Jeffrey C. Fereday [ISB No. 2719] Michael P. Lawrence [ISB No. 7288] GIVENS PURSLEY LLP 601 West Bannock Street P.O. Box 2720 Boise, Idaho 83701-2720 Office: (208) 388-1200 Fax: (208) 388-1300 www.givenspursley.com Attorneys for M3 Eagle LLC 1293303_1

RECEIVED

OCT 1 4 2011

DEPARTMENT OF WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 63-32573 IN THE NAME OF M3 EAGLE ASSIGNED TO THE CITY OF EAGLE AFFIDAVIT OF MICHAEL P. LAWRENCE IN SUPPORT OF M3 EAGLE'S SUBMISSION OF DEPOSITION TRANSCRIPTS AND SUPPLEMENTAL BRIEF RELEVANT TO MOTION IN LIMINE

STATE OF IDAHO,)) ss. County of Ada.)

MICHAEL P. LAWRENCE, being first duly sworn upon oath, deposes and states as follows:

1. I am an attorney of record in the above-captioned matter for Applicant M3 Eagle

LLC ("M3 Eagle"). I have personal knowledge of the matters set forth herein, and make this

Affidavit in support of the contemporaneously filed M3 Eagle's Submission of Deposition

Transcripts and Supplemental Brief Relevant to Motion in Limine. All exhibits attached hereto

are true and correct copies of the documents represented to be contained therein.

2. Mike Moyle, Mary Taylor, and Charles Meissner were listed as potential witnesses at the hearing in the above-captioned matter in Protestants Alan Smith's and Eagle

Pines Water Users Association's October 4, 2011 Response to M3's Reply of September 27, 2011 and Revised Witness List.

On October 11, 2011, M3 Eagle deposed Mike Moyle. Attached hereto as <u>Exhibit</u>
 <u>A</u> is a copy of the transcript of the October 11, 2011 Deposition of Mike Moyle.

4. On October 12, 2011, M3 Eagle deposed Mary Taylor. Attached hereto as Exhibit B is a copy of the transcript of the October 12, 2011 Deposition of Mary Taylor.

5. On October 12, 2011, M3 Eagle deposed Charles Meissner. Attached hereto as <u>Exhibit C</u> is a copy of the transcript of the October 12, 2011 Deposition of Charles W. Meissner, Jr.

DATED this 14th day of October, 2011.

Michael P. Lawrence

Subscribed and sworn to before me this 14th day of October, 2011.



udersu

Notary Public for Idaho Residing at BOLOL My Commission expires: Aug 23, 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of October, 2011, the foregoing was filed, served, or copied as follows:

FILED

Idaho Department of Water Resources 322 East Front Street P.O. Box 83720 Boise, ID 83720-0098 U. S. Mail X Hand Delivered Overnight Mail Facsimile E-mail

SERVICE

054(1100	
City of Eagle	U. S. Mail
Bruce M. Smith, Susan Buxton	X Hand Delivered
Moore, Smith, Buxton & Turcke, Chtd.	Overnight Mail
950 W. Bannock Street, Suite 520	Facsimile
Boise, ID 83702	E-mail

North Ada County Groundwater Users Association	U. S. Mail
c/o David Head	X Hand Delivered
855 Stillwell Drive	Overnight Mail
Eagle, ID 83616	Facsimile
	E-mail

North Ada County Groundwater Users Association	U. S. Mail
c/o John Thornton	X Hand Delivered
5264 N. Sky High Lane	Overnight Mail
Eagle, ID 83616	Facsimile
	E-mail

Norman Edwards	U. S. Mail
884 W. Beacon Light Road	X Hand Delivered
Eagle, ID 83616	Overnight Mail
	Facsimile
	E-mail

AFFIDAVIT OF MICHAEL P. LAWRENCE IN SUPPORT OF M3 EAGLE'S SUBMISSION OF DEPOSITION TRANSCRIPTS RELEVANT TO MOTION IN LIMINE – Page 3 Alan Smith 3135 N. Osprey Road Eagle, ID 83616 U. S. Mail X Hand Delivered Overnight Mail Facsimile E-mail

Jeffrey C. Fereday Michael P. Lawrence

r			
1	BEFORE THE DEPARTMENT OF WATER RESOURCES	1	INDEX
2	OF THE STATE OF IDAHO	2	TESTIMONY OF MIKE MOYLE PAGE
3		3	Examination by Mr. Fereday 5
4	IN THE MATTER OF APPLICATION)	4	Examination by Mr. Smith 55
5	FOR PERMIT NO. 63-32573 IN THE)	5	
6	NAME OF M3 EAGLE LLC, ASSIGNED)	6	
7	TO THE CITY OF EAGLE)	7	
8)	8	
9		9	EXHIBITS
10		10	DESCRIPTION PAGE
11		11	1 - Copy of Order Limiting Presentation 7
12		12	of Evidence at Supplemental Hearing
13		13	2 - Copy of Amended Final Order 7
14		14	3 - Copy of Re-Analysis of 16 Aquifer 7
15		15	Tests in the Greater Eagle-Star Area of
16	DEPOSITION OF MIKE MOYLE	16	North Ada County, Idaho, Dated
17	October 11, 2011	17	07/04/2008
18	1993/97 26 🖌 0.88 (982	Į8	4 - Copy of Water Budget for the 7
19		19	Treasure Valley Aquifer System For the
20	REPORTED BY:	20	Years 1996 and 2000
21	COLLEEN P. ZEIMANTZ, CSR No. 345	21	5 - Copy of Legislature Statutes Title 7
22	Notary Public	22	42, Chapter 2, Section 42-203A
23	Noticy I done	23	42, Chapter 2, Southon 42-205A
24		24	
25		25	
		Ĩ	Page 3
1	DEPOSITION OF MIKE MOYLE was taken on	1	INDEX
2	behalf of the M3 Eagle LLC, at the offices of	2	E X H I B I T S (Continued)
3	Givens Pursley, LLP, located at 601 West Bannock	3	DESCRIPTION PAGE
4	Street, Boise, Idaho, commencing at 11:35 a.m.,	4	A - Copy of Notice of Deposition Duces 6
5	on October 11, 2011, before Colleen P. Zeimantz,	5	Tecum of Mike Moyle
6	Certified Shorthand Reporter and Notary Public	6	B - Copy of Response to M3's Reply of 13
7	within and for the State of Idaho, in the	7	September 27, 2011 and Revised Witness
8	above-entitled matter.	8	List
9	APPEARANCES:	9	C - Copy of Notice Hearing, Prehearing, 28
.0	For M3 Eagle LLC:	10	and Scheduling Order
.1	Givens Pursley, LLP	11	D - Copy of Prehearing Order 29
.2	BY MR. JEFFREY C. FEREDAY	12	E - Copy of Order Limiting Presentation 34
3	BY MR. MICHAEL P. LAWRENCE	13	of Evidence at Supplemental Hearing
.4	601 West Bannock Street	14	F - Copy of Reasonably Anticipated 49
.5	P.O. Box 2720	15	Future Needs Water Right Analysis
6	Boise, Idaho 83701-2720	16	G - Copy of IDWR RAFN Evaluation for the 52
7	For the City of Eagle:	17	City of Eagle In Connection with
8	Moore Smith Buxton & Turcke, Chartered	18	Application for Permit 63-32573
9	BY MR. BRUCE M. SMITH	19	-rr
0	950 West Bannock, Suite 520	20	
1	Boise, Idaho 83702	21	EXHIBI
2	Also Present: Dick Legerston	12	
21 22 23	Alan Smith	23	A
4	Jason Smith	74	
24		25	
5	Page 2	1.00	Page 4
			1 / Pages 1 to A)

1 (Pages 1 to 4)

