 18 evaluations done by Dr. Church that was focused on a 19 20-year build-out as opposed to a 30-year build-out? 20 A. That is correct. 21 Q. Okay. Thank you. 22 No. 34, please. 23 A. Two pages from Eagle's Comprehensive Plan 24 2011. 25 Q. Do you know whether this is the most recent</p>
<p style="text-align: right;">Page 19</p> <p>1 Exhibit 32, please. What is this? 2 A. It is a page from Idaho Community Profiles 3 that outlines demographic data for the City of Eagle. 4 Q. Idaho Community Profiles apparently is 5 published by the Idaho Department of Commerce and 6 Labor; is that right? 7 A. That is correct. 8 Q. Is this something upon which you routinely 9 rely in your profession? 10 A. I would put it in a category with the 11 earlier one we talked about, the general 12 familiarization that I went through about the city of 13 Eagle and what was going on there. 14 Q. So how would you characterize the data in 15 the Idaho Community Profiles, as good background data 16 but not necessarily completely accurate, or would there 17 be some other way of you describing it? 18 A. I would be surprised if it wasn't 19 completely accurate. It tends to sum up populations 20 for different time periods that I assume would be 21 consistent with the census. 22 Q. But you don't know that for sure, you 23 haven't ever compared it to the census data? 24 A. I can't remember I did. That isn't to say 25 I didn't.</p>	<p style="text-align: right;">Page 21</p> <p>1 version of this portion of the Eagle Comprehensive 2 Plan? 3 A. My guess is that it is. 4 Q. Okay. Thank you. 5 Exhibit 35, please. 6 A. Is an Idaho Economics report, this one 7 going through 2030. In context of what we talked about 8 a few minutes ago, it would be the second one. 9 Q. That is the 30-year projection -- 10 A. Yes. 11 Q. -- for the build-out for M3? 12 A. Yes. 13 Q. And this was prepared by Dr. Church as 14 well, in your view? 15 A. Yes. 16 Q. Do you know where this came from? 17 A. One of his reports. I don't -- I'm not 18 sure. I had some -- I probably pulled it from an 19 earlier report or pulled it off the -- I'm not sure 20 where it came from. 21 Q. Okay. Thank you. 22 Exhibit 36 I think you've described as your 23 contract. And I don't think we need to inquire further 24 into that. 25 Exhibit 37?</p>

<p style="text-align: right;">Page 22</p> <p>1 A. News article from the Idaho Statesman about 2 the economy of the Treasure Valley. 3 Q. And this is dated January of 2011. 4 And that's Exhibit 3- what? 5 MR. LAWRENCE: 37. 6 THE WITNESS: 38, I have. 7 MR. JASON SMITH: That's what you guys have for 8 37, isn't it (indicating)? 9 MR. LAWRENCE: Dr. Reading, I believe you might 10 have slipped 38 in before 37, if you could look at 11 your... 12 THE WITNESS: Oh. This is 37 (indicating). And 13 I could have written them down incorrectly. He's the 14 guy that counts. 15 MR. LAWRENCE: Think you're correct. 37 is an 16 Internet article entitled "Home Prices- Continued 17 Decline"? 18 THE WITNESS: Yes. 19 MR. BAXTER: Could we pause to make sure the 20 ones that have been marked are -- 21 MR. FEREDAY: Yeah, let's go off the record, 22 please. 23 (Discussion.) 24 MR. FEREDAY: Let's go back on the record. 25 Q. Dr. Reading, let's go back to Exhibit 37,</p>	<p style="text-align: right;">Page 24</p> <p>1 they collect is hard to collect. So you always are 2 skeptical to a certain extent about it. 3 Q. Okay. Thank you. 4 Exhibit 38, please. 5 A. This is an Idaho Statesman article called 6 "Good year for Treasure Valley home sales, bad year for 7 prices." 8 Q. Thank you. 9 Exhibit 39, please. 10 A. Another Statesman article. "Idaho's April 11 home sales show biggest price drop in U.S." 12 Q. And this is dated June of 2011; correct? 13 A. Yeah. June 1st. 14 Q. And did you rely on this in putting 15 together the Department report? 16 A. At the end of Appendix C, I have a little 17 section that talks about what is going on in the 18 economy. So this is the kind of material that I used. 19 I would have to go back and look specifically to see if 20 I specifically pulled anything out of this article. 21 Q. Okay. Thank you. 22 Exhibit 40? 23 A. 40 is a Thornton, Oliver, Keller May 2011 24 report dealing with the commercial and industrial 25 market for the Treasure Valley.</p>
<p style="text-align: right;">Page 23</p> <p>1 please. 2 Could you describe what that is. 3 A. 37 is an article saying continued decline 4 in U.S. housing prices. 5 Q. And where did this article come from? 6 A. By looking up at the top, I pulled it off 7 the Internet. Star Global Tribune. 8 Q. Do you know who Star Global Tribune is? 9 A. At this point, no. 10 Q. What about CoreLogic, which is in the first 11 line of this article? 12 A. Okay. CoreLogic is a firm that tracks 13 housing prices, sales, et cetera. They're quoted often 14 in the news. You get some information off their 15 website. As I remember, if you want the real stuff, 16 you have to pay for it. 17 Q. Did you go get the real stuff, or just get 18 this off the Internet? 19 A. Just off the Internet. 20 Q. Do you find that CoreLogic's figures are 21 reliable and do you rely on them? 22 A. I rely on them. I rely on them some. I 23 would have to say, in my opinion, they're probably the 24 most -- one of the most reliable that I know about out 25 there. Lots of folks tend to use them. But data like</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. And this is showing a very slight decrease 2 in commercial vacancy rates in rental properties; 3 correct? 4 A. Are you looking at "Office Review"? Which 5 one are you -- 6 Q. Yeah, "Office Review." 7 A. Yeah, they are declining, but, as you said, 8 not significantly. 9 Q. Did you rely on this document in producing 10 the Department report? 11 A. Again, I will repeat what I said before. 12 It was part of what went into my writing up the end of 13 the Appendix C. 14 Q. Okay. Exhibit 41, please. 15 A. That is the reasonably anticipated future 16 needs report from the City of Eagle, and it says 17 "Draft." So it was an earlier version and was supplied 18 to me by the Department of Idaho -- Idaho Department of 19 Water Resources. 20 Q. Okay. And the handwritten notations on 21 Exhibit 41 are yours; is that correct? 22 A. Given the fact I can't read some of them, I 23 would say yes, they're mine. 24 Q. Okay. As to page 1, could you decipher for 25 us what your handwritten note is up there opposite</p>

<p style="text-align: right;">Page 26</p> <p>1 paragraph 2?</p> <p>2 A. Maybe. Let's see. "A reasonable window</p> <p>3 for long-range utility planning is 30 years." And I</p> <p>4 say "Not -- not tell 30 years"? I guess at this point</p> <p>5 I'm not sure. I was -- I was -- I was struggling, as I</p> <p>6 remember, at this point about what a reasonable</p> <p>7 forecast window was.</p> <p>8 Q. Do you think 30 years is a reasonable</p> <p>9 forecast window for planning water for a city?</p> <p>10 A. I'll answer directly. In my mind, that is</p> <p>11 a difficult question for cities to deal with, because,</p> <p>12 as I said in Appendix C, once you get out, especially</p> <p>13 past 20 years, it gets more and more difficult to</p> <p>14 forecast what is really going to happen.</p> <p>15 On the other hand, cities need to plan for</p> <p>16 future growth. So I guess to lapse back into the RAFN,</p> <p>17 I would say that's not unreasonable to have a 30-year</p> <p>18 forecast.</p> <p>19 Q. Okay. Thank you.</p> <p>20 On page 2 you've circled "274" gallons per</p> <p>21 day and then below that "280" gallons per day.</p> <p>22 Can you tell us what you were thinking</p> <p>23 there, if you can recall?</p> <p>24 MR. BRUCE SMITH: Excuse me. What page are you</p> <p>25 looking at?</p>	<p style="text-align: right;">Page 28</p> <p>1 MR. BRUCE SMITH: 41? Wait a minute.</p> <p>2 MR. JASON SMITH: You have those two switched.</p> <p>3 MR. BRUCE SMITH: Hang on a minute.</p> <p>4 MR. FEREDAY: Could we go off the record?</p> <p>5 MR. BRUCE SMITH: Off the record for a second.</p> <p>6 (Discussion.)</p> <p>7 MR. FEREDAY: Back on the record, please.</p> <p>8 Q. Dr. Reading, on the bottom of page 2 on</p> <p>9 Exhibit 41, you have marked in colored pen</p> <p>10 "Comprehensive Plan Area is 106,175."</p> <p>11 Could you tell us what, if any, the</p> <p>12 significance of your marking that was?</p> <p>13 A. That was the end result of what the City of</p> <p>14 Eagle projected their population would be. So I just</p> <p>15 marked it so I could go back and look at the number.</p> <p>16 Q. Okay. Thank you.</p> <p>17 Then continuing through, after page 4 is a</p> <p>18 document that states it's prepared by Nichoel Baird</p> <p>19 Spencer that lists several percentages along the</p> <p>20 right-hand side.</p> <p>21 Do you see that?</p> <p>22 A. Correct.</p> <p>23 Q. And you have made some notations there.</p> <p>24 Can you tell us what you did there?</p> <p>25 A. As I remember, I received the old report,</p>
<p style="text-align: right;">Page 27</p> <p>1 MR. FEREDAY: Page 2 of Exhibit 41.</p> <p>2 THE WITNESS: My part of the work for the Idaho</p> <p>3 Department of Resources did not focus at all on what</p> <p>4 the water use per household was. The Department</p> <p>5 focused on that. So I would say this is just trying to</p> <p>6 come to grips -- trying to understand what was going on</p> <p>7 around me.</p> <p>8 Q. (BY MR. FEREDAY): Okay.</p> <p>9 MR. BRUCE SMITH: Excuse me, I apologize for</p> <p>10 interrupting you. But my page 2 does not have that</p> <p>11 reference on it.</p> <p>12 MR. FEREDAY: Page marked page 2, not the second</p> <p>13 page, the third page, which is marked page 2.</p> <p>14 Q. Correct, of Exhibit 41?</p> <p>15 A. Yeah.</p> <p>16 MR. LAWRENCE: And, Bruce, Exhibit 41 is the old</p> <p>17 or original draft version --</p> <p>18 MR. BRUCE SMITH: Yeah.</p> <p>19 MR. LAWRENCE: -- of the City's RAFN analysis.</p> <p>20 MR. BRUCE SMITH: Yeah, but I don't have</p> <p>21 anything that's marked.</p> <p>22 MR. LAWRENCE: I believe you're looking at the</p> <p>23 more recent version of the City's RAFN analysis.</p> <p>24 MR. ALAN SMITH: You got to go back to</p> <p>25 Exhibit 41.</p>	<p style="text-align: right;">Page 29</p> <p>1 the Exhibit 41, after 42. And I'd have to</p> <p>2 double-check, but I don't think 42 had this list in.</p> <p>3 It just had the percentage. And I was curious about</p> <p>4 how that percentage was derived. So the notes along</p> <p>5 the side there are my initial reaction to those</p> <p>6 numbers, sort of. I wanted to do my best to try to</p> <p>7 replicate what she had done.</p> <p>8 Q. Down at the bottom, opposite the bold</p> <p>9 number "4.39 percent," you have written "3.6 percent."</p> <p>10 What is the significance of the 3.6?</p> <p>11 A. I would have to remember. I think that</p> <p>12 came from recalculating it and removing some of the</p> <p>13 forecasts. I would have to go back and double-check.</p> <p>14 But as I remember, as I state in Appendix C, at the</p> <p>15 time this was done, the 2010 census was not available,</p> <p>16 so she used what her best estimate was of the growth</p> <p>17 for the City of Eagle 1990 through 2000 on an estimate</p> <p>18 of what 2000 would be. That estimate came in lower,</p> <p>19 therefore that would lower the percent.</p> <p>20 Q. Okay. On the final page of Exhibit 41, you</p> <p>21 have something scribbled below or next to table 4.</p> <p>22 What does that mean?</p> <p>23 A. Looks like "2.7."</p> <p>24 Q. Okay. And what's the significance of that?</p> <p>25 A. That would be the persons per household, I</p>

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1 assume. I'd have to double-check my arithmetic, but
2 that looks like what I would have done.

3 Q. Okay. How about Exhibit 42?

4 A. 42 is the second RAFN that was submitted by
5 the City of Eagle.

6 Q. Page 1 of 42 has a couple of notations in
7 the right margin and one underlined.

8 Your first one, what are you saying there?
9 "Not" --

10 A. "Not force," it looks like.

11 Q. Can you recall what you meant by --

12 A. I would put that in the same struggling
13 with what is the correct planning criteria. Is it 30
14 years? Is it more? Is it less.

15 Q. I see.

16 A. And I honestly can't -- can't say.

17 Q. And I notice you've underlined down further
18 the number "76,205."

19 Any significance there?

20 A. Again, just going through it and looking at
21 what the various populations were at particular times.

22 Q. Footnote 1 contains the statement, "By
23 virtue of meeting objective (2), both M3 and IDWR
24 acknowledge and approve of the analysis contained in
25 this document." And you've written "No," exclamation

1 Q. Okay. Thanks.

2 Let's go over to page 2 of Exhibit 42,
3 please.

4 A. Okay.

5 Q. Again, your handwritten note on that page.

6 A. It looks like the sentence, two sentences
7 describe 2004 report, and I just wrote "Pre-recession"
8 and I don't know whether "update 2009" is what they did
9 or what I thought should have been done, but the fact
10 it was older.

11 Q. On the next page, page 3, you have
12 handwritten material at the top.

13 What does that say and what did you mean by
14 it?

15 A. "RAFN. Five-year infrastructure. How
16 defined beneficial use." Otherwise I was -- as I
17 remember, that was a note to ask folks at IDWR about
18 beneficial use of water. And I was trying to come to
19 grips with what the RAFN was about and how it was used.

20 Q. Okay. Down near the bottom, further
21 notations, can you illuminate any of those for us,
22 please.

23 A. Yeah. For instance, it says the planning
24 staff has estimated population at 21,000. You know,
25 when you get round numbers like that, it's an estimate.

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1 point.

2 What's your --

3 A. I'm trying to find where does footnote 1
4 come from? Oh, way up at the top.

5 Q. Uh-huh.

6 A. Oh, as I remember the -- it says a
7 settlement agreement entered into by M3 and the City of
8 Eagle. And at that time, as I remember, I was told by
9 the Department that that agreement hadn't been entered
10 into.

11 Q. As of the date that you read this document?

12 A. Yeah, right.

13 Q. The date of this document was late April of
14 2011; correct?

15 A. I -- subject to check.

16 Q. Okay.

17 A. So as I remember, I was told that the
18 settlement agreement hadn't yet been signed. And
19 again, I will admit confusion about those things.

20 Q. Okay. Could it be possible that at that
21 point the settlement agreement had not yet been adopted
22 by the Court?

23 A. That -- that would be a possibility.

24 Q. Could that be a possibility?

25 A. That would be a possibility.

1 And I wrote "19,985," which I would have to check, but
2 I assume that's what the 2010 consensus came down with.

3 Q. Okay. And the same with "76,205," there's
4 a notation there or an underlining, what is meant
5 there?

6 A. Yeah. So that would affect -- let's see.
7 30-year plan projections 76,000. I'm just assuming I
8 underlined that because that would come from the Church
9 report about what they said their population would be
10 when the development was -- was fully built.

11 Q. And your notation of "M3 equals 17,445," is
12 it your understanding that comes from M3's materials
13 prepared by Mr. Church?