1			
1	MIKE MOYLE,	1	Q. (BY MR. FEREDAY) Did you bring any
2	first duly sworn to tell the truth relating to	2	documents with you today, Mr. Moyle?
3	said cause, testified as follows:	3	A. Just some of the stuff I copied when I
4	EXAMINATION	4	was trying to figure out when I was trying to
5	QUESTIONS BY MR. FEREDAY:	5	figure out what you wanted to talk about today,
6	Q. Please state your name.	6	and just a few of the different things that I
7	A. Mike Moyle.	7	would - kind of played with, when I was looking
8	Q. And your occupation?	8	through what was going on with the water right
9	A. Farmer.	9	application up there, and some of those things.
10	Q. What do you farm?	10	Q. Are these all the documents you have
11	A. What do I farm? I raise crops like	11	concerning the M3 Eagle Application No. 63-32573?
12	peppermint, spearmint, alfalfa seed, sweet corn,	12	A. Yes, I didn't print everything off the
13	wheat, things like that.	13	internet. You know, I can get the rest of it.
14	Q. What's your education, Mr. Moyle?	14	MR. FEREDAY: Let's go off the record.
15	A. Very little. I graduated from high	15	(Discussion held off the record.)
16	school. I've got no further education than high	16	MR. FEREDAY: Let's go back on the
17	school. My father got in an accident, and I've	17	record.
18	been back farming after that.	18	(Exhibits 1 through 5 marked.)
L9	Q. Do you have any education in analyzing	19	Q. (BY MR. FEREDAY) So Mr. Moyle, we've
20	demographic trends, or economics, or real estate	20	marked as Exhibits 1 through 5, five documents
21	•	21	that you've brought today; correct?
22	market, or subjects like that?	22	A. Yes.
23	A. Just the road of hard knocks. I have	23	
24	played that game a little bit.	24	Q. We will return those in a minute, once
	Q. Which games have you played amongst	25	we've made copies of those.
25	those? Page 5	25	Did any other protestants, Mr. Smith, Page 7
	5		
1	A. Land development and things like that.	1	or any of the other protestants, ask you to
2	Q. Anything other than land development	2	prepare any documents or testimony for today?
2			
3	and farming?	3	A. Un-huh, talked to them, but they didn't
	and farming? A. Farming, you look at trends. You look	3	A. Un-huh, talked to them, but they didn't tell me how to prepare anything.
4	A. Farming, you look at trends. You look	4	tell me how to prepare anything.
4 5	A. Farming, you look at trends. You look at markets. You look at those sort of things.	4 5	tell me how to prepare anything. Q. What were the substance of those
4 5 6	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) 	4 5 6	tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to?
4 5 6 7	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show 	4 5 6 7	tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors
4 5 6 7 8	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, 	4 5 6 7 8	tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what
4 5 7 8 9	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you 	4 5 6 7 8 9	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw - the facts, and how they applied to
4 5 7 8 9	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? 	4 5 7 8 9 10	tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw - the facts, and how they applied to them, and what had happened during the
4 5 7 8 9	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. 	4 5 7 8 9 10	tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw — the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when
4 5 7 8 9 10	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the 	4 5 6 7 8 9 10 11 12	tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the
4 5 7 8 9 10 11	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? 	4 5 6 7 8 9 10 11 12 13	tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw - the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like
4 5 7 8 9 10 11 12 13	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) 	4 5 6 7 8 9 10 11 12 13 14	tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff.
4 5 7 8 9 10 11 12 13	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, 	4 5 6 7 8 9 10 11 12 13 14 15	tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the
4 5 7 8 9 10 11 12 13 14	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, please. 	4 5 6 7 8 9 10 11 12 13 14 15 16	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the neighbors, who was included in that group?
4 5 6 7 8 9 10 11 2 3 4 15 16 7	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, please. THE WITNESS: I've got a phone call and 	4 5 6 7 8 9 10 11 12 13 14 15 16 17	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the neighbors, who was included in that group? A. I don't remember all the names.
4567890012345678	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, please. THE WITNESS: I've got a phone call and an email. 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the neighbors, who was included in that group? A. I don't remember all the names. Q. Would it have been John Thornton?
4 5 6 7 8 9 0 11 2 13 4 5 6 7 8 9 0 11 2 13 4 5 6 7 8 9 0	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, please. THE WITNESS: I've got a phone call and an email. Q. (BY MR. FEREDAY) From? 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the neighbors, who was included in that group? A. I don't remember all the names. Q. Would it have been John Thornton? A. He was there.
4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 8 9 0 1 1 2 3 4 5 1 2 3 4 5 1 2 3 4 5 1 2 3 4 5 1 2 3 1 2 1 2	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, please. THE WITNESS: I've got a phone call and an email. Q. (BY MR. FEREDAY) From? A. From one of your assistants, Jeff, or 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the neighbors, who was included in that group? A. I don't remember all the names. Q. Would it have been John Thornton? A. He was there. Q. David Head?
4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0 1 1 2 3 4 5 1 2 3 4 5 1 2 3 4 5 1 2 3 1 1 2 3 1 2 1 2	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, please. THE WITNESS: I've got a phone call and an email. Q. (BY MR. FEREDAY) From? A. From one of your assistants, Jeff, or did you call me? I think it was you. And then I 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the neighbors, who was included in that group? A. I don't remember all the names. Q. David Head? A. I don't remember David Head.
4 5 6 7 8 9 10 11 23 14 5 6 7 8 9 10 11 23 14 5 6 7 8 9 10 11 23 14 5 6 7 8 9 10 11 23 14 5 6 7 8 9 10 11 20 10 10 10 10 10 10 10 10 10 10 10 10 10	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, please. THE WITNESS: I've got a phone call and an email. Q. (BY MR. FEREDAY) From? A. From one of your assistants, Jeff, or did you call me? I think it was you. And then I got the email from your assistant. 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the neighbors, who was included in that group? A. I don't remember all the names. Q. Would it have been John Thornton? A. He was there. Q. David Head? A. I don't remember David Head. Q. Norman Edwards?
4 5 6 7 8 9 10 11 12 13 14 15 16 7 18 9 10 11 22 22 22 3	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, please. THE WITNESS: I've got a phone call and an email. Q. (BY MR. FEREDAY) From? A. From one of your assistants, Jeff, or did you call me? I think it was you. And then I got the email from your assistant. MR. FEREDAY: We would like to mark 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the neighbors, who was included in that group? A. I don't remember all the names. Q. Would it have been John Thornton? A. He was there. Q. David Head? A. I don't remember David Head. Q. Norman Edwards? A. Un-huh, I don't know him. I really
4 5 6 7 8 9 10 11 12 13 14 15 16 7 8 9 20 21 22 23 4	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, please. THE WITNESS: I've got a phone call and an email. Q. (BY MR. FEREDAY) From? A. From one of your assistants, Jeff, or did you call me? I think it was you. And then I got the email from your assistant. MR. FEREDAY: We would like to mark that as Deposition Exhibit A, if you haven't 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the neighbors, who was included in that group? A. I don't remember all the names. Q. Would it have been John Thornton? A. He was there. Q. Norman Edwards? A. Un-huh, I don't know him. I really don't remember. Mary Taylor was there.
4 5 6 7 8 9 10 11 12 13 14 15 16 7 18 9 20 12 22 22 22	 A. Farming, you look at trends. You look at markets. You look at those sort of things. (Exhibit A marked.) Q. (BY MR. FEREDAY) I would like to show you what's been marked as Deposition Exhibit A, which is a Notice of the Deposition. Do you recall receiving this? A. I got an email. MR. FEREDAY: Could we go off the record for a moment, please? (Discussion held off the record.) MR. FEREDAY: Back on the record, please. THE WITNESS: I've got a phone call and an email. Q. (BY MR. FEREDAY) From? A. From one of your assistants, Jeff, or did you call me? I think it was you. And then I got the email from your assistant. MR. FEREDAY: We would like to mark 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 tell me how to prepare anything. Q. What were the substance of those conversations, and who did you speak to? A. Oh, there is a few of the neighbors there. And we just, basically, talked about what they saw – the facts, and how they applied to them, and what had happened during the procedures. Kind of how they felt left out when Strickland had asked them to be involved with the decision, and they weren't. It was stuff like that. Just broad spectrum stuff. Q. When you say, met with some of the neighbors, who was included in that group? A. I don't remember all the names. Q. Would it have been John Thornton? A. He was there. Q. David Head? A. I don't remember David Head. Q. Norman Edwards? A. Un-huh, I don't know him. I really

, ×

1	A. Meissner was there.	1	A. Didn't work with the protestors. And I
2	Q. Charles Meissner?	2	understand that then you got another order, a
3	A. There was a few people.	3	final order. I don't know how many final orders
4	Q. And Alan Smith was there?	4	he goes before he stops, and that's where we are
5	A. Alan was there.	5	today.
6	Q. And Jason Smith?	6	Q. Have you ever read the M3 Eagle
7	A. Uh-huh.	7	application?
8	Q. What was your understanding from those	8	A. Not all of it.
9	conversations, as to the purpose of this remand	9	Q. Are you a member of the North Ada
10	hearing for which this deposition is being taken?	10	County Foothills Alliance?
11	A. Well, we didn't really talk about that.	11	A. No.
12	That's why I brought three questions, because	12	Q. How about the North Ada County Ground
13	after talking to you, I needed to know I	13	Water Users Association?
14	needed to know what happened to them, and their	14	A. No, up-buh.
15	side of the story. And I wanted to know what you	15	Q. Are you familiar with either of those
16	wanted to talk about. And tried to figure out	16	organizations?
17	how it applied to me.	17	A. Familiar, in that, in the legislature
18	Q. Did any of the protestants that you	18	I've got letters from them concerning about
19	spoke to, indicate what this hearing was about?	19	what's going on up there. I do get letters from
20	A. We talked about broad spectrum stuff.	20	some members of them sometimes of those
21	That's why I wanted the three questions when you	21	organizations, because they say they are who they
22	and I talked on the phone, because I believe from	22	are. They are not happy with me, by the way.
23	what you told me, that's what this hearing is	23	Q. They are not happy with you; those
24	about. It's not about some of the other things.	24	organizations?
25	I don't think you want brought up, some of the	25	A. No, they think I could do some stuff
25	Page 9	25	Page 11
	- 4 - 4 i	1	levideningly to fix and a fate mathematical
1	other things. So I assume it's from those three		legislatively, to fix some of the problems that
2	questions, from what you told me.	23	are going on up there. Part of the reasons,
3	Q. You are not a protestant in this case;		though, you have seen what's going on, is to send
4	correct?	4	money up for the study to see what's going on.
5	A. Correct. I wish I was.	5	Q. Has anyone from any of those
6	Q. Why do you say that?	6	organizations, or any of the protestant groups,
7	A. Because your study shows that the		ever approached you with regards to legislation
8	impact of my wells are going to be greater than I	8	pertaining to the M3 Eagle application?
9	thought they were. So now, I'm kind of	-	A. Not with legislation. But they wanted
10	concerned.	10	to know we hadn't something legislatively, since
11	Q. What do you understand about the M3	11	they think what has happened, has happened.
12	Eagle City application?	12	Q. And what is it that they describe, that
13	A. In what regards?	13	they think will happen?
14	Q. With regard to how much water it seeks,	14	A. Wells going dry, water tables going
15	what the purpose of it is, so forth.	15	down. Some of that stuff came up, too, when we
16	A. I understand it's for development up	16	had the Treasure Valley Committee on you know,
17	there. I understand that they came in wanting, I	17	aquifer committee.
18	believe, it was 23 cfs or 22. I understand that	18	Q. And what was the relevance of those
19	the director recommended less two or three,	19	discussions with regard to this application?
20	something like that. I understand it went to	20	A. Well, for example, Christian Petrich
21	district court. I understand that a judge said,	21	was talking about how there was declining water
22	that you were to work with the protestants. I	22	tables in North Ada County, and I believe I
23	understand that Homan and Baxter, from what I	23	have to go back and look at the notes – and also
24	get, didn't.	24	by Lake Lowell. He was concerned with what was
25	Q. Didn't work with the protestors?	25	happening with the limited resources along North
	Page 10	1	Page 12

• •

1	Ada County; hence, the reason the State is	1	artesian pressure. That it is important. It is
2	spending money monitoring wells, and trying to	2	a 1930s water right. And the artesian pressure
3	make sure what's going on up there.	3	is because there is no power. There is no pump.
4	Q. I would like to show you what's I'd	4	They are out in the middle of nowhere. They have
5	like to have marked as Deposition Exhibit B,	5	been there since the '30s. They didn't need the
6	which is Applicant's Exhibit B.	6	power pump, because they have artesian pressure.
7	(Exhibit B marked.)	7	And if it goes down 12 foot, it would probably
8	Q. (BY MR. FEREDAY) Have you seen this?	8	eliminate it.
9	A. I'll look at it. I don't know.	9	Q. Those wells are flowing today; correct?
10	Q. I'll represent to you, that it's a copy	10	A. They are today.
11	of the protestants revised witness list, dated	11	Q. So is it your contention, Mr. Moyle,
12	October 4th of this year.	12	that your testimony in this case will involve
13	A. I haven't seen it, but I've heard about	13	water supply issues, or issues of hydrogeology,
14	it. They asked me if they could use me as a	14	or injury to your wells?
15	witness, and I said they could.	15	A. I would like to talk about that,
16	Q. And that was, again, Mr. Smith asked	16	including some other things.
17	you that?	17	Q. What other things would you talk about,
18	A. Uh-huh, Mr. Smith.	18	other than those?
19	Q. And what did he ask you to testify	19	A. Well, I think the annexation process,
20	about?	20	and what happened in that regard is kind of a
21	A. We really didn't talk about much on	21	joke. I think as you look at Eagle service area,
22	what I had to testify about. I could tell him,	22	it's a land grab. They can't service that area
23	though, that we had damage from when the Legacy	23	with what they have today, and no intention to.
24	project went in. And I would talk about what	24	It makes no sense to be at annex at
25	happened in that process, if they would allow me.	25	10,000, for example, a 10,000 head feedlot was
	Page 13		Page 15
1	Q. Now, that damage that you refer to is	1	to, solely, to get to where they could annex M3.
2	damage to, what; your right?	2	Solely, to get annexation, to get on contiguous
3	A. We lost well pressure in a water right	3	M3. It makes no sense to annex federal ground.
4	that we have.	4	I'm not saying it's illegal. I'm saying, it
5	Q. How much pressure did you lose?	5	doesn't make sense.
6	A. You guys did the studies. Ed Squires	6	Q. Are you saying that the City of Eagle
7	monitored the wells. And they kind of came back	7	should reverse its annexation; is that your
8	up when they quit pumping in the Legacy. We will	8	contention?
9	know more when you see in the subdivision and	9	A. I'm saying, if Eagle can't provide
10	they start pumping again. They haven't pumped,	10	services, which they can't do now, they shouldn't
11	this last year.	11	be annexing and creating this service area when
12	Q. So you can't tell me how much pressure	12	they don't have the mechanism to service it.
13	you lost?	13	Q. Are you familiar with the arrangements
14	A. You could probably tell me, because	14	between the City of Eagle and the developer of
15	your guys did the study. Ed Squires did it as	15	the M3 planned community with regard to service
16	part of the M3 project. When I asked him for it,	16	of utilities in that area?
17	he said he would get it to me, and hasn't.	17	A. If you are saying, am I familiar with
18	Q. And hasn't?	18	the fact that if they get the water right, they
19	A. Un-huh. M3 monitored our well, one of	19	give it to the City? Is that what you are
20	our wells, on part of the study of what its	20	getting at, Jeff?
21	effects would be if your water right was granted.	21	Q. No. I'm just asking you, what
22	And I believe if you read your study, you will	22	familiarity do you have with the arrangements
23	find that it says, that the effects to our wells	23	between the City of Eagle and the developer?
24	would be pretty good. I think he's talking about	24	A. Very little. I know there is no sewer
25	12 foot where we are at, which would take the	25	lines up there. There is no water lines up
	Page 14		Page 16

1	there.	1	area. Sometimes reality is better than having an
2	Q. Okay.	2	educated person that can show you numbers.
3	A. There is no roads up there.	3	Q. So you are in agreement then, I take
4	Q. Let's go to your exhibits at this time.	4	it, that you will not be testifying, or
5	I would like you to describe those for me. I	5	attempting to testify on issues having to do with
6	think we have copies back of them.	6	any question, other than those encompassed by
7	A. Can I have mine back?	7	these three?
8	Q. I believe that is yours.	8	A. Say that again.
9	A. Yes.	9	Q. Are you in agreement that your
10	MR. FEREDAY: Let's go off the record	10	testimony will be restricted to these three
11	for a second.	11	areas?
12	(Discussion held off the record.)	12	MR. ALAN SMITH: We don't know that
13	MR. FEREDAY: Okay. Let's go back on	13	yet, Counsel. It's very unclear as to what Mr.
14	the record.	14	Spackman is going to allow, and what he isn't.
15		15	
16	Q. (BY MR. FEREDAY) Mr. Moyle, with		And I don't think asking the witness to speculate
	regard to Deposition Exhibit No. 1, that you	16	about it helps a bit.
17	provided. I see it's page 2, of something called	17	Q. (BY MR. FEREDAY) I'm asking the
18	an "Order Limiting Presentation of Evidence at	18	witness what he understands.
19	Supplemental Hearing," and this includes three	19	A. It's my understanding, that as I look
20	numbered sentences.	20	at those three questions, that they are broad
21	Is it your understanding that this is	21	enough where they ought to go in regards to
22	what the evidence for this upcoming remand	22	current damage from existing water rights and
23	hearing will be limited to; do you understand	23	future damages.
24	that?	24	Q. Excuse me, when you say
25	A. From what you told me, Jeff, this is	25	A. I think that's why, when he talks about
	Page 17		Page 19
1	what it's limited to. But I think that those	1	future needs, anticipated needs, service area,
2	questions are broad enough, they can go other	2	things like that. So I think there are other
3	places with them.	3	things that can be discussed, depending on what
4	Q. What other places would you contend	4	the director decides to allow.
5	that you can go on any of these?	5	Q. When you say "damage," do you mean
6	A. Well, when you talk about planning	6	injury to one's ability to pump water or
7	horizon and reasonable anticipated future	7	drawdowns in the aquifer is similar?
8	municipal needs. I think if you look at the	8	A. I'm talking about injuries to a water
9	growth factor right now, Eagle doesn't need what	9	right that exists.
10	you are claiming they need. I think you can talk	10	Q. And those are injuries which you
11	about some of these other issues in regards to	11	believe you have evidence of?
12	what has taken place, what they have versus, what	12	A. I think you have evidence of them. I
13	is going to happen if they get what they want.	13	think your guy, Ed Squires, monitored my wells,
14	Q. You aren't contending, are you, that	14	and can tell you what those are, if you talk to
15		15	him.
15	you are an expert able to give opinions with	15	
	projected growth; are you?		Q. But you don't have any of that evidence
17	A. Not at all. But I live out there. And	17	here today; do you?
18	I know what is going on out there, and I can	18	A. Not with me, no.
19	testify what's happening. I can go show you	19	Q. You have not seen it; have you?
20	what's happening, and go show you the service	20	A. Un-huh.
21	area with a big feedlot in the middle of it.	21	Q. Okay. Now, let's go to Exhibit 2.
22	That makes no sense. There is no roads. There	22	A. Your own stuff, though, shows that the
23	is no sewer. There is no services. It makes no	23	damages will be pretty big.
23 24	is no sewer. There is no services. It makes no sense. And I know what houses are going for, and	24	Q. Let's go to Exhibit 2, please.
23	is no sewer. There is no services. It makes no		