14 A. Right. And what I was struggling with
15 there was trying to -- to parse out the 56,892, what
16 portion would be the M3 portion and what portion would
17 be the Eagle City portion.

18 Q. The next page, page 4, "The term of the
19 Development Agreement is 30 years" in the middle of
20 that page, it says, et cetera.

21 A. Yeah.

22 Q. And you've underlined that and put a
23 notation.

24 A. "40 years," question mark.

25 Q. "40 years," question mark was your

<p style="text-align: right;">Page 34</p> <p>1 notation.</p> <p>2 What's the meaning of that?</p> <p>3 A. Well, 30 years plus 10 is 40 years.</p> <p>4 Q. Okay.</p> <p>5 A. So again, grappling with what's the</p> <p>6 planning horizon that's reasonable use.</p> <p>7 Q. Okay. Would you find 30 years plus 10 to</p> <p>8 be an unreasonable horizon if it was subject to a</p> <p>9 10-year extension term on 30? Would that be</p> <p>10 unreasonable to you for a city to do that?</p> <p>11 A. That's starting to be unreasonable, I</p> <p>12 think, because of the inability to forecast accurately</p> <p>13 that far out.</p> <p>14 Q. What about if the extension occurred</p> <p>15 sometime during the 30 years and it was only for 10</p> <p>16 years, would that be an unreasonable thing to do?</p> <p>17 A. If one were to true-up the data and move</p> <p>18 forward the next 10 years, then I would say that would</p> <p>19 be a reasonable approach for a City, to have sort of a</p> <p>20 rolling planning horizon, because things change. And</p> <p>21 as things change, you would adjust as you move through</p> <p>22 time.</p> <p>23 Q. Is it your experience working with other</p> <p>24 kinds of utilities, such as electrical utilities, that</p> <p>25 planning horizons or planning programs of 20 or 30 or</p>	<p style="text-align: right;">Page 36</p> <p>1 do." Reading the sentences there, it is -- it's</p> <p>2 dealing with -- with whether the project in M3 would be</p> <p>3 administered by the City or administered by Eagle, the</p> <p>4 City of Eagle. Otherwise, would the City of Eagle take</p> <p>5 over the water supply system or not.</p> <p>6 Q. And what's your understanding about that?</p> <p>7 A. My understanding at this point -- and</p> <p>8 again -- is that there is some agreement or court case</p> <p>9 or something in that the City of Eagle will run M3's</p> <p>10 water system. And I would stand corrected on that.</p> <p>11 Q. Do you understand that the City of Eagle</p> <p>12 now has been assigned the permit and permit application</p> <p>13 from M3 Eagle?</p> <p>14 A. I have been told that.</p> <p>15 Q. Next page, page 6, please, Exhibit 42. On</p> <p>16 the right you've written, "Look at water right, Eagle</p> <p>17 Water: United Water."</p> <p>18 A. That would be in anticipation of what Mat</p> <p>19 Weaver did, and that is that out of -- out of this,</p> <p>20 what was United Water's service territory and what did</p> <p>21 they serve in the city of Eagle and what did Eagle</p> <p>22 Water serve.</p> <p>23 Q. Okay. How about page 7? You note as to</p> <p>24 the first two paragraphs at the top, "A problem," it</p> <p>25 looks to me.</p>
<p style="text-align: right;">Page 35</p> <p>1 even more years are used sometimes?</p> <p>2 A. Yes. And -- and in my experience, they are</p> <p>3 updated periodically. Here in Idaho the Commission</p> <p>4 requires the utilities to redo their integrated</p> <p>5 resource plans every two years. Otherwise, they're</p> <p>6 updated every two years.</p> <p>7 Q. And those plans have a horizon of what,</p> <p>8 typically?</p> <p>9 A. It varies. Generally, there's a 10-year</p> <p>10 horizon and a 20-year horizon. Two separate horizons.</p> <p>11 Q. Okay. On page 4 you also have language you</p> <p>12 wrote in. "Additional development except?"</p> <p>13 What do you mean by this?</p> <p>14 A. As I remember, I was thinking that part,</p> <p>15 what if another M3 came in, would they accept it or</p> <p>16 wouldn't they accept it.</p> <p>17 Q. And what's your understanding, if any,</p> <p>18 about that?</p> <p>19 A. That it would have to go through the review</p> <p>20 process and be consistent with the comprehensive plan</p> <p>21 and all those things, city planners, all the hoops</p> <p>22 cities make developers jump through.</p> <p>23 Q. Next page, page 5 of Exhibit 42, what's</p> <p>24 your handwritten notation there mean, please.</p> <p>25 A. Well, I can't -- "City, nothing I need to</p>	<p style="text-align: right;">Page 37</p> <p>1 Is that correct on the right?</p> <p>2 A. That's what it says.</p> <p>3 Q. And what is the problem there?</p> <p>4 A. You will have to give me a minute.</p> <p>5 Q. Certainly.</p> <p>6 A. (Reviews.)</p> <p>7 That -- that there -- there is a different</p> <p>8 irrigation need for the M3 piece than there is in the</p> <p>9 city of Eagle piece. So if you're trying to look at</p> <p>10 what the water demands are, you have to take that into</p> <p>11 account.</p> <p>12 Q. Is it your understanding that the City's</p> <p>13 RAFN information included residential irrigation as</p> <p>14 part of its future need?</p> <p>15 A. As I remember, that's correct.</p> <p>16 Q. It did? You say it did?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay.</p> <p>19 A. And that would not be applicable. I'm</p> <p>20 trying to think. There was a different view of the</p> <p>21 irrigation needs in the M3 than in the city of Eagle.</p> <p>22 Q. Well, isn't it true that in a good portion</p> <p>23 of the city of Eagle residential irrigation is supplied</p> <p>24 by existing surface irrigation entities, canal</p> <p>25 companies, and the like?</p>

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1 A. Yeah, dual water system kind of stuff.
 2 Q. Whereas that dual water supply would not be
 3 available in the foothills, would it?
 4 A. Right. Because there are not surface
 5 irrigation rights in the foothills.
 6 Q. Okay.
 7 A. So that would be the issue there.
 8 Q. Here in this second paragraph it says at
 9 the end, "the City has not typically included an
 10 irrigation component in determining water demands."
 11 Do you still think that the City did
 12 include an irrigation component in its future water
 13 demand for a municipal use, as in its RAFN?
 14 A. Well, let me read the footnote.
 15 (Reviews.)
 16 I guess I'd have to cop on that. I'm not
 17 sure.
 18 Q. Okay.
 19 A. And again, that was not the focus of what I
 20 was dealing with.
 21 Q. Understood. Anything more you can tell us
 22 about your notations on this page, page 7 of
 23 Exhibit 42?
 24 A. I wrote, "declining use per customer,"
 25 which is true of all water systems I know about. I

1 A. With a question mark. And that would go
 2 back to our earlier discussion. I'm trying to come to
 3 grips with what the irrigation was or wasn't between
 4 the city of Eagle and M3 and how that would affect
 5 water demand.
 6 Q. But you really weren't looking at water
 7 demand yourself, were you? You were looking at
 8 population projections; isn't that correct?
 9 A. Exactly. That is correct. And I guess my
 10 only excuse is I can't stay out of those sandboxes on
 11 my own curiosity. But that was not my responsibility.
 12 Q. Okay. So you weren't offering any kind of
 13 an opinion about what amount of water use might be
 14 reasonable?
 15 A. No.
 16 Q. Okay. On page 8 -- we're almost through.
 17 This is the last page that has any of your handwritten
 18 notations in Exhibit 42.
 19 A. Good.
 20 Q. Let's quickly go through those, please.
 21 What's it say at the top?
 22 A. "Settlement agreement says M3 water only M3
 23 place of use." I assume that was some question that I
 24 was asking people at IDWR -- again, curiosity -- about
 25 how all this worked. And was there or was there not an

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1 don't know whether it indicated it or it was a note to
 2 myself that that's what I knew was happening.
 3 Q. What do you mean by "declining use per
 4 customer" and that's something that happens commonly?
 5 A. Any water system that I'm familiar with
 6 over the past ten years or whatever, the use per
 7 household is going down.
 8 Q. For indoor uses?
 9 A. Yes.
 10 Q. And what's the reason for that? Do you
 11 know?
 12 A. Put my professor hat on here. I think
 13 there's greater conservation ethic. Because of
 14 manufacturing restrictions, for instance, in
 15 California, you can't buy other than a low-flush toilet
 16 now because it's required in California. And
 17 manufacturers don't want to make different kinds, so
 18 they meet all of the standards.
 19 Q. So that applies, then, in Idaho; is that
 20 what you're saying?
 21 A. Exactly right. You go down to Home Depot.
 22 In general, the price of water is going up,
 23 so you're getting some elasticity impact.
 24 Q. And over on the left-hand side, you have
 25 "Irrigation," it looks like you've written there.

1 issue if Eagle took over and operated M3's system,
 2 whether they could or could not use the M3 water to
 3 serve customers in their existing city limits not
 4 within the boundaries of M3.
 5 Q. And what was your understanding about the
 6 answer to that question?
 7 A. To be candid, confusion. As I understand
 8 it, that is -- that is not a resolved issue. But I
 9 would stand corrected on that.
 10 Q. Okay. And I take it you have not reviewed
 11 the settlement agreement between M3 Eagle and the
 12 Department of Water Resources in this matter?
 13 A. I have not looked at it, just been told one
 14 got done.
 15 Q. Okay. Thank you.
 16 What about the notation on the left? Can
 17 you tell us what that says on page 8?
 18 A. "M3, all fire by storage. Eagle not want
 19 to pay for storage." I was told -- and it might not
 20 have been IDWR. It might have been somewhere else --
 21 that there was some water issue about Eagle and
 22 storage -- in the negotiations storage was a -- was an
 23 issue. And I think that might have been with Eagle
 24 Water. But again, just trying to understand stuff.
 25 Q. So there's not much we can gather or glean

<p style="text-align: right;">Page 42</p> <p>1 from that comment, huh?</p> <p>2 A. No. It was just curiosity and throwing it</p> <p>3 out. I certainly can't glean much from it right now.</p> <p>4 Q. What about your comments on footnote 14 at</p> <p>5 the bottom of page 8?</p> <p>6 A. "Water people?" It looks like I did some</p> <p>7 checking of the footnote there and came up with not</p> <p>8 35 percent but 29.7 percent.</p> <p>9 Q. Do you think the 29.7 percent is an</p> <p>10 accurate number?</p> <p>11 A. I would have to go back and relook. It</p> <p>12 was -- as I said, I was just struggling with trying to</p> <p>13 replicate numbers so I could understand where they came</p> <p>14 from.</p> <p>15 Q. Again, I see that 17,455 number.</p> <p>16 I assume that's the population of the M3</p> <p>17 part of the City as shown in the Church report;</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have any reason to question that</p> <p>21 number here today or previously?</p> <p>22 A. Define "question." That's certainly the</p> <p>23 number that was in the report, if I wrote it down</p> <p>24 correctly.</p> <p>25 Q. Well, do you think it's off base?</p>	<p style="text-align: right;">Page 44</p> <p>1 developments change.</p> <p>2 And therefore the build-out that John</p> <p>3 Church based his estimates on may or may not occur.</p> <p>4 And depending on what that happens, you say "Is the</p> <p>5 number accurate?" I question that it's accurate,</p> <p>6 because I think the development will develop</p> <p>7 differently to a certain extent than they have planned</p> <p>8 right now, because that's the history of developments.</p> <p>9 Q. But would you agree, though, that as the</p> <p>10 holder of the water permit and the one obligated to</p> <p>11 serve this area, the City would need to plan for and</p> <p>12 acquire a water right permit that is tagged to a number</p> <p>13 that is at least reasonable? Would you agree with</p> <p>14 that?</p> <p>15 A. Yes, and as I said as much in Appendix C.</p> <p>16 Q. And would you agree that that number that</p> <p>17 Dr. Church has provided, 17,455, is a reasonable number</p> <p>18 for that purpose?</p> <p>19 A. For that purpose, given that development.</p> <p>20 Your earlier question asked me did I think it would</p> <p>21 happen that way. And my answer is no. But the City</p> <p>22 needs to plan.</p> <p>23 Q. Let's turn to Exhibit 43, please. I see</p> <p>24 that Exhibit 43 is a draft of the Department report,</p> <p>25 which is Deposition Exhibit 1 in these depositions.</p>
<p style="text-align: right;">Page 43</p> <p>1 A. I'm trying to remember. If that's the</p> <p>2 number of the full build-out, I did adjust in</p> <p>3 Appendix C and assumed the start date would be 2016 and</p> <p>4 then backed up and did some truncation.</p> <p>5 I know that John Church at -- listening to</p> <p>6 the transcripts of an earlier water hearing or maybe --</p> <p>7 anyway, stated firmly that he believes that the whole</p> <p>8 M3 can be built out within 20 years, and that if it can</p> <p>9 be built out in 20 years, it certainly can be a full</p> <p>10 build-out in 30 years. And I am not as certain as John</p> <p>11 Church that that will occur.</p> <p>12 Q. But if it were built fully out, it would be</p> <p>13 17,455, at least based on that number in the report;</p> <p>14 would you agree?</p> <p>15 A. At this point I guess I can't really say.</p> <p>16 If you look at the memo that's Exhibit whatever that I</p> <p>17 submitted when I worked for the City of Eagle, I was</p> <p>18 questioning in there that -- let me stop there and back</p> <p>19 up.</p> <p>20 If M3 is developed with the development</p> <p>21 plan that was given to John Church, then I would not</p> <p>22 dispute that number. I took -- my opinion is one step</p> <p>23 further. And if you read the M3 documentation, it</p> <p>24 says, "We will build," for want of a better phrase, "to</p> <p>25 market." Otherwise, because markets change,</p>	<p style="text-align: right;">Page 45</p> <p>1 Can you tell us what differences there are</p> <p>2 between this Exhibit 43 and Exhibit 1?</p> <p>3 A. No. And the reason that this exhibit is</p> <p>4 there is when Mr. Baxter and I met shortly before, he</p> <p>5 looked at it, we looked at some pages; because I had</p> <p>6 turned in all my papers to be copied two days ago,</p> <p>7 three days ago, whenever I turned them in, I didn't</p> <p>8 have a paper copy of what the final report was.</p> <p>9 So I grabbed a CD and printed it and didn't</p> <p>10 pay attention to the fact it said "Draft." I wanted to</p> <p>11 read through -- refresh my memory before this</p> <p>12 deposition about what I said.</p> <p>13 Q. So this is something that you printed out</p> <p>14 and you had in your possession, so you felt you needed</p> <p>15 to reveal it here --</p> <p>16 A. Exactly.</p> <p>17 Q. -- in this deposition?</p> <p>18 A. Mr. Baxter said, "Uh-oh, we haven't given</p> <p>19 them everything that you looked at in preparation for</p> <p>20 the deposition." And this is like -- I either printed</p> <p>21 it late last night or early this morning.</p> <p>22 Q. Do you know when this draft was prepared</p> <p>23 and provided to you?</p> <p>24 A. Since it was on a CD, it was very close to</p> <p>25 the final. I remember that.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. Just prior to June 1st --</p> <p>2 A. Yeah.</p> <p>3 Q. -- of 2011?</p> <p>4 A. Yeah. And it was to go through and -- you</p> <p>5 know, final checking and making sure everything lined</p> <p>6 up. And if, for instance, you would look on page 1 of</p> <p>7 Appendix C, it said still "Table XX," and I -- reading</p> <p>8 through it I crossed out and said "1." So I did find</p> <p>9 one typo in there.</p> <p>10 Q. And I notice that this does not include</p> <p>11 Appendices D and E.</p> <p>12 A. Yes.</p> <p>13 Q. Do you know the reason for that?</p> <p>14 A. That was not what I worked on, and I was</p> <p>15 only trying to refresh my memory reading Appendix C.</p> <p>16 Q. Okay.</p> <p>17 A. So it wasn't worth the paper and</p> <p>18 cartridges.</p> <p>19 Q. Thank you.</p> <p>20 I think we've gotten through the exhibits.</p> <p>21 You don't have any further?</p> <p>22 A. No.</p> <p>23 Q. Thank you.</p> <p>24 A few minutes ago, Dr. Reading, you</p> <p>25 mentioned that what you did in your work for the</p>	<p style="text-align: right;">Page 48</p> <p>1 And that that clock would run out in 2040; is that</p> <p>2 right?</p> <p>3 A. The development still could be developing</p> <p>4 beyond 2040. So I took that ending number and said the</p> <p>5 30-year planning horizon would still occur, but it</p> <p>6 would not start for five years. So I think what you</p> <p>7 said is not what I did, if I understood what you said</p> <p>8 correctly.</p> <p>9 Q. Okay. I'm just trying to make sure we're</p> <p>10 on the same page here.</p> <p>11 The way we understand the report is the</p> <p>12 report does not question, first of all, that the M3</p> <p>13 part of the City can be fully built out at some date;</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. But that date may not be by 2040; correct?</p> <p>17 A. Correct.</p> <p>18 Q. However, the water right planning horizon</p> <p>19 expires in 2040, correct --</p> <p>20 A. I --</p> <p>21 Q. -- based on your assumptions?</p> <p>22 A. Okay. Maybe -- maybe I don't -- and again,</p> <p>23 you're giving me over -- you're getting me off where</p> <p>24 I'm less comfortable in the water rights world. The --</p> <p>25 I assume that once you got a water right, you had a</p>
<p style="text-align: right;">Page 47</p> <p>1 Department report was you truncated the amount of water</p> <p>2 that the City would have for the M3 development by some</p> <p>3 amount based on your view as to how much they could</p> <p>4 build prior to the end of the planning horizon.</p> <p>5 Do you recall that? Or is that an</p> <p>6 inaccurate --</p> <p>7 A. I will -- let me make a statement so I</p> <p>8 understand your question. I'm not sure what you mean</p> <p>9 by "truncate." If you mean I said I didn't think the</p> <p>10 M3 development would start developing until 2016, so if</p> <p>11 you move out 30 years, then you lop off the end six</p> <p>12 years, is that what you asked me?</p> <p>13 Q. Yes, I guess that's one way of putting it.</p> <p>14 A. Okay.</p> <p>15 Q. Is that an accurate --</p> <p>16 A. Yeah. What I stated is what I did, yes.</p> <p>17 Q. Let's see if we can get that maybe in other</p> <p>18 words.</p> <p>19 In other words, the effort that the</p> <p>20 Department used in putting together the Department's</p> <p>21 report assumed that for the first five years, from 2010</p> <p>22 to 2015 --</p> <p>23 A. Yes.</p> <p>24 Q. -- there would be no development, but that</p> <p>25 the planning horizon clock would be running; correct?</p>	<p style="text-align: right;">Page 49</p> <p>1 water right. I didn't know the water rights expired in</p> <p>2 30 years.</p> <p>3 Q. Well, that's, I guess, one of the questions</p> <p>4 that we need to explore in this matter. However, let's</p> <p>5 refer to page 7 of your Appendix C of Exhibit 1.</p> <p>6 Exhibit 1 is over here.</p> <p>7 Exhibit 1 is the Department's report;</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. Let's go to page 7 of Exhibit C?</p> <p>11 A. I am looking at it.</p> <p>12 Q. Up at the top, Table 5, the year 2030 and</p> <p>13 the year 2040 are both listed there.</p> <p>14 Do you agree?</p> <p>15 A. Yes.</p> <p>16 Q. What is the significance of the year 2040,</p> <p>17 in your view?</p> <p>18 A. The end of the 30-year planning horizon.</p> <p>19 Q. For the water right; correct?</p> <p>20 A. I did this based on population.</p> <p>21 Q. Do you understand --</p> <p>22 A. I was trying to project population. I</p> <p>23 wasn't concerned about the water right clock.</p> <p>24 Q. Okay.</p> <p>25 A. That was not in my head when I did this.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q. Okay. Thank you.</p> <p>2 At the end of the 30-year planning</p> <p>3 horizon -- which starts in 2010 and ends in 2040;</p> <p>4 correct?</p> <p>5 A. Okay.</p> <p>6 Q. Is that correct?</p> <p>7 A. Correct.</p> <p>8 Q. Under your view, the population will be</p> <p>9 16,254; correct?</p> <p>10 A. Well, that's what's written there. There</p> <p>11 may be a transposition of the number. Mr. Baxter and I</p> <p>12 talked about that before the deposition.</p> <p>13 Q. Okay. That's a question that I do have</p> <p>14 here.</p> <p>15 But before we get to that question, the</p> <p>16 16,254 would be your assumption, at least in this</p> <p>17 Table 5, of the population of the M3 portion of the</p> <p>18 City at the end of this 30-year planning horizon in</p> <p>19 2040?</p> <p>20 A. No, in 2040.</p> <p>21 Q. In 2040, which is the end of that 30-year</p> <p>22 planning horizon; correct?</p> <p>23 A. If you're starting in 2010, yes.</p> <p>24 Q. Okay. And you did start in 2010, did you</p> <p>25 not?</p>	<p style="text-align: right;">Page 52</p> <p>1 Exhibit 4, you're asking about?</p> <p>2 Q. Yes. In Exhibit 4 --</p> <p>3 A. Okay.</p> <p>4 Q. -- we learned how the Department's report</p> <p>5 concluded that at build-out some .99 cfs less water was</p> <p>6 needed -- not at build-out, but at the end of the</p> <p>7 planning horizon, .99 cfs less water would be needed</p> <p>8 for peaking than the 23.18 cfs applied for by the City;</p> <p>9 correct?</p> <p>10 A. I will accept that. I don't know. I was</p> <p>11 not involved in those calculations. I don't know what</p> <p>12 he did.</p> <p>13 Q. Have you seen this exhibit before,</p> <p>14 Exhibit 4, especially page 2, or the second page?</p> <p>15 They're not numbered.</p> <p>16 A. Yes.</p> <p>17 Q. Have you seen that before?</p> <p>18 A. I may have. I certainly didn't focus on</p> <p>19 it.</p> <p>20 Q. Okay. Dr. Reading, do you agree that the</p> <p>21 calculations that went into coming up with the .99 cfs</p> <p>22 reduction depend on accurately portraying the 16,524</p> <p>23 number?</p> <p>24 A. I see a footnote there. "Estimated by Don</p> <p>25 Reading, Appendix 6 (sic)." To the extent that</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Now, am I correct in assuming that</p> <p>3 Deposition Exhibit 6, if you'd pull that out, please,</p> <p>4 is the source for the 16,254 M3 population figure?</p> <p>5 A. Yes.</p> <p>6 Q. You mentioned a minute ago that you</p> <p>7 discovered a transposition of a number.</p> <p>8 A. Yes.</p> <p>9 Q. And what is that transposition?</p> <p>10 A. That is if you look under year 25, it says</p> <p>11 "16,524," not "16,254."</p> <p>12 Q. "245"?</p> <p>13 A. Okay. I'm slightly dyslexic.</p> <p>14 Q. "254." I'm sorry.</p> <p>15 A. Yeah.</p> <p>16 Q. Okay.</p> <p>17 A. So if I were to redo Appendix 6, I would</p> <p>18 untranspose those two numbers. I would have a number</p> <p>19 in there that would say and be consistent with</p> <p>20 Exhibit 36 and 60, 16,524.</p> <p>21 Q. Okay. Now, yesterday in Exhibit 4, if</p> <p>22 you'd pull that out, we discussed with Mr. Weaver --</p> <p>23 keep Exhibit 6 out, too, please.</p> <p>24 A. Okay. I'll do that. I won't mess the</p> <p>25 order up.</p>	<p style="text-align: right;">Page 53</p> <p>1 "16,254" should be "16,524," I would accept that.</p> <p>2 Q. Okay. And I'll represent to you that the</p> <p>3 description in Exhibit 4 sets forth a population ratio</p> <p>4 that was based on the ultimate population, that number</p> <p>5 17,455, as compared to the 30-year planning horizon</p> <p>6 population of 16,254 here in Exhibit 4; correct?</p> <p>7 That's how the ratio is derived?</p> <p>8 A. I will accept that.</p> <p>9 Q. The smaller number into the larger number?</p> <p>10 A. I will accept that.</p> <p>11 Q. Okay. So you would agree that that ratio</p> <p>12 has to change based on that transposition; correct?</p> <p>13 A. Assuming that Mr. Weaver did it correctly,</p> <p>14 he should have used the 16,524 and -- rather than what</p> <p>15 he lifted from my report.</p> <p>16 Q. Okay. By the way, I note that Exhibit 4</p> <p>17 applies this ratio reduction to indoor residential and</p> <p>18 outdoor residential use.</p> <p>19 Do you see that on page 2 there of</p> <p>20 Exhibit 4?</p> <p>21 A. That's what it says.</p> <p>22 Q. And do you recall any discussions about</p> <p>23 that at all?</p> <p>24 A. None.</p> <p>25 Q. You had no input to that?</p>

1 A. No.

2 Q. Okay. Did you review the material from M3
3 that was submitted as an exhibit in the main hearing
4 detailing water uses for various functions throughout
5 the development?

6 A. No, I did not.

7 MR. FEREDAY: Okay. Can we take a short break
8 and go off the record.

9 (Recess.)

10 MR. FEREDAY: Back on the record.

11 Q. Dr. Reading, we have used the number 17,455
12 as a full build-out population number. And I think
13 that number was referred to in Exhibit 4 as the, quote,
14 "ultimate population."

15 Do you recall that?

16 A. Yes.

17 Q. I'd like you to refer to Deposition
18 Exhibit 6 once again, please. In the last farthest
19 right column of that exhibit under year 30, I'd like
20 you to note the number of residences projected at
21 7,153.

22 Do you see that?

23 A. Yes.

24 Q. And further a few lines down is the number
25 2.49, which is the average household size in terms of

1 you need to know how many residences, how many
2 stub-ins, how many actual buildings and lawns are
3 there; correct?

4 A. That would be a relevant number.

5 Q. Uh-huh. And even though a residence may
6 not be currently occupied, it still may require water,
7 such as for its lawn and so forth; correct?

8 A. There's that potential.

9 Q. Okay. With regard to your Appendix C in
10 the report, page 4, I see Table 3 there. I'd like to
11 ask you some questions about that.

12 A. What page?

13 Q. 4, Table 3.

14 A. Yes.

15 Q. Would you agree that the average growth
16 rate for the state of Idaho or the projected growth
17 rate from 2011 to 2014 is going to be or is likely to
18 be a lower growth rate than that to be experienced in
19 the city of Eagle?

20 A. Not necessarily.

21 Q. So you think that the state of Idaho as a
22 whole, taking all 44 counties as a whole, is going to
23 experience a growth rate greater than the city of Eagle
24 will experience at any time in the next, say, 10 to 30
25 years?

1 people.

2 Do you see that?

3 A. Yes.

4 Q. And I'll represent to you that multiplying
5 those together results in a population of 17,811.

6 A. Okay.

7 Q. And I'll also point out to you that right
8 below the number 7,153 is the number 143 as unoccupied
9 residential housing units.

10 Do you see that?

11 A. 143 unoccupied. Is that what --

12 Q. Yes.

13 A. Okay. Yes.

14 Q. So I'll represent to you that the
15 difference between 17,811 and 17,455 is that unoccupied
16 increment.

17 A. Okay.

18 Q. Does that seem reasonable to you, that in
19 projecting for some purposes, such as taxation purposes
20 and so forth, that the number of people occupying a
21 part of the city at any one time is relevant? Would
22 you agree?

23 A. Yes.

24 Q. But would you also agree that for purposes
25 of deciding how much water you need to serve an area,

1 A. I would say in the next 10 to 30 years that
2 the Treasure Valley area, the Boise -- Ada/Canyon
3 County area will most likely grow faster than the whole
4 state of Idaho with their rural populations in many
5 counties.

6 Q. Okay. On page 3 of Appendix C, right at
7 the bottom of that page, you have a comment regarding
8 the forecasts for the cities of Boise, Kuna, and Eagle,
9 and you make the statement that, quote, "Since
10 forecasts for these cities are also contained in other
11 forecasts included in the City's" -- that is the city
12 of Eagle's -- "average, the result is double counting,"
13 end quote.

14 Do you stand by that being an experience of
15 double counting?

16 A. I think maybe double counting was not the
17 best choice of words. What I was -- the point I was
18 making in this whole paragraph was the approach that
19 the City of Eagle took was for overlapping forecasts
20 that were embedded in one another and for forecasts of
21 varying different lengths.

22 And when you have all of those different
23 kinds of forecasts and then you take a simple average
24 of them, that is not an, in my mind, acceptable and
25 robust statistical method of finding a growth rate.