÷

		_	
1	Q. 2 is pages 1, 5, 19, and 26 of a	1	I'm allowed to testify.
2	January 25, 2010 amended final order signed by	2	Q. How about Exhibit 3? Exhibit 3 is
3	Gary Spackman; correct?	3	something entitled "Re-Analysis of 16 Aquifer
4	A. Yes, correct.	4	Tests in the Greater Eagle-Star Area of North Ada
5	Q. Why did you bring this today?	5	County, Idaho," dated July 4, 2008. And I note
6	A. Well, as I've gone through, and kind of	6	that you've included the cover page - cover
7	highlighting, trying to figure out what's going	2	pages and page 241.
8	on with this stuff, and I have a long way to go,	8	A. Uh-huh.
9	Jeff, and I apologize for that. Some of the	9	Q. Do you agree that this concerns
10	comments that were made by the director,	10	hydrogeology and ground water pumping issues?
11	particularly, on page 5: "M3 Eagle encourages	11	A. I agree that it concerns with your
12	the interim director to subscribe to the	12	perceptions of what will happen, and it is your
13	following maxim: Believe the results of a	13	study. And, yes, it does deal with water
14	scientific study even though the data and input	14	hydrogeology, whatever the word is.
15	are unreliable. This suggestion is untenable."	15	Q. And I note that on page 241, you've
16		16	
17	It tells me right there, that he has a	17	highlighted paragraph 20? A. Correct.
18	concern about what your model, and what you are trying to say is going to happen if the water	18	
			Q. That also has to do with effects of
19 20	right is granted.	19 20	pumping; correct?
20	Q. And this is an issue having to do with	101700 P250	A. Correct. No. 20 says, "Development of
	hydrogeology; correct?	21	additional wells and full development of existing
22	A. Correct, it is, I think.	22	municipal water rights will cause artesian
23	Q. What else is relevant in this, in your	23	pressures to decline over time throughout the
24	view, Mr. Moyle?	24	Star-Eagle area. This decline of artesian
25	A. What's relevant about it, it tells me Page 21	25	pressures may cause some wells that flow at Page 23
1	that the department and the director, himself,	1	ground surface (or above) to cease doing so.
2	have concerns about the water right, and whether	2	Wells currently relying on artesian flowing
3	or not the water right is available there. And	3	conditions to provide water supplies may require
4	it sounds to me like he has questions about the	4	pumps to produce water for use in the future."
5	model he made.	5	That concerns me, because of our other
6	Q. And why, again, is that relevant in	6	existing water rights, and what would happen if
7	this remand hearing?	7	those artesian flows go away.
8	A. That's relevant, because if you are	8	Q. Is it your position that any reduction
9	talking about future needs, the City of	9	in artesian flows, or ground water levels, are
10	Eagle wherever that paper I had if you are	10	actionable injury under Idaho law; is that your
11	talking about these questions, if the water is	11	contention?
12	not there, that addresses what these things	12	A. I think if you are pre-1951, yeah. If
13	(indicating) can say or do.	13	your water right is pre-1951, yes.
14	Q. Referring to Exhibit 1?	14	Q. That's your view?
15	A. Referring to Exhibit 1, and the	15	A. That's my view.
16	questions that will be before the Hearing	16	Q. Okay. Let's go to Exhibit 4. Please
17	Officer.	17	describe what Exhibit 4 is, Mr. Moyle, and why
18	Q. What else about the amended final	18	you brought it to us today?
19	order, Mr. Moyle, that you find important for	19	A. Well, as I was playing around and
20	this hearing?	20	trying to come up with what was going on in the
21	A. He lowers the water right, gives it	21	Treasure Valley, this is the study that was done
22	back – and I have to apologize, Jeff, I haven't	22	in 1996 and 2000 by the Department. And one of
23	gone through it enough, and studied it enough.	23	the things that I've actually experienced, even
24	So that's the only ones I brought that stuck in	24	though I'm not a hydrologist in the Eagle area,
25	my mind. And I'll do a better job about that if	25	with wells that are not super deep, I found, for
25	Page 22	25	Page 24
		_	

•

1	example, just below your proposed project. If I	1	at the Eagle service area and what we're trying
2	put in potatoes and sprinkle the ground, the	2	to accomplish, that this could be applied to it.
3	wells in the 40-acre subdivision to the south, go	3	But I haven't studied it enough, Jeff,
4	dry. In fact, Gary loves me, because he has to	4	to fill you in with all the details. I just
5	drop down and go deeper to get to water.	5	printed it off this morning. So I really just
6	And if I plant a crop like corn or mint	6	played around my computer, because I didn't want
7	where I irrigate flood irrigation and recharge,	7	to come in here halfcocked. I didn't know you
8	that their wells work just fine. It's when I	8	were going to ask for it.
9	don't recharge, when I sprinkle, that their wells	9	Q. So just to wrap this up. You've
10	decline.	10	brought five documents with you today, which
11	And in this document, the one that kind	11	we've marked as Exhibits 1 through 5. Can you
12	of stuck out with me, it talks about how in areas	12	tell us how these documents pertain to the
13	where there is recharge in agricultural use, that	13	subject matter of this hearing?
14	they don't have the problem, basically, with loss	14	A. I think the director on the first one
15	in ground water versus the area where there is no	15	has concerns; hence, the reason he said what he
16	agricultural recharge.	16	said, about what's going on there.
17	The area you are proposing for your	17	Q. You mean the pumping?
18	subdivision has some agricultural use, and you	18	A. The pumping, and what the proposed
19	have ground water rights, surface water rights,	19	effects could have. And the fact that he doesn't
20	and you do irrigate some up there. And that	20	think your model is - he has a concern about the
21	water right comes out of the Farmers Union ditch.	21	model used to apply for the water right.
22	One of the things I've also thought that	22	MR. LAWRENCE: To be clear, you were
23	municipalities ought to be looking at a surface	23	just indicating Exhibit 2.
24	water, instead of ground water for the need.	24	THE WITNESS: Sorry. I'm just going
25	Especially, for the M3 project, where there is no	25	through, whatever.
	Page 25		Page 27
1	recharge. There is no agricultural use going on	1	And in Exhibit 1, you are talking about
2	up there in regard to flood irrigation	2	what you wanted to ask me here. And I think
3	re-charging.	3	those questions are broad enough to allow me to
4	Q. Mr. Moyle, do you agree that Exhibit 4	4	go to other areas, if I'm allowed to testify.
5	pertains to hydrogeology, and the effects of	5	Exhibit 2, the director talks about
6	ground water pumping, and similar issues?	6	some of his concerns with your water model, and
7	A. In North Ada County, yes.	7	whether or not the water is really available
8	Q. Exhibit No. 5 is a copy, apparently,	8	there for the purposes sought.
9	from the internet	9	Exhibit 3 is your own study. And I
10	A. Oh, yeah. I did that this morning.	10	think it proves that I should have some real
11	Q. – of Idaho Code Title 42 Section 203A.	11	concerns with my water right, even though I'm
12	And what was the purpose of bringing this to us	12	down the road a little ways.
13	today?	13	Exhibit 4 talks about how even IDWR has
14	A. I didn't really know you were going to	14	concerns with the recharge, and with what's going
15	get what was in my book. I was just reading	15	on in North Ada County.
16	through the statutes today looking at different	16	And Exbibit 5 is statutes that, I
17	options that the director had, the protestants	17	think, that maybe give the Department leeway to
18	had, and some of the things that the director had	18	adjust what they are trying to do in regards to
19	to look at. And that's why I copied it down.	19	the water right, but I haven't studied it enough
20	Q. And do you contend that this is	20	to tell you how it affects it, Jeff.
21	relevant to the remand hearing in this case?	21	(Exhibit C marked.)
22	A. Well, I think it can be. It talks	22	Q. (BY MR. FEREDAY) Okay. I would like
23	about being able to, financially, being able to	23	to show you our Exhibit C, please. And I
24	finish the project. It talks about what the	24	apologize if this is going over areas – some
25	director has to look at. And I think as you look	25	areas that we've already have gone through, but I
	Page 26		Page 28
L			2096 20

· .

7 (Pages 25 to 28)

		—	
1	just want to make sure you are clear on this, Mr.	1	pre-hearing orders or the restricted scope of
2	Moyle.	2	this hearing?
3	Deposition Exhibit C, it's an August	3	A. He said they were restricted, and
4	2nd, 2011 notice of hearing and pre-bearing order	4	that's why I got the three questions. And so did
5	pertaining to this remand case for the City M3	5	you. You told me it was about those three
6	water right application. And near the bottom of	6	questions. So I think those three questions were
7	page 2 of that exhibit, I think you will note	7	broad.
8	that near the top of page 2 I'm sorry that	8	Q. Did he tell you those three questions
9	these three items that we discussed before are	9	were broad; Mr. Smith, or someone else among the
10	listed there. Do you see those?	10	protestants?
11	A. Uh-huh, the three are right below it,	11	A. No, I told myself when I read them.
12	under scheduling order.	12	Q. But Mr. Smith did represent to you,
13	Q. Right. Do you recognize that as	13	that this was a restricted hearing; correct?
14	A. Exhibit 1.	14	A. Yeab, he told me that it was
15	Q. The same as Exhibit 1?	15	restricted.
16	A. It looks like it to me. It's pretty	16	Q. So, Mr. Moyle, this sentence that we
17	close.	17	just read, the parties shall not conduct
18	Q. That was	18	discovery or offer evidence at the hearing
19	A. Those questions were the same, correct.	19	concerning matters such as technical water supply
20	Q. Actually, earlier then Exhibit 1; is it	20	issues, hydrogeology, and potential injury from
21	not? This is dated August 2nd.	21	pumping, how does that allow you to offer
22	A. August 2nd, correct.	22	testimony at the hearing, in your view, on those
23	(Exhibit D marked.)	23	subjects?
24	Q. (BY MR. FEREDAY) I'm showing you	24	MR. ALAN SMITH: We would object to
25	Deposition Exhibit D now, Mr. Moyle. And this	25	that as asking for a conclusion of the witness on
	Page 29		Page 31
1	Ill represent to you, is the September 8th	1	a point of law.
2	pre-hearing order, 2011, limiting discovery to	2	Q. (BY MR. FEREDAY) That's fine. You can
3	certain items. And on page 2, I would like to	3	go ahead and answer.
4	direct your attention to the language that states	4	A. I don't think it does. I think if
5	that, quote, "Parties shall not conduct discovery	5	уоц
6	or offer evidence at the hearing concerning other	6	Q. You don't think it
7	matters, such as technical water supply issues,	7	A. I think if your evidence is part of
8	hydrogeology, and potential injury from pumping."	8	what he is granting a water right for, and we are
9	A. And where is that at?	9	having a hearing on the water right, talking
10	MR. ALAN SMITH: Way at the bottom, the	10	about Eagle's future needs, and everything else,
11	last sentence.	11	that your evidence ought to be able to be used in
12	THE WITNESS: Okay. Got it.	12	that hearing to talk about why there is no water
13	Q. (BY MR. FEREDAY) Do you see that,	13	there for the purpose you sought, or the purpose
14	Mr. Moyle?	14	of Eagle City is seeking in regards to future
15	A. I see it.	15	needs.
16	Q. And do you see that as consistent with	16	Q. So I take it your contention,
17	your own Exhibit 1?	17	Mr. Moyle, is that this restricts you not one
18	A. In regards to those are the three	18	iota with regard to raising issues of injury; is
19	questions?	19	that your position?
20	Q. Yes.	20	A. Personal injury, or injury as a whole?
21	A. I see the three questions, and I think	21	Q. Injury to your water right or any other
22	that those questions are broad enough to bring in	22	water rights.
23	other stuff.	23	A. I think that the questions are broad
24	Q. Did Mr. Smith, or any other of the	24	enough, that the case could be made, that the
25	protestants indicate to you anything about these	25	effects of that water right on North Ada County
	Page 30		Page 32

. .

		1	
1	as a whole, need to be discussed. And I think	1	Q. Correct. And do you see this, again,
2	the reason he asked the questions he did, offers	2	raising that same point that we've been
3	the opportunity to use the stuff that was	3	belaboring here?
4	discussed before, in granting the water right to	4	A. I think those three questions that the
5	be brought up at.	5	interim director Spackman signed off on, opened
6	Q. So your answer to my question would be,	6	up the opportunity to talk about Eagle's future
7	yes, that this language does not, in fact,	7	needs, and annexation, and water permit. And I
8	restrict your testimony at the hearing; is that	8	think when you open the door to talk about those
9	correct?	9	things, you talk about all the other stuff, too,
10	A. I love the way you answer my question	10	that you use to try to get the water right.
11	for me. My answer is, yes, I think the stuff	11	Q. Including hydrogeology, and alleged
12	could be brought up that was brought up before,	12	injury, and so forth?
13	including the stuff you used to apply for the	13	A. Your words, not mine.
14	water right.	14	Q. Do you agree with that, or do you
15	Q. Okay. Are you familiar with the	15	disagree with that?
16	district court's order remanding this matter to	16	A. I think it does. I think it opens up
17	the Department of Water Resources?	17	everything.
18	A. Familiar, only enough to know that the	18	Q. Okay.
19	protestants weren't happy, and weren't involved,	19	A. I can't see, especially, reading the
20	and that's just what I got at our little meeting.	20	statute and everything else, how the director
21	I haven't had the opportunity to talk to Homan	21	can't take all that into effect when he's looking
22	and Baxter to see what happened there, and what	22	at this.
23	their perceptions of what happened there.	23	Q. What is your knowledge of the City of
24	Q. Do you intend to talk to Homan and	24	Eagle's annexation of the M3 project lands? You
25	Baxter about this?	25	mentioned it earlier. But I would just like to
	Page 33	~~	Page 35
1	A. If I'm allowed to testify, I think I	1	make sure we understand about, what you know
2	will.	2	about it.
3	Q. You were not a party to that matter,	3	A. I know that they were up there begging
4	were you?	4	neighbors to let them at it, so they could get to
5	A. Correct, I was not.	5	M3. I know they went to everybody they could try
6	Q. So you haven't read the order and -	6	to get contiguous.
7	A. I have not read the order.	7	Q. When you said, who -
8	Q. Okay. Do you understand that it, too,	8	A. The City of Eagle and M3, they were
9	limits the scope of this hearing?	9	both involved in that. I know that they annexed
10	A. I did not, because I haven't read it.	10	the feedlot to get around some of the other laws.
11	(Exhibit E marked.)	11	Q. Who?
12	Q. (BY MR. FEREDAY) Okay. Let's go to	12	A. The City of Eagle. Hormachea, is the
13	Exhibit E, just to tie this up. Perhaps to be	13	owner of the feedlot, by the way. And I think
14	redundant, Mr. Moyle, but I just want to make	14	that he was under the assumption, I could be
15	sure you see this, as well.	15	wrong, but you would have to ask him, but I think
16	This is an order limiting presentation	16	he was under the assumption, that he was going to
17	of evidence at supplemental hearing signed	17	get sewer, and water, and other city services,
18	earlier this month, October 3rd, by Gary	18	which I don't see happening. Hence, I think
19	Spackman. And I believe this is the same as	19	that's the reason why he put the feedlot back
20	your	20	into production.
21	A. This is where I got mine.	21	I think that you saw what happened when
22	Q. This is the same as your Exhibit 1;	22	they couldn't get around one way, they went to
23	correct?	23	another neighbor, and they bought a little strip,
24	A. Correct. This is where page 2 is the	24	and annexed federal ground. And I don't think
25	same as my Exhibit 1.	25	that was ever the intent of annexation laws;
	Page 34		Page 36
<u> </u>		L	