<p style="text-align: right;">Page 58</p> <p>1 And so it was part of that.</p> <p>2 Q. So are you saying, then, to put it in other</p> <p>3 words, that by using an inappropriate suite of</p> <p>4 percentages, to develop the target percentage, the</p> <p>5 target percentage will either be understated or</p> <p>6 overstated, depending on the weight of those other</p> <p>7 compared percentages in comparison with the target?</p> <p>8 A. I would agree. That would have been a nice</p> <p>9 sentence to have in my report.</p> <p>10 Q. Do you agree that including percentages</p> <p>11 that are lower, and including perhaps more of them than</p> <p>12 should have been included, will tend to dilute or lower</p> <p>13 the target percentage?</p> <p>14 A. Mathematical certainty.</p> <p>15 Q. Yes. I'd like to ask you some questions</p> <p>16 now about why you chose the 2040 date for the end of</p> <p>17 the planning horizon.</p> <p>18 And maybe another way of putting that is,</p> <p>19 why is the water planning horizon, in your view,</p> <p>20 extending from 2010 to 2040, instead of, say, 2011,</p> <p>21 this year, to 2041, 2012 to 2042, or some other similar</p> <p>22 period? Why was that period chosen?</p> <p>23 A. Mostly because the best data for population</p> <p>24 available was the 2010 census. That would be the one</p> <p>25 that would be -- the one you would have more certainty</p>	<p style="text-align: right;">Page 60</p> <p>1 contained in the exhibits that we went over, the</p> <p>2 articles and Thornton Wilder report, just general</p> <p>3 economic malaise that is occurring throughout the</p> <p>4 nation, but to somewhat greater extent in southwest</p> <p>5 Idaho.</p> <p>6 Q. So is it fair to say that the 2016 date was</p> <p>7 your estimate as to when the M3 project might start?</p> <p>8 A. That was judgment, yes.</p> <p>9 Q. Judgment based just on your feel for these</p> <p>10 data that you've described?</p> <p>11 A. Correct. And as I remember, I stated in</p> <p>12 Appendix C one would assume that when it starts, it</p> <p>13 probably in the early years would not be as rapid as</p> <p>14 they originally projected back when.</p> <p>15 Q. Do you have any information about current</p> <p>16 conditions in the Eagle area with regard to building</p> <p>17 starts or new housing activity of any kind?</p> <p>18 A. As was in some of the exhibits that we</p> <p>19 marked, it was just the general housing conditions that</p> <p>20 are going on. If you're asking did I do a survey of</p> <p>21 the Eagle area specifically, the answer is no.</p> <p>22 Q. Do you know whether there might be any</p> <p>23 sources for that kind of information as to what's</p> <p>24 happening in the Eagle area now?</p> <p>25 A. One could go to the City and look at</p>
<p style="text-align: right;">Page 59</p> <p>1 is closest to correct.</p> <p>2 Q. So the choice of 2010 as a start date had</p> <p>3 nothing to do with anything you were told to do by the</p> <p>4 Department; is that correct?</p> <p>5 A. Oh, no. No, not --</p> <p>6 Q. And it had nothing to do with your</p> <p>7 understanding of how the RAFN statute works; is that</p> <p>8 correct?</p> <p>9 A. That would be correct.</p> <p>10 Q. It was just a number that you picked</p> <p>11 because it was convenient based on the census numbers?</p> <p>12 A. Right. And as I understood my task, it was</p> <p>13 to do the most accurate forecast that I could on</p> <p>14 population, so that's what I did.</p> <p>15 Q. Could you explain why you assumed that the</p> <p>16 M3 planned community will not start construction until</p> <p>17 2016?</p> <p>18 A. As I say in the last page or pages of</p> <p>19 Appendix C, the existing economic conditions are such</p> <p>20 that there isn't a lot going on anywhere. So M3 would</p> <p>21 start to develop when there's a market that they can</p> <p>22 sell their properties into.</p> <p>23 Q. In making that determination as to 2016,</p> <p>24 what data did you review?</p> <p>25 A. Some of the economic conditions that are</p>	<p style="text-align: right;">Page 61</p> <p>1 building permits. One could look at maybe CoreLogic</p> <p>2 data. One could go to a variety of sources in an</p> <p>3 attempt to estimate that. For a city the size of</p> <p>4 Eagle, you could drive around and look at empty houses,</p> <p>5 I assume, talk to real estate agents, talk to</p> <p>6 management firms, that kind of thing.</p> <p>7 Q. Have you done any of those things with</p> <p>8 regard to your work in this case?</p> <p>9 A. No.</p> <p>10 Q. Would you agree that it would make sense</p> <p>11 for the planning horizon for a water right to start</p> <p>12 when the water right permit is issued, or should it</p> <p>13 start at some earlier time?</p> <p>14 MR. BAXTER: I'm going to object. It calls for</p> <p>15 a legal conclusion.</p> <p>16 Q. (BY MR. FEREDAY): Okay. If you have a</p> <p>17 thought about that, you could still answer.</p> <p>18 A. Yes, I understand that.</p> <p>19 Would you rephrase the question, please.</p> <p>20 Q. Okay. Would it be reasonable to you as an</p> <p>21 economist to assume that a planning horizon for a water</p> <p>22 right permit during which it must be developed would</p> <p>23 start once the permit actually exists and is issued?</p> <p>24 A. I will go back to a question you asked me</p> <p>25 earlier on the termination of the water right. I think</p>

1 that would be a critical factor. But I guess I
2 can't -- I can't really opine -- it could be -- a water
3 right could be issued and there would be no development
4 for the next 15 years, and all of a sudden -- I guess I
5 can't answer -- I would have to think about that more.

6 Q. So I guess your answer is you don't know?

7 A. I don't know.

8 Q. Okay. Do you think it would be reasonable
9 to project that the M3 project portion of the city of
10 Eagle could start construction in 2014 or even earlier?
11 Would that be an unreasonable expectation?

12 A. We can quibble about "unreasonable." But I
13 would have to say potentially that could occur, equally
14 it could occur later.

15 Q. If the planning horizon assumption in the
16 Department's report, which now goes from 2010 to 2040
17 as a planning horizon, were shifted forward let's say
18 two years to 2012, from 2012 to 2042, that would change
19 the calculus such as that described in Exhibit 4; would
20 it not?

21 A. That would -- that potentially would
22 change, to use your word, the calculus or the
23 projections or whatever. Yeah, that certainly, in my
24 mind -- I guess that's a policy decision that the
25 Department has that I obviously am not privy to or

1 for doing that, would you comment on that?

2 A. I'm --

3 MR. BAXTER: I'm going to object because I think
4 the witness here has identified that he doesn't feel
5 it's appropriate for himself to speak on the issues of
6 policy. This is really a question left to the
7 Director.

8 That said...

9 Q. (BY MR. FEREDAY): So can you answer that
10 question when I put it that way to you?

11 A. I would prefer not to opine about policy,
12 based on my lack of knowledge on how it comes down.

13 Q. Do you have any evidence to support a
14 conclusion that it's more likely than not that the M3
15 planned community will not build out to its full 7,153
16 units at some point in time?

17 A. As I mentioned earlier and is contained in
18 the memo to the City earlier, I expressed for a variety
19 of reasons that I wasn't sure the M3 development would
20 occur as outlined in their planning report submitted to
21 the City. I guess I have questions that it will fully
22 develop.

23 Q. And those questions are based on what
24 evidence? That's the question I asked.

25 A. I think it's back on general evidence as an

1 won't make.

2 Q. Okay. Could you identify a policy reason
3 for reducing the peak diversion rate for the City of
4 Eagle for the M3 area of its city by .99, or some other
5 number, based on the kinds of projections that you've
6 given us today?

7 A. You've got me off where I'm uncomfortable.
8 I have no opinion on basing a -- the water right based
9 on peak consumption.

10 Q. How about from an economic planning point
11 of view, could you identify any policy or reason for
12 making such a reduction in a case like this where we're
13 projecting 30 years out for full development of a water
14 right?

15 A. I guess I can only answer that in generic
16 terms in my experience dealing with utilities, and that
17 is if you're trying to determine water consumption,
18 looking at peak use relative to average use is
19 something you certainly investigate and look at and
20 estimate.

21 Q. And my question, though, had to do with
22 whatever the number we're talking about, whether it's
23 peak or average, with reducing it at the front end,
24 saying you can't even have that much in your permit at
25 this point, the policy from an economic point of view

1 economist and looking around -- boy, I'd have to go
2 back and reread that report. But I was skeptical in
3 that report, as I remember, about the projected traffic
4 flows, the price of the housing, number of houses,
5 those kinds of things.

6 That's a very big development, and there
7 have been planned unit communities around the Treasure
8 Valley that have not developed according to what they
9 planned. So I guess just a general
10 feeling/expectation/opinion.

11 Q. Would you call that just a guess on your
12 part?

13 A. Well, I guess I'll back up. I guess I'll
14 have to be -- let's see. A little more than a guess,
15 given the world that I live in in economics following
16 this data, doing work for population projections,
17 et cetera. It just -- it -- as I said in Appendix C,
18 those numbers -- I couldn't say in a 30-year time frame
19 they're unreasonable. But I -- once you get out after
20 ten years, it gets real uncertain.

21 MR. FEREDAY: Let's go off the record for a
22 minute.

23 (Discussion.)

24 MR. FEREDAY: That's all the questions we have
25 at this time.

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1 Bruce, would you like to come down here?
 2 MR. BRUCE SMITH: Jason? Alan?
 3 MR. ALAN SMITH: We have no questions.
 4 (Recess.)
 5
 6 EXAMINATION
 7 BY MR. BRUCE SMITH:
 8 Q. Dr. Reading, I'm Bruce Smith. I represent
 9 the City of Eagle in this proceeding. Good afternoon.
 10 It's three o'clock.
 11 You got a schedule this afternoon?
 12 A. Until 5:00. After 5:00, not available.
 13 Q. Okay.
 14 A. Maybe I should have said after 3:15 I'm not
 15 available.
 16 MR. FEREDAY: You lost your chance.
 17 Q. (BY MR. BRUCE SMITH): We'll do our best to
 18 take care of that.
 19 I'm going to try not to duplicate some of
 20 the questions that Jeff asked, unless I need
 21 clarification.
 22 As I understood your testimony, you've
 23 never worked on any kind of RAFN analysis before you
 24 were hired by the Department to work on this one?
 25 A. That is correct.

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1 Q. And with regard to your contract, I think
 2 you indicated that you were contacted by Mr. Rigby; is
 3 that correct?
 4 A. Yes. And Peterson, Jack Peterson.
 5 Q. Okay.
 6 A. That's who I couldn't remember before.
 7 Q. Okay. Do you have any idea why those two
 8 people contacted you?
 9 A. Both of them, at least this is what they
 10 said, the Department is looking for an economist. Both
 11 of them knew me. Jack Peterson, I go way back to when
 12 both of us were at Utah State. I've known him for a
 13 long time. They know me as an economist, and my
 14 understanding is they recommended me to the Department.
 15 Q. Okay. And specifically your job was to
 16 look at population forecasting?
 17 A. Correct.
 18 Q. Okay. Was it anything else?
 19 A. When I was originally contacted, we talked
 20 about the Department was interested in developing a --
 21 I guess for want of a better word, a template that they
 22 could produce for cities who were submitting
 23 applications for RAFN water permits. They have not
 24 asked me to do that. I understand the reason is is I
 25 ran them out of the money doing the work here.

1 Q. So you're not getting paid for your
 2 testimony today, sir?
 3 A. I will bill them. We'll see whether I get
 4 paid.
 5 Q. Okay. You mentioned that you had a number
 6 of meetings with Mr. Rigby and Mr. Peterson, and you
 7 said Director Spackman came in to some of the meetings?
 8 MR. BAXTER: I'm going to object to the
 9 characterization. I don't believe the testimony said
 10 there were a number of meetings. But I may stand
 11 corrected on that.
 12 THE WITNESS: Yeah, the number of meetings
 13 occurred with Shelley Keen, me, and Mat Weaver.
 14 Q. (BY MR. BRUCE SMITH): Okay.
 15 A. The original contact was Ray Rigby and
 16 Director Spackman. There was an early meeting that
 17 Jack Peterson and some other IDWR folks were about, and
 18 maybe one more later in the process. But the majority
 19 of the work was the three of us.
 20 Q. Okay. And the meeting with
 21 Director Spackman was when?
 22 A. Yes.
 23 Q. No, when? When did that occur?
 24 A. That occurred at the inception before I
 25 even signed the contract. And then as I remember,

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1 there was a later meeting in the process toward the end
 2 of it before the report was produced, finalized.
 3 Q. Okay. And the first meeting that
 4 Director Spackman was in, who else was in it?
 5 A. What?
 6 Q. Who else was in it?
 7 A. Just Ray Rigby.
 8 Q. And what was Director Spackman's role in
 9 that meeting?
 10 A. I think he was attempting to decide whether
 11 or not he was going to accept Ray Rigby's and Jack
 12 Peterson's recommendation to hire me. It had the
 13 definite feeling of an interview.
 14 Q. Okay. And in the second meeting who was in
 15 that?
 16 A. Toward the end of the process, I can't
 17 remember exactly, but there was -- there was numerous
 18 people in that meeting. And it was a general
 19 discussion of the report that was issued and what was
 20 in it and things like the logic behind why this or that
 21 was decided.
 22 Q. And did Director Spackman have any input or
 23 comment during that meeting?
 24 A. I'm sure that he had comment. As I
 25 remember, they were mostly questions.

<p style="text-align: right;">Page 70</p> <p>1 Q. Do you recall any of the questions?</p> <p>2 A. It was -- the ones that I remember were</p> <p>3 more about process. I can't -- I'm trying to remember</p> <p>4 the ones that I would have responsibility for. And I</p> <p>5 think, as I remember, he just asked me to sort of</p> <p>6 review how I came up with what's in the report.</p> <p>7 MR. BAXTER: Bruce, I might make one</p> <p>8 clarification for the record. I think Dr. Reading here</p> <p>9 said "Ray Rigby" a couple times, and I think he</p> <p>10 originally identified him as "Rich Rigby." I think</p> <p>11 Rich Rigby is the person.</p> <p>12 THE WITNESS: Rich Rigby, correct. Rich Rigby</p> <p>13 all the way through. I'm sorry.</p> <p>14 MR. BRUCE SMITH: Thank you for the</p> <p>15 clarification. I assumed that's who it was anyways. I</p> <p>16 didn't even pick up on it.</p> <p>17 THE WITNESS: Don't tell him. He'll be mad at</p> <p>18 me. "What did I recommend you for, you fool?"</p> <p>19 MR. BRUCE SMITH: Did you get that down, Jeff?</p> <p>20 Q. There was some questions from Mr. Fereday</p> <p>21 about policy that Mr. Baxter objected to.</p> <p>22 Did anybody talk to you at any point during</p> <p>23 this process from the time you were hired until the</p> <p>24 time you produced your report about policy questions?</p> <p>25 A. As I remember, the policy questions that</p>	<p style="text-align: right;">Page 72</p> <p>1 discussions -- let me use just a quick example of the</p> <p>2 kinds of things.</p> <p>3 "What does the RAFN say?" it would say.</p> <p>4 "You should" -- it should be the planning area, or</p> <p>5 maybe another term, general discussions about what</p> <p>6 planning area meant or comprehensive plan, area of</p> <p>7 impact, you know, what did it really mean. You know,</p> <p>8 trying to operationalize what was in the statute. It</p> <p>9 says overlaps. It says other water companies.</p> <p>10 So there would be a general discussion</p> <p>11 about how -- what would be the best procedure going</p> <p>12 forward so that the data would reflect what was in</p> <p>13 the -- our best interpretation of what was in the RAFN</p> <p>14 requirements.</p> <p>15 Q. The statute?</p> <p>16 A. Right.</p> <p>17 Q. So with regard to these things like</p> <p>18 planning horizon, service area, they're telling you</p> <p>19 what that is or you're telling them what that is?</p> <p>20 A. I would say there's a general discussion</p> <p>21 about that. As far as something like the planning</p> <p>22 horizon, Mat Weaver went out and surveyed various</p> <p>23 areas.</p> <p>24 I think it's in his -- I don't know if it's</p> <p>25 in mine or his -- about what the various planning</p>
<p style="text-align: right;">Page 71</p> <p>1 were discussed were more -- and that's -- I know when</p> <p>2 Mr. Fereday was asking me, I was just curious trying to</p> <p>3 understand what it was about. As far as anything that</p> <p>4 I had, it was "Give us your best estimate of a</p> <p>5 population forecast."</p> <p>6 Q. Okay. And did anyone at IDWR exercise</p> <p>7 oversight of your work?</p> <p>8 A. Tell me more of what you mean by</p> <p>9 "oversight."</p> <p>10 Q. Did you do drafts that they reviewed and</p> <p>11 then made edits to?</p> <p>12 A. Shelley, Mat, and I exchanged, I guess,</p> <p>13 drafts. We would have meetings where I would bring in</p> <p>14 like charts or graphs, et cetera, of what I was doing,</p> <p>15 and then there would be a general discussion among us</p> <p>16 about "Does this make sense? Does that make sense?</p> <p>17 What does this mean? What does that mean?"</p> <p>18 Q. You focused on exclusively Appendix C;</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. Did they talk to you about the rest of the</p> <p>22 document?</p> <p>23 A. Most of the rest of the document was -- I</p> <p>24 think it's Appendix B, because Mat's work and my work</p> <p>25 were so -- he handed off stuff to me. So the</p>	<p style="text-align: right;">Page 73</p> <p>1 criterias of certain places was. And then there would</p> <p>2 be a sit-down meeting and we would discuss what --</p> <p>3 given the information we had, what would be a rational</p> <p>4 or reasonable planning horizon.</p> <p>5 Q. So the determination of a reasonable</p> <p>6 planning horizon was not just your determination; is</p> <p>7 that correct?</p> <p>8 A. I would say on a planning horizon and the</p> <p>9 population, I had the final call on that.</p> <p>10 Q. Okay. So you determined the planning</p> <p>11 horizon and the Department accepted it?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 A. And, you know, to be candid, I'm sure you</p> <p>15 understand how these things work. If I would have said</p> <p>16 something like 75 years, I think there would have been</p> <p>17 some push-back. The -- in general, these things were</p> <p>18 sort of agreed to in tandem, I guess would be a better</p> <p>19 way.</p> <p>20 Q. Okay. So how did you decide what was a</p> <p>21 reasonable planning horizon versus, well, I'll say</p> <p>22 unreasonable planning horizon?</p> <p>23 A. Looking at the data that Mat collected,</p> <p>24 understanding, as Mr. Fereday mentioned earlier when he</p> <p>25 was asking me questions, about what other entities like</p>