		<u> </u>	
1	annexing federal property, or cutting deals with	1	A. Un-huh.
2	landowners on a small strip that borders a small	2	O. Is that a no?
3	strip. But I don't know.	3	A. That's a no.
4	Q. You agree that the annexation is	4	Q. How about the City of Eagle's existing
5	complete, though; don't you?	5	water right portfolio? Do you know what's in
6	A. I agree that they annexed it, and it	6	that portfolio?
7	doesn't mean that it was right. And it doesn't	7	A. I don't know what all is in that
8	mean that it's going to stand. I don't know that	8	portfolio. I know some of the things they tried
9	anybody thought it. I don't know. I didn't look	9	to do with the LID to purchase out the private
10	at that enough, until I saw the question. It	10	provider in Eagle. I know they have gotten the
11	kind of intrigued me that he would put that	11	United Water for part of it. They have the City
12	question in there, actually.	12	of Eagle for part of it. And they have got a
13	Q. Do you intend to challenge the	13	private company.
14	and and any way?	14	
15	A. I have to do more research on whether I	15	Q. Okay.
16	can or can't. I don't know. I don't know if		A. I think there is three of them, plus I
		16	think subdivisions have their own. Because I
17	it's challengeable. Is that a word,	17	know that for a fact, because some of them had
18	challengeable? I still don't think it makes	18	their water hooked up backwards, and were
19	sense. They can't service it. They don't it	19	drinking dirt water for a while, which I thought
20	doesn't make sense.	20	was funny.
21	Q. Are you familiar with the City's	21	Q. Could you elaborate on that? Who did
22	population growth trends? Have you studied that,	22	you say was drinking dirt water?
23	Mr. Moyle?	23	A. Well, they had I shouldn't have
24	A. I haven't studied it. I had the mayor	24	brought it up. But they had one of the farms I
25	talk to me about it, a little bit it. He was Page 37	25	used to farm, when they put the subdivision in, Page 39
<u> </u>			rage 35
1	pretty excited, because it looked like they may	1	they hooked the waterlines backwards. So they
2	sell a few houses.	2	were drinking the water out of the pump in the
3	Q. This was Mayor Reynolds?	3	ditch. A couple people got sick. It was no big
4	A. Uh-huh.	4	deal.
5	Q. When was that?	5	O. Which subdivision was this?
6	A. We have bimonthly meetings with the	6	A. I can go show you. I don't remember
7	mayor and local businesses, and it was brought up	7	the name. I could get it.
8	there.	8	Q. It was in the city of Eagle?
9	Q. Do you think that the actions of the	9	A. Yes.
10	mayor and the city council has been unwise with	10	Q. So, Mr. Moyle, what do you expect your
11	regard to the M3 project?	11	testimony to be if you are allowed to testify at
12	A. If you are asking, would I have done	12	the hearing, in this matter, next week?
13	what they did? I would not have done what they	13	A. I need to do a little more research on
14	did. It doesn't make any sense to me to annex	14	annexation. I would like to talk about, as we go
15	and swap the ag ground. It doesn't make any	15	down the road, and annexation being worked from
16	sense to me to annex federal ground to try to get	16	the center off, and widening. That as we go to
17	contiguous to a project. It doesn't make sense.	17	get the services, and annexing the ground to get
18	I don't think that was the intentions	18	this hopscotch. I think the hopscotch
19	of the law when the annexation laws were put in.	19	annexations is a problem.
20	That's just me. That's just speculation. And I	20	As we talk about Eagle's future needs,
20	don't know that the current council would do	21	I think we need to – I know you want to talk
22	with what the old council did in regards to	22	-
	with what the old council did in regards to		about growth. But I would like to talk about the
22	that appayation I don't low our		
23	that annexation. I don't know.	23	water rights that they have now, but I have to do
24	Q. Are you familiar with the per capita	24	research on that to figure out what I would like
	the second s		· ·