<p style="text-align: right;">Page 74</p> <p>1 utilities do for planning horizons, my general 2 knowledge and experience as a forecaster. 3 Q. So what you're talking about is just 4 general plans; correct? 5 A. Excuse me? 6 Q. General planning. 7 A. General planning was part of that 8 background, certainly, yes. 9 Q. Okay. But I mean we're talking about 10 planning horizons for a water right? 11 A. Yes. 12 Q. Okay. And what you're describing is just 13 general planning-type endeavors; correct? 14 A. Yes. 15 Q. Okay. So until you were hired to work on 16 RAFN issues, you'd never heard the word "planning 17 horizon" in the context of a water right, had you? 18 A. Until the RAFN, no. 19 Q. Okay. So you gave the Department your 20 estimate of what a reasonable planning horizon was? 21 A. I opined that, yes. 22 Q. Okay. 23 A. And as I remember in the report, I said 24 that when you're forecasting out there, you can believe 25 20 years easier than you can believe 30 years.</p>	<p style="text-align: right;">Page 76</p> <p>1 planning, in general? 2 A. Planning, in general? 3 Q. Yeah. You said you got a long history with 4 a lot of experience, a little bit of gray hair and this 5 kind of stuff, so I've been at this for a long time. 6 A. Right. 7 Q. So it's a judgment call, but it's an 8 informed judgment? 9 A. I like that better, "informed judgment." 10 Q. What are you talking about, judgment as to 11 what? 12 A. A judgment as to -- as to what is 13 reasonable that you can have a certain degree of 14 confidence in that your number 30 years from now won't 15 be -- it will be wrong, but it won't be terribly wrong. 16 Q. To follow up, when you're talking about 17 planning, what are you planning for? Doesn't the type 18 of planning you're doing for what you're planning for, 19 doesn't that affect your degree of certainty or 20 uncertainty? 21 A. Oh, certainly. 22 Q. Okay. So if you're planning for an 23 electric utility and production of and distribution of 24 electricity, that's a certain type of planning; 25 correct?</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. As a matter of fact, there's a statement in 2 your report, Appendix C, that generally says obviously 3 the further you go out the more uncertain you become, 4 or something to that effect? 5 A. Yes. 6 Q. How do you put some objective sideboards on 7 that, or is that just a judgment call? 8 A. I guess as -- as somebody who has been 9 doing this as long as I have been doing it and is as 10 old as I am and have been forecasting for as long as I 11 have and got it right sometimes and got it not right 12 other times, I would have to say -- and this was sort 13 of when Mr. Fereday was saying, "Well, then it's just a 14 guess." 15 I think it's more than a guess. I think 16 given my experience, education, et cetera, it's an 17 educated guess, I guess would be a better way to put 18 it. But there's certainly judgment. If that's what 19 you're asking, there's certainly judgment. There's no 20 definitive answer. And I think that's displayed in the 21 table of the different planning horizons of different 22 entities and how different they really are. 23 Q. Let me delve into that just a minute. When 24 you're talking about your age and your experience, your 25 history in dealing in this area, I assume you mean just</p>	<p style="text-align: right;">Page 77</p> <p>1 A. Yes. 2 Q. And it's not necessarily the same as 3 planning for a demand for water; correct? 4 A. Correct. 5 Q. Or if you're planning for highway 6 construction, it's not the same as for water or for 7 electricity; correct? 8 A. Okay. 9 Q. You agree? 10 A. Yes. 11 Q. "Okay" means you agree? 12 A. Yes. 13 Q. Okay. So the planning period depends on 14 what you're planning for; would you agree? 15 A. Yes. 16 Q. Okay. And you agreed with me at the very 17 beginning that you've never done any planning, you've 18 never looked at any planning horizons for a water 19 right; correct? 20 A. Right. And I would have to say what I was 21 asked to do in this case is not opine or assign factors 22 for the water right. It was to come up with a 23 population forecast. 24 Q. Okay. 25 A. And the population forecast could be used</p>

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1 in a variety of ways for different planning purposes.

2 Q. Okay. That's a good point. So the
3 planning that you're talking about is planning for
4 population increases; correct?

5 A. Estimating, I guess would be a better word.
6 Estimating population increases.

7 Q. Okay. It's not planning for the water
8 needs for that population; correct?

9 A. I -- that -- I did not get into that.

10 Q. Okay.

11 A. My section was to -- to look at what the
12 population would be over a reasonable, I guess,
13 population planning period. And in the report those
14 planning horizons, of course, would include population
15 as well as other things.

16 Q. So your conclusion, as I read Appendix C,
17 is that 30 years is a reasonable planning horizon for
18 the City?

19 A. Not unreasonable.

20 Q. In terms of population?

21 A. Of what -- yeah, of what I think the
22 population could reasonably be in 30 years.

23 Q. Okay. So if we extend that to 40 years,
24 what would your opinion be?

25 A. Much less certain.

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1 Q. How much?

2 A. I cannot answer that.

3 Q. Okay. We'll get to this later on, but I
4 think you came up with a 3 percent growth rate;
5 correct?

6 A. A what?

7 Q. 3 percent growth rate.

8 A. Yes.

9 Q. That's what you applied?

10 A. Yes.

11 Q. If the City went from 30 to 40 years, would
12 the 3 percent still be applicable?

13 A. I think if it went to 40 years, I would
14 have to look at some other factors that may or may not
15 be limiting for that growth. I would have less faith
16 in whatever number extrapolating 30 years out would be.

17 Q. Extrapolating out 40?

18 A. I mean 40 would be.

19 Q. What information would you look at?

20 A. It would be the city limits, the pushing up
21 against other land, the annexation of surrounding
22 cities. Cities get, want of a better term, landlocked.

23 Also, when you study growth in general,
24 what almost always happens is S-curve growth, if I'm
25 making sense.

1 Q. Uh-huh.

2 A. And you have very small -- very small
3 population base, and things occur for that small
4 population base and you start getting a rapid growth
5 increase. The worst -- in my mind, the worst thing you
6 can do statistically is just put an exponential growth
7 rate on that, and you just get up in the absurdity.

8 So you have to look at what the environment
9 is and try to project where those inflection -- where
10 that inflection point would occur when the growth rate
11 would, by necessity, start to slow down and start to
12 flatten out.

13 Q. So in that 10-year period from 30 to 40,
14 you think that there would be a significant degree of
15 uncertainty projected into it?

16 A. I did not say that.

17 Q. Okay.

18 A. I said there would be that potential, and
19 that would be something that would make sense to look
20 at to see if it would -- if you thought it may occur in
21 that extra 10-year time period.

22 Q. Okay. Did you calculate a growth rate for
23 M3?

24 A. For who?

25 Q. For M3, for the M3 project.

<p style="text-align: right;">Page 82</p> <p>1 you went back and revisited what you predicted and it 2 came out. 3 A. Yes. 4 Q. You always remember those; right? 5 A. Yeah, right. 6 Q. So were there some you went back and looked 7 that didn't turn out correct? 8 A. Oh, absolutely. 9 Q. And what's the difference between those 10 two? The ones that you didn't turn out correct on, 11 what was the factors that led to that? 12 A. I think the one that turned out most 13 incorrectly was one I did for the City of Pocatello 14 when I was teaching at Idaho State on a manufacturer 15 who bought the naval gun plant, Bucyrus-Erie, and it 16 was I don't know how many energy crises ago, but it was 17 the one in the middle '70s. 18 And they were building these big machines 19 to go over to Wyoming and rip it up and do oil shale. 20 They invested millions and millions of dollars, started 21 to hire people, started to build. And then there was a 22 structural change. They decided it was -- and I'm not 23 sure all of the reasons, but they decided, well, that 24 isn't going to be profitable, and they pulled up stakes 25 and went away.</p>	<p style="text-align: right;">Page 84</p> <p>1 starting from zero relative to a city that has been 2 there for a number of years and has experienced growth 3 patterns, they're really two -- two separate entities, 4 I would think. 5 Q. So there would be a significant difference 6 in the planning processes for the two? 7 A. I would think so, because the planning 8 process for a city is as you're partway down the road, 9 you've got infrastructure there, you've got, you know, 10 the water, sewer, all those kinds of things you need 11 for planning. You've got some experience. You've got 12 some roads. You got all those kinds of things. 13 Whereas in general, as I understand M3, it's starting 14 from whole cloth. 15 Q. But you understand that M3 would be kind of 16 a discrete project; correct? 17 A. A what? 18 Q. A discrete project. 19 A. As it originally planned, as -- yes. 20 Q. And that a city would do more generalized 21 planning; correct? I mean let me give you an example. 22 M3 is going to go build houses; correct? 23 A. My understanding is M3 will sell lots to 24 builders who will build houses. 25 Q. Okay. The M3 project results in houses</p>
<p style="text-align: right;">Page 83</p> <p>1 So that the population forecast that I 2 made, based on the same kind of thing that Mr. Church 3 has done on what the company said was going to occur, 4 the hiring patterns that they said they were going to 5 use, never occurred, and therefore the population 6 growth never happened -- 7 Q. Okay. 8 A. -- in that time frame. It eventually 9 happened. But it happened 10, 15 years later than my 10 original forecast said. 11 Q. Do you recall how far out that forecast had 12 been, how many years? 13 A. Wow. I'd have to go back, but I'm -- it 14 would have to be like a 15 year, 20 year kind of thing. 15 Q. Okay. A lot of the questions Mr. Fereday 16 talked to you about, you were answering, dealt with the 17 development of M3. 18 Do you understand that there might be a 19 difference between planning as done by M3 with 20 population forecasting for a specific project versus 21 the planning that a city might do? 22 A. Oh, absolutely. 23 Q. And what kind of differences are there 24 between those two? 25 A. For an M3 kind of development that is</p>	<p style="text-align: right;">Page 85</p> <p>1 being built; correct? 2 A. That's their expectations. 3 Q. The City of Eagle will not be building 4 houses? 5 A. That is correct. The -- 6 Q. So the City's approach -- 7 A. Excuse me. 8 Q. Excuse me. 9 A. The City will not be selling the property 10 to be developed. It does not own the property in which 11 the development will take place. 12 Q. Right. So a city's planning focuses on the 13 general growth of the city, correct, as opposed to the 14 discrete growth and development of a specific 15 subdivision or project? 16 A. For M3, build it and they will come. That 17 is their expectation. 18 Q. Okay. But a City's planning is generalized 19 and is focused on the growth of a city, not a specific 20 project; correct? 21 A. Yes. 22 Q. Okay. And you recall the discussions with 23 Mr. Fereday about the 2016 versus some other start 24 date; correct? 25 A. Yes.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q. And because the City is not starting 2 construction of anything, that analysis and that type 3 of approach doesn't apply to the City; correct? 4 A. Yes. And as I remember in my report, that 5 isn't what I used to project the population for the 6 city of Eagle. I did them independently and added them 7 together. 8 Q. Okay. I want to make sure we understand 9 and we have a clear understanding of this. 10 The start date for the City's planning has 11 nothing to do with the start date for construction? 12 A. The way I projected the population for the 13 city was not dependent on when M3 would start 14 construction. 15 Q. Okay. I want to go through your report a 16 little bit. I just want to make sure I understand it. 17 And you've got the report in front of you. Okay. 18 A. Which page? 19 Q. Well, we're going to go through it page by 20 page. But let me ask you this, in general. 21 When I was looking at the section where you 22 were talking about the City's calculation of a growth 23 rate, the paper that Nichoel did -- 24 A. That the City used for their 4.39 percent? 25 Q. Right. You recall looking at that?</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Okay. 2 A. Looking at the methodology. 3 Q. Okay. Now, if you'll take your Appendix C 4 report, I've got my copy, and I'm going to go through 5 and ask you some questions. And we'll just go page by 6 page. If you look at the first couple sentences, it 7 says "Geographical Scope." 8 Do you see that? 9 A. Yes. 10 Q. Now, you make a couple statements about the 11 statutory provisions that you were talking about that 12 you dealt with; correct? 13 A. Yes. 14 Q. And did you base your conclusions in this 15 report on your understanding of the statute as you 16 wrote it out in Appendix C? 17 A. Yes. And as I said, with the adjustments 18 Mat Weaver made for populations of the different pieces 19 within the city of Eagle. 20 Q. Okay. But what I'm saying, you've written 21 out your understanding of the statutes -- 22 A. Yes. 23 Q. -- and you based your opinions on that? 24 A. Yes. 25 Q. Okay. So if your understanding of the</p>
<p style="text-align: right;">Page 87</p> <p>1 A. Recall what? 2 Q. You recall looking at the paper that 3 Nichoel Baird Spencer produced? 4 A. Yes. Yes. Yes. 5 Q. Okay. As I read your report and your 6 comments on it, your opinion was that the City's 7 approach -- that your opinion about the City's approach 8 was based solely on the fact that it was not, in your 9 opinion, a valid statistical method? 10 A. Yes. 11 Q. Okay. Now, I did not see in your report 12 where you made any kind of statistical analysis of the 13 City's approach. 14 Did you do that? 15 A. I'm not sure what you mean by "statistical 16 analysis of the City's approach." 17 Q. Okay. Let me be clear. You said that the 18 City's approach was not statistically valid; correct? 19 A. In my opinion, yes. 20 Q. Okay. Did you independently try to perform 21 a statistical analysis of that approach to determine 22 that it was not statistically valid? 23 A. No. 24 Q. It is just your opinion? 25 A. Yes.</p>	<p style="text-align: right;">Page 89</p> <p>1 statute was incorrect, would that affect your opinions? 2 A. It would depend on where and what parts of 3 my understanding were incorrect. Some may change my 4 opinions, some may not. 5 Q. Well, let me ask you this: With regard to 6 the parts of the statute that are written in part 7 one -- okay? -- not other parts of the statute, but 8 just what you wrote out in part one, if that 9 understanding is incorrect, would it affect your 10 opinion? 11 A. I'm not tracking your question here. I'm 12 sorry. 13 Q. Okay. You've written out part one of your 14 paper. I'm reading Appendix C. I'm looking at part 15 one. And you make certain statements about the 16 statutory provisions. 17 A. My interpretation of what the statute says, 18 yes. 19 Q. Okay. And so you take that and then 20 proceed to do your analysis; correct? 21 A. Okay. Yes. 22 Q. And your analysis is based on that 23 understanding that you set out at the beginning, it 24 sets the framework for your analysis? 25 A. I would say that is true.</p>

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<p>1 Q. Okay. Look at Table 1 for a minute.</p> <p>2 A. Okay.</p> <p>3 Q. It says, "Survey of Planning Horizon</p> <p>4 Periods." Okay.</p> <p>5 Now, "planning horizon" is a term of art</p> <p>6 within the statute? Okay?</p> <p>7 A. I would say definitely.</p> <p>8 Q. Now, is that what you meant by "planning</p> <p>9 horizon" at the top of that table, that's the planning</p> <p>10 horizon you're talking about?</p> <p>11 A. That was a planning horizon these different</p> <p>12 entities, municipalities, had -- they planned for.</p> <p>13 Q. Okay. And as a matter of fact, where did</p> <p>14 you get all these --</p> <p>15 A. From Mat Weaver.</p> <p>16 Q. Did you read these plans?</p> <p>17 A. No. I got this data from Mat Weaver.</p> <p>18 Q. Okay. So when this information in this</p> <p>19 table is listed, like Ada and Canyon County's IDWR</p> <p>20 water demand study, you didn't go look at the water</p> <p>21 demand study to see what are they were planning for?</p> <p>22 A. For that particular one, I did read some.</p> <p>23 Q. Okay. And what were they planning for?</p> <p>24 A. They were trying to project water demand.</p> <p>25 Q. Was it for a future-needs water right, a</p>	<p>1 population would be for United Water for the next 50</p> <p>2 years. I reviewed the report. I reviewed what John</p> <p>3 Church said, and then I guess to be -- my meter got</p> <p>4 turned off and that was the end of that.</p> <p>5 Q. Okay. When you're saying "map," does IMAP</p> <p>6 come to mind?</p> <p>7 A. IMAP. I'm sorry. Correct. IMAP. That</p> <p>8 should say "IMAP" in there.</p> <p>9 Q. Okay. So you said you looked at that one.</p> <p>10 You looked at that one when you were doing</p> <p>11 that when --</p> <p>12 A. Back then. I did not relook at it for this</p> <p>13 particular study.</p> <p>14 Q. Okay. So which other one did you say you</p> <p>15 read?</p> <p>16 A. The -- well, when I was doing the work for</p> <p>17 Eagle earlier that we have talked about, I did some</p> <p>18 review of their comprehensive plan.</p> <p>19 Q. Okay. We'll get to that in just a minute.</p> <p>20 So none of these other documents did you</p> <p>21 look at?</p> <p>22 A. That is correct.</p> <p>23 Q. So how did you come up with these planning</p> <p>24 horizon years that you have listed in the second</p> <p>25 column?</p>
Page 91	Page 93
<p>1 RAFN water right?</p> <p>2 A. No.</p> <p>3 Q. Okay. So for all of these, were any of</p> <p>4 them, for any of these planning horizon periods that</p> <p>5 you listed -- and you go from 25 there at the top to 30</p> <p>6 at the bottom -- were any of them planning horizons in</p> <p>7 the context of a RAFN water right analysis?</p> <p>8 A. My understanding, no.</p> <p>9 Q. And other than the first one, did you read</p> <p>10 any of these documents?</p> <p>11 A. I -- I read the United Water map.</p> <p>12 Q. Okay. Hang on just a minute. Let me see.</p> <p>13 A. And I looked at the Eagle Comprehensive --</p> <p>14 Q. Hang on a second.</p> <p>15 A. -- Plan.</p> <p>16 Q. Excuse me. I apologize to you. I talked</p> <p>17 over you.</p> <p>18 So you looked at the United Water map?</p> <p>19 A. Yes.</p> <p>20 Q. And what map is that?</p> <p>21 A. Oh, that is the -- I'd have to ask</p> <p>22 somebody. The -- quite a few years ago United Water --</p> <p>23 I can't remember the acronym, map, and what it stands</p> <p>24 for. They filed a map. I was hired by an attorney to</p> <p>25 review John Church's estimates in the map of what the</p>	<p>1 A. As I said before, Mat Weaver developed the</p> <p>2 data for this table. And in some cases my</p> <p>3 understanding is he looked at some and some cases he</p> <p>4 called folks. Otherwise, he would call the City of</p> <p>5 Rexburg and ask them how many years were in their</p> <p>6 comprehensive plan or their master water plan or</p> <p>7 whatever it was.</p> <p>8 Q. So this is Mat's work that's in here?</p> <p>9 A. The data in that, yes, that's Mat's work.</p> <p>10 Q. Okay. Did you happen to ask him what</p> <p>11 these -- let me give you an example. City of Lewiston,</p> <p>12 20 years, 2031, Master Water Plan, do you know if that</p> <p>13 was a planning for a planning horizon for a water</p> <p>14 right?</p> <p>15 A. I have no idea.</p> <p>16 Q. Okay. Just look at that list. Are there</p> <p>17 any of them that you would see that constitute planning</p> <p>18 horizons as you describe them for a RAFN water right</p> <p>19 analysis?</p> <p>20 A. I would say -- I don't think the RAFN</p> <p>21 statute had passed when United Water did their IMAP,</p> <p>22 but it was for water planning on that one. That's the</p> <p>23 only one that I know about.</p> <p>24 Q. Okay. The one that's listed in the Eagle</p> <p>25 Comprehensive Plan -- and it's third from the bottom.</p>

<p style="text-align: right;">Page 94</p> <p>1 And it says 15 years is the planning horizon, end of 2 the planning horizon is 2025. 3 Where is that from? Where is that 4 determined? 5 A. When -- I think it's one of the exhibits I 6 have. I looked at it, and it had population up to 7 2025. 8 Don't I have a page with that? I thought I 9 had a one-page -- 10 Q. Look at Exhibit 34. 11 A. 34. Thank you. 12 Q. Okay. 13 A. That is where I got it from. 14 Q. Okay. Where did you get 15 years out of 15 that table? 16 A. From -- I'm assuming from 2010 through 17 2025. And the confusing part, which we never sorted 18 out, was the top of the table it says household and 19 populations at 2030, but there is no data for 2030. So 20 it was my interpretation of what that table said. 21 Q. Okay. You were looking at that table 22 alone; correct? I mean that's where you based your -- 23 A. Yes. 24 Q. Okay. 25 A. For that particular line, yes.</p>	<p style="text-align: right;">Page 96</p> <p>1 population forecasting. I mean -- 2 Q. Let me -- 3 A. -- what other entities do. 4 Q. Okay. Dr. Reading, let me just clarify 5 that. 6 These are planning horizons for something, 7 but we don't know exactly what; correct? 8 A. Beyond how they're described there, 9 correct. 10 Q. Okay. But then you took this plus your 11 experience in planning for other things to decide that 12 30 years was reasonable? 13 A. Yes. 14 Q. Okay. And when I say "30 years was 15 reasonable," it was 30 years for a planning horizon for 16 a water right? 17 A. For -- yes. 18 Q. Okay. 19 A. For my part of the water right, what I 20 would have reasonable faith in a population forecast. 21 Q. Okay. So looking at page 2 of your report, 22 at the top it says, "The key term in the RAFN is 23 "reasonable" 24 A. Yes. 25 Q. Okay. So as I read this, you're applying</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. Okay. So if you look at that table, it's 2 talking about projected households and population at 3 2030; correct? 4 A. Again, there was confusion. The title said 5 "2030," but the table says "2025." 6 Q. Okay. Did you look at the comprehensive 7 plan to see for how many years it planned for? 8 A. Beyond that one page, no. 9 Q. Okay. So you looked at that one page at 10 that one table, and you decided that it was a planning 11 horizon of 15 years? 12 A. For that particular line item there, yes. 13 Q. Okay. 14 A. I might add that the compilation -- you 15 know, none of the individual items was relied on 16 solely. It was to look at what the ranges were. 17 Q. Okay. But you took this information -- and 18 I assume you reviewed these lists of planning horizon 19 years, and then concluded that 30 years was a 20 reasonable period? 21 A. Yeah, one of the factors that went into 22 that. 23 Q. What other factors went into it? 24 A. As we talked about before, just the general 25 knowledge of what I considered reasonable for</p>	<p style="text-align: right;">Page 97</p> <p>1 the interpretation again of your understanding of the 2 statute -- 3 A. Yes. 4 Q. -- to these tables or these planning 5 periods that are in Table 1? 6 A. And general knowledge about forecasting and 7 planning. 8 Q. And all the other things that you have been 9 working on planning? 10 A. Yes. Yes. 11 (Mr. Holt leaves the proceedings.) 12 Q. (BY MR. BRUCE SMITH): Okay. The first 13 full paragraph, and it's that last sentence. It says, 14 "Both a 20-year and a 30-year population forecast are 15 presented below and either could be considered 16 'reasonable,' with greater certainty for the 20-year 17 forecast." 18 Can you put some sideboards on "certainty" 19 for me? 20 A. Where did I say "certainty"? Oh, certainly 21 within -- that is what I heard Mr. Church say in an 22 audio of a hearing where he opined that he believed 23 that it was reasonable -- that he believed M3 would be 24 developed within a 20-year time period and that -- that 25 if that were true, it would certainly be developed</p>

<p style="text-align: right;">Page 98</p> <p>1 within a 30-year time period.</p> <p>2 Q. So you're not talking about a water right</p> <p>3 planning horizon here, you're talking about a certainty</p> <p>4 as to the development of M3?</p> <p>5 A. The -- John Church's estimate of the</p> <p>6 build-out of M3, yes.</p> <p>7 Q. Okay. Drop down to part 3. It's talking</p> <p>8 about "Population Forecast Methodology." It says,</p> <p>9 "...we first perform a survey of existing contemporary</p> <p>10 population studies applicable to the local area."</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. What local area are you talking about</p> <p>14 there?</p> <p>15 A. In general, the Treasure Valley.</p> <p>16 Q. The Treasure Valley. Okay. "The existing</p> <p>17 forecast applicable for Eagle that we examined are</p> <p>18 depicted in Graph 1."</p> <p>19 So how did you decide which ones that you</p> <p>20 were going to examine? Am I clear?</p> <p>21 A. As I remember, this is a fairly</p> <p>22 comprehensive list. I also used the data that was</p> <p>23 provided in the first draft RAFN study from the City of</p> <p>24 Eagle. It listed various forecasts. So I looked at</p> <p>25 those.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. So did you look at all existing</p> <p>2 contemporary population studies related to the Treasure</p> <p>3 Valley?</p> <p>4 A. I tried to.</p> <p>5 Q. Okay.</p> <p>6 A. I will yield if there's one out there I</p> <p>7 missed.</p> <p>8 Q. No. Okay. Then you looked at, the last</p> <p>9 sentence, it says, "The existing forecasts applicable</p> <p>10 for Eagle that we examined are depicted in Graph 1."</p> <p>11 A. Yes.</p> <p>12 Q. Okay. How did you decide, out of the big</p> <p>13 package that you looked at, the big group of population</p> <p>14 studies, how did you then narrow that down to those</p> <p>15 that are applicable for Eagle?</p> <p>16 A. Well, when there was an Eagle specific</p> <p>17 forecast as part of that, perhaps bigger, perhaps not</p> <p>18 bigger forecast. For instance, the COMPASS forecasts</p> <p>19 include counties and cities -- I can't remember. Are</p> <p>20 they over in Canyon -- I think they're over in Canyon</p> <p>21 County too -- for Ada and Canyon County. So I looked</p> <p>22 at that forecast and said what did they say about Eagle</p> <p>23 population. That's how I decided it.</p> <p>24 Q. Okay. So you looked at all this group, and</p> <p>25 if they had information for Eagle, you pulled them out?</p>
<p style="text-align: right;">Page 99</p> <p>1 And then I examined other forecasts that</p> <p>2 were out there. For instance -- I'd have to</p> <p>3 double-check. But as I remember, the CAMP forecast was</p> <p>4 not one that was used. The CAMP forecast had</p> <p>5 projections for I think more than just southwest Idaho.</p> <p>6 But in it they have population for Eagle</p> <p>7 specifically, so I just pulled that out of that report.</p> <p>8 I did a survey of any of the reports that I could find.</p> <p>9 Q. Okay. What I'm struggling with here is it</p> <p>10 says "...we surveyed existing contemporary population</p> <p>11 studies applicable to the local area."</p> <p>12 A. Yeah.</p> <p>13 Q. So I'm trying to understand what that is.</p> <p>14 You're now telling me it's the entire</p> <p>15 Treasure Valley; correct?</p> <p>16 A. Well, it depends -- okay. No. It was</p> <p>17 taken from studies that included the Treasure Valley.</p> <p>18 As an example, the CAMP study was for a bigger area,</p> <p>19 but contained within that study they had a population</p> <p>20 forecast for Eagle specifically. And that's what the</p> <p>21 green triangles are that's the lowest line there.</p> <p>22 Q. Okay.</p> <p>23 A. So it was forecast for the area, and I</p> <p>24 attempted to pull out of those forecasts Eagle</p> <p>25 specific, to the best of my ability.</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So when we look at Graph 1, did you</p> <p>3 prepare that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Now, as I'm looking at this between</p> <p>6 the X and Y-axis, this list of -- it's the legend for</p> <p>7 the lines. Okay? It starts off with "Census Eagle"</p> <p>8 and it goes to "IEA: Boise MSA."</p> <p>9 Do you see that?</p> <p>10 A. (No audible response.)</p> <p>11 Q. It lists all these forecasts, these</p> <p>12 population forecasts, and it's got -- because I don't</p> <p>13 have a color copy --</p> <p>14 A. Oh.</p> <p>15 Q. -- it looks like you got more forecasts</p> <p>16 than you have lines on your graph.</p> <p>17 A. Oh, well, for instance, if you look at</p> <p>18 the --</p> <p>19 Q. I don't want to pursue this line of</p> <p>20 questioning if I'm wrong. But I looked at it and I</p> <p>21 tried to decide, well, I got I think eight of these,</p> <p>22 and then I start to look at the graph to see what I</p> <p>23 thought about it, and I could not find that you</p> <p>24 included all the legend on the graph.</p> <p>25 Did I make a mistake?</p>

1 A. I -- I will look at it and yield. But I
2 certainly attempted to include them all. And for
3 instance, if you look at the top one, it says "Census
4 Eagle." There are three dots starting back in 1990.
5 So that's one of them. That is the actual census data
6 for the City of Eagle for those -- for '90, 2000, 2010.
7 So that's one of them.

8 And then the Eagle comprehensive plan are
9 those squares.

10 Q. And I'm going to ask you about that while
11 you're on there.

12 So is that the ones that came out of the
13 page out of the comp plan that you looked at?

14 A. I would guess that would be true.

15 Q. Okay. All right. CAMP Eagle?

16 A. That would be the CAMP report. And that's
17 the very lowest there where they projected water
18 demands for lots of places through 2060, and I pulled
19 out Eagle.

20 Q. But let me clarify. They looked at the
21 water demand.

22 Do you mean the population?

23 A. I mean population. Sorry. I misstated
24 that.

25 Q. Okay.

1 A. The next was COMPASS, which is kind of the
2 black dots. And that one's the next one up, and it's
3 sort of superimposed on that other one. So there's
4 three squares going on there, if you see what I mean.

5 Q. Uh-huh.

6 A. Okay. Then the next one is Eagle plus M3
7 RAFN, and I adjusted that for two things: One, the
8 mathematical error that I found in adding them all up
9 and substituting in the now known 2010 population. And
10 that would be -- that would be the one that was --
11 what? -- the third one down there. On mine it's teal
12 color.

13 Q. Okay.

14 A. And then the line just above that would be
15 not adjusting it for the 2010 population or the
16 mathematical error, but what was produced in the first
17 RAFN plan.

18 The next one is -- really it's a
19 comprehensive plan build-out. And if you go way up at
20 the top, there is a triangle just under "Population
21 Forecasts." And that's just a single number that was
22 out there. There was an estimate and a comprehensive
23 plan somewhere that said "When we build out everywhere,
24 we're going to have a population of 105,000" or
25 whatever that number is. I'd have to go back and look

1 at my data.