• •

1 have enough to maintain what we have now, let 2 Q. (BY MR. FEREEDAY) Mr. Moyle, with 2 alone, do they need the new water right? Is there water available in the city to continue? 4 And I would kind of like to have a look that water available, and what they are 5 at what they are trying to accompils ho there, in A. Do I oppose the ability foor thave a 6 regards to their - you know, I need to know what build houses up ther?? No, I don't have a 7 that water is now available, and what they are that you couse up ther? No, I don't have a 7 thave to available, and what they are that water is now available, and what they are 9 makes no sense to hopsocht up, and go nowhere. My concern is IDWR studies, your 10 Some research, and find out some questions. MY concern is IDWR studies, your 11 build hous you dy they took too makes no sense to hopsocht up, and go nowhere. 11 On they are out, evel and that a planned my concern is IDWR studies, your 12 A. I don't free cont. My concern is IDWR studies. My concern is IDWR studies. 13 cound happen on developed or undeveloped ground. My that the water right now.				
3 there vater available in the city to continue? 3 that you oppose, personally? A. Do I oppose the ability for them to 4 And I would kind of like to have a look A. Do I oppose the ability for them to 5 at what they are trying to accomplish here, in 6 regards to their - you know, I need to know what 6 regards to their - you know, I need to know what 6 build thouses up there? No, I don't have a 7 makes no sense to hopscoth up, and go nowhere. 7 M. Have you core valiable, and what they are 9 This whole thing confuses me. Bur I ve got to do 10 studies, everybody's studies shows there is a 11 makes no sense to hopscoth up, and go nowhere. 10 M. You come from the surface, and not the ground. 12 O. Thais whole thing confuses me. Bur I ve got to do 11 Imited resource in ground water. 11 13 community project before? 13 instead of using the ground. 10 14 A. I don't think that that matters. A planned 10 10 11 think they have to have some sideboards. And I 14 A. I don't know enough about - I don't 20 Do you know how much water is	1	have enough to maintain what we have now, let	1	Q. (BY MR. FEREDAY) Mr. Moyle, with
4 And I would kind of like to have a look 4 A. Dai oppice the ability for them to 5 at what hey are trying to accomplish here, in 6 build houses up there? No, I don't have a 7 Eagle's water is now available, and what they are 7 build houses up there? No, I don't have a 7 This whole thing contases me. Burl Yree got to do 10 not the surface, and 9 makes no sense to hopscotch up, and go nowhere. 9 My concern is IDWR studies shows there is a 10 some research, and find out some questions. 11 initized resource in ground water. 11 think they 12 Q. Have you ever dealt with a planned 12 have the ability today to get the surface water, 11 16 community typically, takes place on land that's 16 to build the project, carry on with it. But I 17 previously undeveloped? 13 ustoret do using the ground. 20 17 think that that matters. A planned 10 10 water ifs now only water is proposed 18 A. I don't know enough about I don't 23 Q. Do you snow how much water is proposed 10 14 they? 24 A. I don thow what he total is.	2	alone, do they need the new water right? Is	2	regard to the M3 Eagle project, is this a project
5 at what they are trying to accomplish here, in 5 build houses in there? No., if don't have a 6 regards to their you know, Ineed to know what 7 that But I think that the water 7 that spectral to the spectral to the spectral to the ground. 9 problem with that. But I think that the water 8 trying to accomplish in terms of growth. It 9 makes on sense to hospoctch up, and go nowhere. 10 This whole thing confuses me. But I've got to do 10 10 11 some research, and find out some questions. 11 11 11 11 12 Q. Have you ver dealt with a planned 11 1	3	there water available in the city to continue?	3	that you oppose, personally?
6 regards to their you know, I need to know what 6 problem with that. But I think that the water 7 Eagle's water is now available, and what they are trying to accomplish in terms of growth. It makes no sense to hopscotch up, and go nowhere. 9 My concern is IDWR shdies, your 9 makes no sense to hopscotch up, and go nowhere. 9 My concern is IDWR shdies, your 11 some research, and find out some questions. 10 My concern is IDWR shdies, your 12 Q. Have you ever dealt with a planned 11 initied resource in ground water. 11 13 ascentrainity rojete fore? 13 initied acd of using the ground water. 14 14 A. Have not. 14 Other than that, if the developer wants 16 15 O. Do you recognize that 1 planned 16 think that that maters. A planned 17 16 16 don't know that you know about 16 17 think that that at that aff if ne don't have you water is proposed 12 Q. I don't - I'm not in a position to be annexed in the city of Eagle? A. I don't know enough about - I don't 12 A. I don't know enough about - I don't Page 41 A. They've got options. They have the	4	And I would kind of like to have a look	4	A. Do I oppose the ability for them to
6 regards to their you know, I need to know what 7 Eagle's water is now available, and what they are rows accomplish in terms of growth. It 9 problem with that. But I think that the water 7 This whole thing confineseme. But I've got to do 10 must ground water. I think they 11 some research, and find out some questions. 10 My concern is IDWR studies, your 12 Q. Have you ever dealt with a planned 11 minited resource in ground water. I think they 13 nates and info out some questions. 11 initide resource in ground water. 14 A. Have not. 14 Other than that, if the developer wants 15 O. Do you recognize that 1 planned 16 think they have to have some sideboards. And I 17 previously undeveloped? 17 think that the water is proposed 16 community could do it on either/or, couldn't 10 40. Do tknow wnuch water is proposed 17 planned communites? 23 Q. Fur just aking what you know about - I don't 23 Q. You contention that they should get 14 know. If I'm not mistaken, it's not to the 1 A. They've got options. They have the 24 planned community, toy out	5	at what they are trying to accomplish here, in	5	build houses up there? No, I don't have a
7 Eagle's water is now available, and what they are 8 7 That they get ought to come from the surface, and not the ground. 8 makes no sense to hopscotch up, and go nowher. 10 10 This whole thing confuses me. But I've got to do some research, and find out some questions. 10 11 imited resource in ground water. If this they 12 Q. Have you ever dealt with a planned 12 13 community project before? 13 14 A. Have not. 14 15 Q. Do you recognize that a planned 15 16 community, typically, takes place on land that's 17 16 16 community, typically, takes place on land that's 16 16 17 think that the water. 17 18 A. I dich't recognize that 1 think it 18 18 20 I don't think that that matters. A planned 21 20 Ou by ou know how much water is proposed 22 23 Q. Fin just asking what you know about 24 24 14 A. I don't know what the total is. 23 24 Damed community, too, or 33 anneed in the city of Eagle, also. 4 A. Too't know water, is not to the 34 A. They've got options. They have the 43 4 A. You are going	6	regards to their you know, I need to know what	6	
8 trying to accomplish in terms of growth. If a not the ground. 9 makes no sense to hopsoch up, and go nowhere. My concern is IDWR studies, your 11 some research, and find out some questions. Imited resource in ground water. Ithink they 12 Q. Have you ever dealt with a planned Imited resource in ground water. Ithink they 13 community project before? Imited resource in ground water. Ithink they 14 A. Have not. Imited resource in ground water. Ithink they 14 A. Have not. Imited resource in ground water. Imited resource in ground water. 15 D. Do you recognize that a planned Imited resource in ground water. Imited resource in ground water. 16 I don't think that tha maters. A planned Imited resource in ground water is proposed Imited resource in ground water is proposed 20 I don't think that tha maters. Imited resource in ground water is proposed Imited resource in ground water is proposed 21 tothy think that tha maters. Imited resource in ground water is proposed Imited resource in ground water. 22 D. Than just asking what you know about <td< td=""><td>7</td><td></td><td>7</td><td></td></td<>	7		7	
9 My concern is IDWR studies, your 10 This whole thing confuses me. But I've got to do 11 some research, and find out some questions. 10 12 Q. Have you ever dealt with a planned 11 13 community project before? 13 14 A. Have not. 14 15 Q. Do you recognize that a planned 15 16 community. tyrically, takes place on land that's 16 17 previously undeveloped? 17 18 A. I didn't recognize that. I think it 19 19 could happen on developed or undeveloped ground. 19 20 I don't think that that matters. A planned 10 21 they? 22 A. I don't know enough about - I don't 23 23 Q. Tri just asking what you know about 24 the watter from surface water, would that be from 24 the watter form surface water, and And they have the 3 3 annexed in the city of Eagle, also. 1 A. They've got options. They have the 4 A. wou are going there, so T'm asking you. 7 4 4 A. Vou are going there,	8	-	8	
10 This whole thing confuses me. But I've got to do 10 studies, everybody's studies shows there is a 11 some research, and find out some questions. 11 limited resource in ground water. 12 Q. Have you ever dealt with a planned 12 have the ability today to get the surface water, 13 community, trypically, takes place on land that's 16 Other than that, if the developer wants 14 A. Have not. 16 think they have to have some sideboards. And I 17 previously undeveloped? 17 think they have to have some sideboards. And I 18 A. I didn't recognize that a Planned 10 surface and not ground. 19 could happen on developed or undeveloped ground 10 Q. Do you know how much water is proposed 10 then think that thar tharters. A planned 20 to be diverted to supply the M3 Eagle portion of 21 community could do it on either/or, couldn't 21 A. I don't know enough about – I don't 23 Q. Fm just asking what you know about 23 Q. Your contention that they should get 24 planned community, too, or annexed in the city of Eagle, also. 4 3 ancuset on the city of Eagle, al	9		9	
11 some research, and find out some questions. 11 limited resource in ground water. I think they 12 Q. Have you ever dealt with a planned 12 13 community ropically, takes place on land that's 14 14 A. Have not. 14 15 Q. Do you recognize that a planned 14 16 community, typically, takes place on land that's 16 17 previously undeveloped? 17 18 A. I didn't recognize that I think it 18 20 I don't think that that matters. A plaaned 20 21 they? 22 22 they? 24 23 Q. I'n just asking what you know about 21 24 they? 22 25 A. I don't know enough about I don't Page 41 26 A. You are going there, so I'm asking you. 24 26 A. You are going there, so I'm asking you. 24 27 A. I don't - I'm not in a position to be 3 38 annexed in the city of Eagle, also. 3 40 A. I don't - I'm not in a position to be 3 <tr< td=""><td></td><td></td><td></td><td>• • • •</td></tr<>				• • • •
12 Q. Have you ever dealt with a planned 12 have the ability today to get the surface water, instead of using the ground water. 13 community project before? 13 Other than that, if the developer wants 14 A. Have not. 14 Other than that, if the developer wants 15 Q. Do you recognize that a planned 15 to build the project, carry on with it. But I 16 community, typically, takes plaze on land that's 16 think that the water issue should come from 18 A. I didn't recognize that. I think it 18 Other than that, if the developer wants 19 could happen on developed or undeveloped ground. 10 Q. Doy ou know how much water is proposed 21 they? 20 You contention that they should get 4 22 they? 22 A. I don't know enough about – I don't 22 23 Q. Ton't stasken, it's not to the 1 A. They've got options. They have the 24 planned community, too, or annexed in the city of Eagle, also. 1 A. They've got options. They have the 25 A. I don't know enough about – I don't 29 ito move water right now. That is actually one of the few ditches that allows you	1		1000	