2 Then the last one is the IEA, and that was
3 one that was used by the City of Eagle. And that's the
4 purple one that's sort of between the squares that come
5 from COMPASS Eagle, and those -- they only give -- they
6 don't give a continuing forecast. They just give
7 ten-year increments. And so that's what I -- five-year
8 increments. And so that's what I put in. So that
9 includes all of them, then, I think.

10 Q. Okay. I'll take a look at a color copy and
11 see if all of them are there.

12 A. Okay.

13 Q. Like I said, the copies I have don't show
14 all of them being there. So that's what I wanted to
15 double-check.

16 A. Okay.

17 Q. Now, as you proceed down through that, it
18 says, "Once these forecasts are analyzed for
19 reasonableness." And if you recall at the very
20 beginning of your paper, you said "reasonableness" is a
21 key term in the RAFN statute.

22 A. Right.

23 Q. Did you analyze these forecasts, each of
24 them, for being reasonable or unreasonable?

25 A. I don't know what you mean by that.

1 Q. Well, it says, "Once these forecasts are
2 analyzed for reasonableness, I looked at a variety of
3 forecasting approaches."

4 So did you look at each one of these
5 various population forecast methodologies to decide if
6 they were reasonable or unreasonable?

7 A. Yeah, all of them, as I remember, except
8 the "IEA: Boise MSA," and I couldn't find that. I
9 looked at all of the others, and -- and, in general,
10 know how they were done and looked at the numbers and
11 said, "Boy, that looks high, that looks low," based on
12 the history of growth in Eagle.

13 Q. So what I'm trying to figure out is,
14 there's some of them you analyzed them for
15 reasonableness?

16 A. Right.

17 Q. Which one of these did you find reasonable
18 and unreasonable?

19 A. As I said, in the report later on where I
20 sort of pared these down for reasonableness, I would
21 look at this, and I would say "Boy, that triangle way
22 up at the top there of 105,000, that sure looks really
23 high."

24 I looked at the CAMP forecast and said
25 "Boy, that's a lot lower than everybody else," so in

1 general I would -- would say that the Eagle
2 Comprehensive Plan build-out number is too high, the
3 CAMP forecast for Eagle is too low.

4 Q. Why would you say that the comp plan
5 build-out is too high?

6 A. I would have to go back and look at my
7 numbers. I think in there I looked at what the
8 percentage change would need to be for the population
9 going forward. And as I said earlier, the most --
10 that's not a reasonable -- the most dangerous thing I
11 think you can do with population forecasts is look at
12 an earlier growth rate, put them on an exponential, and
13 just keep cranking them out there, because that's not
14 the way that growth, except in some very unusual
15 situations, would ever occur.

16 Q. And do you think that's what the City of
17 Eagle did to get that number?

18 A. I don't know. If you look at the data,
19 that looks like what they might have done. I assume
20 they assumed that if they had a certain population and
21 whatever and it all built out, then they would have
22 that population would be that, whatever number that is
23 out there.

24 Q. So would it be fair to say you were
25 speculating as to how the City came up with that?

1 A. I would say that I would have to go back
2 and look at my notes. But I may well have speculated
3 and said that's so much higher than anybody else that I
4 think it's unreasonable.

5 Q. But to be clear, you assumed that the City
6 was basing that number on a growth rate?

7 A. I do not know that.

8 Q. Okay. But nevertheless, because it was
9 high, you threw it out?

10 A. Yeah. Looking at the relative forecasts
11 from a variety of methodologies.

12 Q. Okay. Looking on page 3, Table 2, "2010
13 Census Based Populations," did you prepare that?

14 A. Mat Weaver did.

15 Q. Okay. Did you rely upon that?

16 A. Yes.

17 Q. So if you relied upon that and it's not
18 correct, how would that affect your opinions?

19 A. Well, it would change it, I assume.

20 Q. Okay.

21 A. Again, depending on how it was incorrect.

22 Q. Okay. So as we go down that page and we
23 come to that last paragraph, that's where you, in
24 essence, criticize the City of Eagle's approach;
25 correct?

1 A. Yes.

2 Q. And that was based on that attachment that
3 was on the first RAFN, the draft analysis that was
4 submitted?

5 A. Yeah. And -- yeah, I think you're
6 asking -- say that again so I make sure I'm answering
7 correctly.

8 Q. Well, when you're making this criticism,
9 you're making it based on reviewing Nichoel's paper in
10 which she took the various growth rates and then took
11 an average of them --

12 A. And took a simple average.

13 Q. -- and attached to that RAFN report?

14 A. Took a simple average, yes, that is
15 correct.

16 Q. Okay. The first thing you say is "It's not
17 a valid statistical approach," for several reasons.

18 A. Right.

19 Q. Now, do you really mean "It's not a valid
20 statistical approach"? because I thought you said you
21 did not do any statistical analysis of it.

22 A. I'm not sure I understand your question.

23 Q. Well, your statement is "It's not a valid
24 statistical approach."

25 A. Yes.

1 Q. Okay. But you said you did not do any
2 statistical analysis to determine that; correct?

3 A. Correct. I'm basing it on the methodology
4 that was used.

5 Q. Okay. But it's not based on any
6 statistical analysis?

7 A. As I said before, no.

8 Q. Okay. There's a mix of time periods
9 included in the projections.

10 Do you see that --

11 A. Yes.

12 Q. -- ranging from one to 30 years?

13 So you think it's statistically invalid to
14 mix various growth rates because they have different
15 periods of time?

16 A. Depending on how you use them, the answer
17 would be yes. She simply took the simple average of
18 them all, and that's what I objected to.

19 Q. Dr. Reading, going back to page 1 with that
20 Table 1 with the various planning horizons. Okay? And
21 you see 25 down to 30 years?

22 A. Yes.

23 Q. Isn't that what you did when you came up
24 with a planning horizon determination? Didn't you take
25 that range of various planning horizon years for

<p style="text-align: right;">Page 110</p> <p>1 planning document types that you did not look at and 2 you don't know what they were even planning for, and 3 didn't you use that same approach there? Yes or no, 4 Dr. Reading? 5 A. What? 6 Q. Yes or no, isn't that what you did? 7 MR. BAXTER: I'm going to object to the form of 8 the question. And it mischaracterizes the witness' 9 earlier testimony. He did indicate that he did read 10 some of the documents. 11 MR. BRUCE SMITH: My question, Mr. Baxter, was 12 "Didn't you use the same approach when you came up with 13 your opinion as to Table 1 as you are now criticizing 14 the City of Eagle as to Table 2?" 15 MR. BAXTER: That wasn't your question that you 16 posed to him. But if that is your question now, I'll 17 stand aside. 18 MR. BRUCE SMITH: Okay. Thank you. 19 THE WITNESS: No. 20 Q. (BY MR. BRUCE SMITH): Okay. So you did 21 not take some average, you didn't average a group of 22 planning documents with multiple time periods to come 23 up with your conclusion? 24 A. As I said in the report, if you average 25 them, you get 31.8. I did not rely solely on the</p>	<p style="text-align: right;">Page 112</p> <p>1 says, "Forecasts that project growth cannot be 2 statistically compared to those projecting for growth 3 up to 30 years, since there is a wide range of 4 reliability depending on the time period used." 5 Did you look at these to determine 6 reliability? 7 A. Show me the sentence. Oh, "reliably 8 depend" -- yeah, what I am saying there is that if you 9 had a short-term forecast -- a forecast over a shorter 10 time period has greater reliability than a forecast 11 over a longer time period. 12 Q. That's not what that sentence says, though; 13 correct? 14 A. I thought that's what it said. 15 "Forecasts" -- 16 Q. It says, "There is a wide range of 17 reliability." 18 And my question that I asked was, did you 19 examine these to determine whether they were reliable 20 or not? 21 A. The way I used the term there is I assume 22 that, in general, shorter term forecasts are more 23 reliable than longer term forecasts. I would have to 24 look at the specific forecast methodology, and at least 25 for a portion of these I reviewed how they were doing</p>
<p style="text-align: right;">Page 111</p> <p>1 average of them all as the -- as the Eagle RAFN did 2 where they just simply added them all up and came up 3 with 4.39 percent. Judgment went into it. The average 4 was to get a check or a feel. 5 Q. So you came up with 30 and then did the 6 averaging to see how close you were? Is that what you 7 did? 8 A. Oh, doing the averaging was one thing that 9 went into it. I assume I did that before I made my 10 decision. 11 Q. So the 31.8 and the 30 being so close 12 together is just coincidence? 13 A. No. No. It's a check. Part of the 14 decision process. 15 Q. Okay. But you recognize that the City of 16 Eagle in looking at theirs could have used other 17 factors as well; correct? 18 A. As I understand reading the report, they 19 used 4.39, which was a simple average of all those, and 20 that's what they used. 21 Q. Okay. But that was based solely on looking 22 at that table; correct? 23 A. And I think if you'll look at the forecasts 24 in there, they multiply things by 4.39, as I remember. 25 Q. Okay. Following in the next sentence, it</p>	<p style="text-align: right;">Page 113</p> <p>1 them. Most of them did them on a statistical 2 regression analysis. 3 Q. Third, "Using the City's census data of a 4 population of 19,980." 5 Do you see that sentence? 6 A. Did you ask a question? 7 Q. Yes. Do you see the sentence that starts 8 off with their -- I'm going through these points that 9 you're criticizing the City for. 10 A. Yes, I understand that. 11 Q. I'm trying to understand why you're 12 criticizing. 13 A. Oh, the third, "Using the City's" -- oh, 14 and what was your question about that sentence? 15 Q. Okay. It concludes, "Its annual growth 16 rate from 2000-2010 was 6.03, not the 7.5 used in the 17 RAFN." 18 A. Yes. 19 Q. Okay. Do you recall where 7.5 was in the 20 RAFN? Do you know what you're referring to there? 21 A. I'd have to go back and look. 22 Q. Okay. Are you saying it came out of the 23 table? 24 A. I think maybe I recalculated that, if they 25 even have one there.</p>

<p style="text-align: right;">Page 114</p> <p>1 Yes, the second -- if you look at the 2 earlier report, the second line says "Eagle Actual 3 2000-2010, 7.5." 4 Q. Uh-huh. 5 A. That's where the 7.5 came from. 6 Q. But you realize that the 2010 census data 7 was not out at the time this table was prepared? 8 A. Oh, absolutely, and I stated that. And 9 that's why I recalculated it at the 6.03 rather than 10 the 7.5. 11 Q. Okay. Then it states, "Eagle used the 12 COMPASS forecast for 10-year growth rates rather than 13 the 25-year forecast available." 14 The 25-year forecast which were available, 15 are you talking about from COMPASS? 16 A. Yes. 17 Q. Do you think it was unreasonable to use the 18 shorter term forecast, which I think you've testified 19 already to are more certain than the 25 years? 20 A. Yes, they're more certain. But if you're 21 trying to calculate a growth rate for a 30-year time 22 period, it seemed to be to me more valid to pick a time 23 period to be used that more closely replicated the time 24 period you were creating the growth rate for. 25 Q. So you think it would have been more valid</p>	<p style="text-align: right;">Page 116</p> <p>1 this second paragraph because I can't figure out how 2 you did this. Okay? So I want you to go through this 3 with me. It said, "We considered the high and low 4 reasonable forecast and took the midpoint." 5 Okay? 6 A. Yes. 7 Q. It says, "As depicted in 2, a 3 percent 8 growth rate is the midpoint between a high of 3.4 and a 9 low of 2.6." 10 A. Yes. 11 Q. "The 3.4 was obtained by averaging four of 12 the longer range forecasts from the sources selected by 13 Eagle and as shown in Table 4 below." 14 Okay? 15 A. Yes. 16 Q. The first one -- I went through this and 17 this is the Eagle Comp Plan build-out at 4 percent; 18 correct? I'm looking at Table 4. 19 A. Yeah. Okay. Yes. 20 Q. And it says the 2025 population? 21 A. Yes. 22 Q. The build-out, when we went back to that 23 graph you had before, was the very high, the -- 24 A. Right. 25 Q. -- the triangle.</p>
<p style="text-align: right;">Page 115</p> <p>1 to use the 2.3 percent? 2 A. For this particular exercise. 3 Q. Okay. Now, I think Mr. Fereday went 4 through this thing about the forecast, the result is 5 double counting. 6 A. Yes. 7 Q. And in fact, it's not double counting, is 8 it? 9 A. That's probably not the best choice of 10 words. 11 Q. Look at page 4, if you would, please. I 12 think you testify in that first paragraph that 24,035 13 within Appendix B, that you were given that number by 14 Mat Weaver; correct? 15 A. Yes. 16 Q. So you just used it? 17 A. Yeah, Appendix B. 18 Q. And how did you decide to delete the United 19 Water, the Eagle Water Company, and the Star overlap 20 numbers from your calculations? 21 A. That was my understanding of what RAFN 22 said, and that's what Mat Weaver and Shelley Keen 23 determined their understanding of the statute said you 24 should do. 25 Q. Okay. All right. I need some help all in</p>	<p style="text-align: right;">Page 117</p> <p>1 Do you recall that? 2 A. I didn't use that in the analysis. I 3 eliminated it. 4 Q. Okay. So explain to me, did you just pick 5 four of these out of -- 6 A. Yes. 7 Q. -- out of Nichoel's? 8 A. Yes. 9 Q. And you picked the longer range forecast. 10 So you used the range of periods to pick 11 the numbers? 12 A. Yes. 13 Q. As a matter of fact, explain to me how you 14 did this, because I read it and I could not understand 15 it. 16 A. Okay. 17 Q. As a matter of fact, would it help you if I 18 gave you a copy of Nichoel's report or -- 19 A. The what? 20 Q. We could pull that out. 21 A. What are you handing me? 22 Q. Well, I'm assuming what you're saying here 23 is that you took the growth rates from Nichoel's paper 24 and you used that to prepare this comment in this table 25 (indicating).</p>

<p style="text-align: right;">Page 118</p> <p>1 A. Let me check.</p> <p>2 No. For instance on the COMPASS there, I</p> <p>3 pulled the 2.34 growth rate from the 25-year forecast</p> <p>4 from COMPASS, whereas Nichoel used the shorter term.</p> <p>5 Q. Okay. So that's the 2.34 that we talked</p> <p>6 about before --</p> <p>7 A. Right.</p> <p>8 Q. -- that you pulled that one out for 25</p> <p>9 years?</p> <p>10 A. Right.</p> <p>11 Q. Okay.</p> <p>12 A. And I did also the longer one for the Kuna.</p> <p>13 And I used the IEA at the 2.6, and I must have</p> <p>14 calculated the Eagle Comp Plan using 2025 population to</p> <p>15 get the 4 percent.</p> <p>16 Q. If you look at the COMPASS information that</p> <p>17 Nichoel used from Kuna, it was 6.1 percent.</p> <p>18 A. Yes.</p> <p>19 Q. Where is the 4.4 from -- 4.54?</p> <p>20 A. Because I used a longer -- I used COMPASS</p> <p>21 on a longer planning period.</p> <p>22 Q. So you just used the same reports, but you</p> <p>23 selected different rates?</p> <p>24 A. Yes, I used longer -- the rates from the</p> <p>25 longer planning period.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Yes.</p> <p>2 Q. Why is that critical?</p> <p>3 A. Because they took the M3 data and delayed</p> <p>4 it to 2016. In other words, I didn't assume that the</p> <p>5 development would occur. One of the things that is</p> <p>6 difficult in using the M3 forecasts is they have</p> <p>7 their -- as I say in the report, they have their time</p> <p>8 frames for 20 years and 30 years.</p> <p>9 And it was apparent from looking at it</p> <p>10 what -- what John Church did was he took the 20-year</p> <p>11 forecast and just stretched it out over 30. He didn't</p> <p>12 change the development plan at all, is that there was</p> <p>13 no starting date on either one of them. So that if</p> <p>14 you're going to say I'm going to project for the next X</p> <p>15 years, you need a starting date to move out from.</p> <p>16 And since M3 never, to my knowledge, has</p> <p>17 given a starting date, that is critical to whatever</p> <p>18 percentage growth rate you're going to pick, what date</p> <p>19 you're going to start the development.</p> <p>20 Q. So since M3 didn't pick a start date, how</p> <p>21 did that affect your determination of the 3 percent</p> <p>22 growth rate for the city of Eagle?</p> <p>23 A. Oh, it doesn't.</p> <p>24 Q. Okay.</p> <p>25 A. Because I added them. I mean I used</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. So you relied on COMPASS, but you just took</p> <p>2 the longer periods as opposed to the shorter periods?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. That clarifies that for me because I</p> <p>5 tried, quite frankly, to go back and take her numbers</p> <p>6 from her report and tried to figure out how you got</p> <p>7 Table 4.</p> <p>8 A. Right. And I went to the COMPASS and</p> <p>9 pulled the longer number.</p> <p>10 Q. You used the same source, but different</p> <p>11 periods?</p> <p>12 A. Correct.</p> <p>13 Q. Okay.</p> <p>14 A. I would hedge my bets only to assume that</p> <p>15 the one she used and the one I used were the same one</p> <p>16 and there wasn't an update in the interim. And I think</p> <p>17 that's a fair assumption to make.</p> <p>18 Q. Okay. And the 3.37 that you've got in</p> <p>19 Table 4, did you round that up to 3.4?</p> <p>20 A. Yes.</p> <p>21 Q. That clarifies a lot of questions. On</p> <p>22 page 5 it says at the bottom, "A critical issue with</p> <p>23 this analysis is estimating when and how fast M3</p> <p>24 development will develop."</p> <p>25 Do you see that sentence?</p>	<p style="text-align: right;">Page 121</p> <p>1 3 percent for the city of Eagle and then moved M3 out</p> <p>2 to 2016, and I added the two together.</p> <p>3 Q. Okay. But that was for a population, but</p> <p>4 not for the growth rate?</p> <p>5 A. Correct.</p> <p>6 Q. You didn't calculate anything for M3. The</p> <p>7 3 percent was solely for the city of Eagle --</p> <p>8 A. Yes.</p> <p>9 Q. -- it would be inclusive of M3?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Graph 3 is on page 6.</p> <p>12 Did you prepare that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And that's where you used the</p> <p>15 3 percent that you determined?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 MR. BAXTER: How are you doing, Don? Do you</p> <p>19 need a break?</p> <p>20 THE WITNESS: No, I'd just as soon keep hacking</p> <p>21 here.</p> <p>22 MR. BRUCE SMITH: We'll be done by 5:00.</p> <p>23 THE WITNESS: Do I need a break? Yes. Do I</p> <p>24 want a break? No.</p> <p>25 Q. (BY MR. BRUCE SMITH): On page 7 you make</p>

<p style="text-align: right;">Page 122</p> <p>1 the statement at the second paragraph in No. 6, it 2 says, "3 percent compound growth assumption used in 3 this forecast is optimistic given current economic 4 conditions." 5 Are there specific conditions that you're 6 referring to there? 7 A. The growth rate of recent years, the 8 housing overhang, the vacancy rate in commercial 9 property, the unemployment rate, the obvious economic 10 conditions that we are not coming out of this recession 11 at a pace that has been consistent with past 12 recessions. 13 Q. Okay. But those economic conditions are at 14 what scale? National? State? Regional? What scale 15 are you talking about? 16 A. Yes, all of that. 17 Q. Okay. 18 A. More specifically, obviously since we're 19 looking at growth in the region of which Eagle and M3 20 are a part of, they're part of that economic malaise. 21 Q. Okay. So you're assuming that the same 22 malaise applies to Eagle equally as it does to the rest 23 of the country? 24 A. I wouldn't necessarily say equally. In 25 some senses more, in some senses, yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 Eagle. They have options to buy in Kuna. They have 2 options to buy in the north end. 3 And so the general economic conditions 4 affect everyone. I'm not in the bag that, you know, a 5 rising tide rises all boats evenly. But I think it is 6 completely valid to look at the economic conditions of 7 the Treasure Valley and the region and the nation and 8 make opinions on what you think's going to happen to 9 the city of Eagle. 10 Q. Do you make opinions as to the city of 11 Eagle that would affect a 3 percent growth rate? Can 12 you do any specificity? 13 A. Oh, a growth rate, absolutely. Sure. 14 Q. No, a 3 percent growth rate. Can you look 15 at that and say it's 3.1 versus 2.9? 16 A. No. It's judgment. 17 Q. Okay. Would you agree that if you have 18 specific data for the city of Eagle that that would be 19 more relevant than say information from Kuna or from 20 the Treasure Valley or from the state of Idaho or from 21 the nation? 22 A. Yes, I do. And if you look at the graph at 23 the bottom of page 7 and the top of page 8, I pulled 24 the population growth rates and population changes from 25 the city of Eagle and note that they are down</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. I'm trying to figure out, Dr. Reading, how 2 you can take these generalized concepts of the economic 3 conditions in the nation, transpose that to determining 4 specifically how that will affect the city of Eagle. 5 I'm struggling with understanding how you can take the 6 general and apply it to the specific. 7 A. Sure. We're an integrated economic nation 8 and increasingly becoming an integrated world economy. 9 If the demand for French fries goes up in Cleveland, 10 that has an impact on potato growers in Idaho. The -- 11 Q. How does that affect the city of Eagle? 12 How do you put some objective impact on the city of 13 Eagle from the price of French fries in Cleveland? 14 A. Okay. I used that as an example. And you 15 want some definitive examples. And if you examine 16 and -- when did I do -- City of Eagle had me look at a 17 development at Linder and Chinden, I think, about four 18 years ago, five years ago, and I looked at commercial 19 vacancy space and you look at the housing overhang. 20 And so you say how do you definitively say 21 that what's going on in Meridian affects what the 22 growth rate within the city limits of Eagle. And I'd 23 say there's a lot of interdependence there, because 24 somebody wants to come in and build a house or buy a 25 house, they have options. They have options to buy in</p>	<p style="text-align: right;">Page 125</p> <p>1 significantly over the last few years. And that's an 2 indication of the fact that -- that I -- I don't think 3 that -- that the city of Eagle -- it would be certainly 4 a surprise to me if the city of Eagle all of a sudden 5 would jump back up to the early 2000 growth rates. I 6 don't think that's reasonable to assume, given the 7 economic conditions. 8 Q. But I think I would say that the city of 9 Eagle has not stated that. 10 A. Has not what? 11 Q. Has not stated that. That's not been the 12 position, that's not what they submitted in their RAFN, 13 is it, that the growth rate was going to jump up to 14 what it was in 2005? 15 A. I guess I'm not tracking your comment or 16 question. I'm not sure. 17 Q. Let's pass on that. Can we agree that if 18 you have the site-specific information on growth rate 19 for the city of Eagle that that is more relevant than 20 the information or the -- or say regional analysis? 21 A. It would depend on what the site-specific 22 information was. And I will back up and repeat, we are 23 very interdependent. And you can cross city, state, 24 county lines for economic decision-making easily. 25 Q. Okay. But as a general proposition, the</p>

1 more site-specific information is more relevant;
 2 correct?
 3 A. It can be, yes.
 4 MR. BRUCE SMITH: Okay. I don't have any
 5 further questions. Thank you, Dr. Reading.
 6 THE WITNESS: Okay.

8 FURTHER EXAMINATION

9 BY MR. FEREDAY:

10 Q. I have just a couple of follow-up points,
 11 if you would, Dr. Reading --

12 A. Yes.

13 Q. -- clarify.

14 On page 4 of Appendix C, in footnote 1
 15 appears the word "molded."

16 That word should be "modeled"?

17 A. Should be "modeled," yes.

18 Q. Could we assume that that word is
 19 "modeled"?

20 A. Yes, that should be changed. And I might
 21 note that in the older one that we had that I just used
 22 recently, I changed that. And when I asked Mat about
 23 that, he said, "Oh, I thought you were using some fancy
 24 economic term." No, it should be "modeled."

25 Q. And on page 6 in Graph 3, the last legend

1 CERTIFICATE OF DON READING, PH.D.

2
 3 I, DON READING, PH.D., being first duly sworn,
 4 depose and say:

5 That I am the witness named in the foregoing
 6 deposition; that I have read said deposition and know
 7 the contents thereof; that the questions contained
 8 therein were propounded to me; and that the answers
 9 contained therein are true and correct, except for any
 10 changes that I may have listed on the Errata Sheet
 11 attached hereto.

12 DATED this ____ day of _____ 20__.

13
 14 CHANGES ON ERRATA SHEET YES___ NO ___

15
 16 _____
 17 DON READING, PH.D.

18 SUBSCRIBED AND SWORN to before me this
 19 ____ day of _____ 20__.

20
 21
 22
 23 _____
 24 NAME OF NOTARY PUBLIC

25 RESIDING AT _____

MY COMMISSION EXPIRES _____

1 on that, "Eagle Area of Impact less EWC," et cetera,
 2 "plus MC," you mean to say "M3" there; correct?

3 A. That would be also correct.

4 MR. FEREDAY: Okay. No further questions.

5 (Deposition concluded at 4:31 p.m.)

6 (Signature requested.)

7 -oOo-

1 ERRATA SHEET FOR DON READING, PH.D.

2 Page ____ Line ____ Reason for Change

3 Reads _____

4 Should Read _____

5 Page ____ Line ____ Reason for Change

6 Reads _____

7 Should Read _____

8 Page ____ Line ____ Reason for Change

9 Reads _____

10 Should Read _____

11 Page ____ Line ____ Reason for Change

12 Reads _____

13 Should Read _____

14 Page ____ Line ____ Reason for Change

15 Reads _____

16 Should Read _____

17 Page ____ Line ____ Reason for Change

18 Reads _____

19 Should Read _____

20 Page ____ Line ____ Reason for Change

21 Reads _____

22 Should Read _____

23 _____

24 _____

25 SIGNATURE: _____

1 REPORTER'S CERTIFICATE

2 I, JEFF LaMAR, CSR No. 640, Certified Shorthand
3 Reporter, certify:

4 That the foregoing proceedings were taken before
5 me at the time and place therein set forth, at which
6 time the witness was put under oath by me.

7 That the testimony and all objections made were
8 recorded stenographically by me and transcribed by me
9 or under my direction.

10 That the foregoing is a true and correct record
11 of all testimony given, to the best of my ability.

12 I further certify that I am not a relative or
13 employee of any attorney or party, nor am I financially
14 interested in the action.

15 IN WITNESS WHEREOF, I set my hand and seal this
16 30th day of September, 2011.

17
18
19
20


21 JEFF LaMAR, CSR NO. 640

22 Notary Public

23 Eagle, Idaho 83616

24 My commission expires December 30, 2011

25

A	124:4, 124:11 afternoon 66:9 66:11 age 75:24 agents 61:5 ago 11:19, 11:20 11:20, 21:8, 45:6 45:7, 46:24, 51:6 82:16, 91:22 123:18, 123:18 agree 43:14, 44:9 44:13, 44:16 49:14, 52:20 53:11, 55:22 55:24, 56:15, 58:8 58:10, 61:10, 77:9 77:11, 77:14 124:17, 125:17 agreed 73:18 77:16 agreement 31:7 31:9, 31:18, 31:21 33:19, 36:8, 40:22 41:11 Alan 2:23, 27:24 66:2, 66:3 amount 40:13 47:1, 47:3 analysis 6:5, 27:19 27:23, 30:24 66:23, 86:2, 87:12 87:16, 87:21 89:20, 89:22 89:24, 91:7, 93:19 108:3, 108:21 109:2, 109:6 113:2, 117:2 119:23, 125:20 analyze 104:23 analyzed 104:18 105:2, 105:14 annexation 79:21 annual 16:5 113:15 answer 11:18 20:3, 26:10, 41:6 44:21, 60:21 61:17, 62:5, 62:6 63:15, 64:9, 75:20 79:2, 109:16	answering 83:16 108:6 answers 128:8 anticipated 5:24 6:4, 25:15 anticipation 36:18 anybody 8:13 70:22, 107:3 anyway 43:7 anyways 70:15 apologize 15:17 27:9, 91:16 apparent 120:9 apparently 19:4 APPEARANCES 2:9, 3:1 appearing 7:11 appears 126:15 Appendices 46:11 Appendix 7:19 7:22, 7:23, 7:25 8:1, 8:2, 24:16 25:13, 26:12 29:14, 43:3, 44:15 46:7, 46:15, 49:5 51:17, 52:25, 56:9 57:6, 59:19, 60:12 65:17, 71:18 71:24, 75:2, 78:16 88:3, 88:16, 89:14 115:13, 115:17 126:14 applicable 37:19 79:12, 98:10 98:17, 99:11 100:9, 100:15 application 1:4 5:25, 6:7, 7:18 36:12 applications 67:23 applied 52:8, 79:9 applies 39:19 53:17, 122:22 apply 86:3, 123:6 applying 96:25 approach 34:19 57:18, 85:6, 86:3 87:7, 87:7, 87:13 87:16, 87:18 87:21, 107:24	108:17, 108:20 108:24, 110:3 110:12 approaches 105:3 appropriate 64:5 approve 30:24 April 5:21, 10:19 24:10, 31:13 area 4:24, 15:6 16:16, 20:2, 28:10 44:11, 55:25, 57:2 57:3, 60:16, 60:21 60:24, 63:4, 72:4 72:6, 72:6, 72:18 75:25, 98:10 98:13, 99:11 99:18, 99:23 127:1 areas 16:24, 72:23 arithmetic 30:1 art 90:5 article 4:14, 5:18 5:20, 5:22, 14:10 22:1, 22:16, 23:3 23:5, 23:11, 24:5 24:10, 24:20 articles 60:2 aside 110:17 asked 44:20, 47:12 61:24, 64:24 66:20, 67:24, 70:5 77:21, 112:18 126:22 asking 40:24, 52:1 60:20, 71:2, 73:25 75:19, 108:6 assign 77:21 assigned 1:7 36:12 assisted 8:3 assume 19:20 30:1, 33:2, 40:23 42:16, 48:25 60:12, 61:5, 61:21 75:25, 81:3, 95:18 106:19, 107:19 111:9, 112:21 119:14, 120:4 125:6, 126:18 assumed 43:3	47:21, 59:15 70:15, 106:20 107:5 assuming 20:15 33:7, 51:2, 53:13 94:16, 117:22 122:21 assumption 50:16 62:15, 119:17 122:2 assumptions 48:21 attached 108:13 128:11 attachment 108:2 attempt 61:3 attempted 99:24 102:2 attempting 69:10 attended 10:10 attention 45:10 attorney 3:4 91:24, 130:13 audible 101:10 audio 97:22 available 29:15 38:3, 58:24, 66:12 66:15, 114:13 114:14 average 54:25 56:15, 57:12 57:23, 63:18 63:23, 108:11 108:12, 108:14 109:17, 110:21 110:21, 110:24 111:1, 111:3 111:19 averaging 111:6 111:8, 116:11
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