13 community project before? 13 instead of using the ground water. 14 A. Have not. 14 Other than that, if the developer wants 15 Q. Do you recognize that a planned 15 Other than that, if the developer wants 16 community, typically, takes place on land that's 16 to build the project, carry on with it. Bul I 17 previously undeveloped? 17 think they have to have some sideboards. And I 18 A. I didn't recognize that I think it 18 surface and not ground. 20 I don't think that that matters. A planned 10 Q. Do you know how much water is proposed 21 the City of Eagle. 21 the City of Eagle. 22 21 they? 22 A. I don't know enough about - I don't 23 Q. Your constention that they should get 22 the vater from surface water, would that be from 18 actually one of the few ditches that allows you 23 Q. I don't - I'm not in a position to be 3 actually one of the few ditches that allows you 34 Q. I don't - I'm not in a position to be 3 attually for in-storage basins, similar to what 4 A. Twey've got options. They				-
14 A. Have not. 14 Other than that, if the developer wants 15 Q. Do you recognize that a planned 15 to build the project, carry on with it. But I 17 previously undeveloped? 16 think they have to have some sideboards. And I 18 A. I didn't recognize that. I think it 16 think they have to have some sideboards. And I 19 could happen on developed or undeveloped ground. 10 Q. Do you know how much water is proposed 20 I don't think that that matters. A planned 20 Could happen on developed or undeveloped ground. 10 Q. Do you know how much water is proposed 21 they? 22 A. I don throw what the total is. 23 Q. Your contention that they should get 24 planned communities? 23 Q. Your contention that they should get 24 25 A. I don't know enough about I don't grage 41 Page 41 1 A. They've got options. They have the 26 A. You are going there, so I'm asking you. 25 annexed in the city of Eagle, also. 3 3 annexed in the city of Eagle, also. 3 actually one of the few dithes that allows you 4 4 Q. Did you opop	1		1	
15Q. Do you recognize that a planned community, typically, takes place on land that's previously undeveloped?15to build the project, carry on with it. But I think they have to have some sideboards. And I think that the water issue should come from surface and not ground.18A. I didn't recognize that. I think it could happen on developed or undeveloped ground.19Q. Do you know how much water is proposed to be diverted to supply the M3 Eagle portion of the City of Eagle?21they?22A. I don't think that that matters. A planned communities?23Q. You contention that they should get the water from surface water, would that be from the Farmers Union Canal?25A. I don't know enough about - I don't page 4123Q. Your contention that they should get the water from surface water, would that be from saturater group questions here, Mr. Moyle.1A. They've got options. They have the answering your questions here, Mr. Moyle.1A. They've got options. They have the ability or in-storage basins, similar to what2Q. I don't - I'm not in a position to be answering your questions here, Mr. Moyle.1A. They've got options. They have the ability or in-storage basins, similar to what3Q. Did you oppose the Avimor project, so, un-huh.10A. I wasn't involved in the Avimor mistaken, they were going to affect everybody else in North Ada for a minute.10A. It wasn't involved in ti, fI'm not mistaken, they were going to affect everybody else.10A. It wasn't involved in it, fI'm not mistaken, they were going to affect everybody else.11A. They've got mater up there, and it's not g				• •
16 community, typically, takes place on land that's 16 think they have to have some sideboards. And I 17 previously undeveloped? 17 think the water issue should come from 18 A. I don't trong mixe that I think it 18 surface and not ground. 20 I don't think that maters. A planned 20 Do you know how much water is proposed 21 community could do it on either/or, couldn't 21 the? 23 Q. I'm just asking what you know about 23 Q. Your contention that they should get 24 planned communities? 24 25 A. I don't know enough about - I don't Page 41 26 A. I don't know enough about - I don't Page 41 26 A. I don't know enough about - I don't Page 41 27 A. I don't how enough about - I don't Page 41 28 A. They've got options. They have the Parmers Union Canal water right now. That is actually one of the few ditches that allows you 4 Q. I don't - I'm not in a position to be 4 A. They've got poins. They have the 5 answering your questions here, Mr. Moyle. 6 Micron does. You are seeing surface water being 4<				
17 previously undeveloped? 17 think that the water issue should come from 18 A. I didn't recognize that. I think it 18 surface and not ground. 19 could bappen on developed or undeveloped ground. 19 Q. Do you know how much water is proposed 20 I don't think that that matters. A planned 20 Do you know how much water is proposed 21 community could do it on either/or; couldn't 21 the City of Eagle? 22 A. I don't know enough about - I don't 22 A. I don't know what the total is. 23 Q. Trn just asking what you know about 23 Q. Your contention that they should get 24 planned communities? 24 A. I don't know enough about - I don't 24 25 A. I don't mot mistaken, it's not to the 1 A. They've got options. They have the 2 annexed in the city of Eagle, also. 3 actually one of the few ditches that allows you 3 annexed in the aroury of going the, so I'm asking you. 4 Micron does. You are seeing surface water being 4 Did you oppose the Avimor 10 Colid you oppose it? 9 4 Di kow you weren't involved in it, but 1				
18 A. I didn't recognize that. I think it 18 surface and not ground. 19 could happen on developed or undeveloped ground. 19 Q. Do you know how much water is proposed 20 I don't think that matters. A planned 20 Do you know how much water is proposed 21 they? 22 A. I do not know what the total is. 22 Q. I'm just asking what you know about 23 Q. Your contention that they should get 23 Q. I'm just asking what you know about 23 Q. Your contention that they should get 24 Page 43 Page 43 25 A. I don't know enough about – I don't Page 41 26 A. Toty or contention that they should get the water from surface water, would that be from 25 A. I don't know enough about – I don't Page 41 26 Parmers Union Canal water right now. That is actually one of the few ditches that allows you 3 annexed in the city of Eagle, also. 4 to move water rights around. And they have the 3 answering your questions here, Mr. Moyle. 5 ability for in-storage basins, similar to what 6 A. I wasn't involved in the Avimor 10 could os ornethrien s				
19 could happen on developed or undeveloped ground. 19 Q. Do you know how much water is proposed 20 I don't think that matters. A planned 20 to be diverted to supply the M3 Eagle portion of 21 community could do it on either/or; couldn't 21 the City of Eagle? 23 Q. Fm just asking what you know about 23 Q. Your contention that they should get 24 planned communities? 23 Q. Your contention that they should get 24 planned community, too, or annexed in the city of Eagle, also. 24 3 annexed in the city of Eagle, also. 3 actually one of the few ditches that allows you 4 Q. I don't - I'm not in a position to be 4 to move water rights around. And they have the 5 answering your questions here, Mr. Moyle. 6 Micron does. You are seeing surface water being 7 Let's have a conversation. 8 Boise, and one there in the same Micron area. 9 Mr. Moyle? 9 Micron does. You are seeing surface water being 10 A. I wasn't involved in the Avimor 10 Could water, diverge ond water developed in North 13 did you oppose it? 13 Ada County,			10.00 C	
20 I don't think that that matters. A planned 20 to be diverted to supply the M3 Eagle portion of 21 community could do it on either/or; couldn't 21 to be diverted to supply the M3 Eagle portion of 22 they? 22 A. I do not know what the total is. 23 23 Q. Tm just asking what you know about 24 24 A. I do not know what the total is. 24 planned communities? 24 A. I don't know enough about I don't 25 24 know. If I'm not mistaken, it's not to the 1 A. They've got options. They have the 25 A. You are going there, so I'm asking you. 2 Farmers Union Canal water right now. That is 3 answering your questions here, Mr. Moyle. 3 actually one of the few ditches that allows you 7 Let's have a conversation. 6 Mir. Moyle. 6 8 Q. Did you oppose the Avimor 7 used by United Water, in two facilities. One in 9 Mr. Moyle? 9 Mircon over used underground storage. I think M3 10 A. I wasn't involved in the Avimor 10 Could do something similar. 11 Q. I know you weren't involved in it, but <t< td=""><td></td><td>-</td><td></td><td></td></t<>		-		
21 community could do it on either/or; couldn't 21 the City of Eagle? 22 Q. Trn just asking what you know about 23 Q. Your contention that they should get 23 Q. Trn just asking what you know about 23 Q. Your contention that they should get 24 planned communities? 23 Q. Your contention that they should get 25 A. I don't know enough about I don't 23 Q. Your contention that they should get 25 A. I don't know enough about I don't 24 The water from surface water, would that be from 26 A. I don't know enough about I don't 25 A. They've got options. They have the 26 A. Tomot mistaken, it's not to the 1 A. They've got options. They have the 27 annexed in the city of Eagle, also. 3 actually one of the few ditches that allows you 28 I don't I'm not in a position to be 3 actually one of the few ditches that allows you 29 Mr. Moyle? 7 Uses, and one there in the same Micron area. 30 A. I wasn't involved in the Avimor 10 County - when Avimor first came in, if I'm not 21 project, so, un-huh. 11 Q. So is it you				
22 they? 22 A. I do not know what the total is. 23 Q. Tm just asking what you know about 23 Q. Your contention that they should get 24 planned communities? 24 the water from surface water, would that be from 25 A. I don't know enough about I don't Page 41 Page 43 1 know. If I'm not mistaken, it's not to the 1 A. They've got options. They have the 2 Farmers Union Canal? Page 43 1 know. If I'm not mistaken, it's not to the 1 A. They've got options. They have the 2 Farmers Union Canal water right now. That is actually one of the few ditches that allows you 4 Q. I don't Tm not in a position to be 4 to move water rights around. And they have the 5 answering your questions here, Mr. Moyle. 6 Micron does. You are seeing surface water being 7 Let's have a conversation. 7 used by United Water, in two facilities. One in 8 Q. Did you oppose the Avimor 10 could do something similar. 9 Mr. Moyle? 11 Q. So is it your contention that there 14 A. If they've got water up there, and it's <		-		
23Q. Fm just asking what you know about planned communities?23Q. Your contention that they should get the water from surface water, would that be from the Farmers Union Canal?1know. If I'm not mistaken, it's not to the annexed in the city of Eagle, also. annexed in the city of Eagle, also.1A. They've got options. They have the actually one of the few ditches that allows you to move water rights around. And they have the ability for in-storage basins, similar to what6A. You are going there, so I'm asking you. Let's have a conversation.7used by United Water, in two facilities. One in Boise, and one there in the same Micron area.9Mr. Moyle?9Micron even used underground storage. I think M310A. I wasn't involved in the Avimor I' project, so, un-huh.10Could do something similar.12Q. I know you weren't involved in it, but did you oppose it?11A. It's my contention that there13A. If they've got water up there, and it's not going to affect everybody else in North Ada13A. It's my contention that the Department, your study and others show, that you have a decining resource. And the amount of water is not there that everybody thought was there14Payett side, to	1			
24 planned communities? 24 the water from surface water, would that be from the Farmers Union Canal? 25 A. I don't know enough about I don't Page 41 25 Page 41 26 A. I don't know enough about I don't Page 41 26 Page 43 21 know. If I'm not mistaken, it's not to the Avimor project, a planned community, too, or annexed in the city of Eagle, also. 1 A. They've got options. They have the Farmers Union Canal water right now. That is actually one of the few ditches that allows you to move water rights around. And they have the ability for in-storage basins, similar to what 3 Q. I don't I'm not in a position to be answering your questions here, Mr. Moyle. 3 actually one of the few ditches that allows you to move water rights around. And they have the ability for in-storage basins, similar to what 4 You are going there, so I'm asking you. 6 Micron does. You are seeing surface water being used by United Water, in two facilities. One in 8 Doi you oppose the Avimor project, so, un-huh. 9 Micron even used underground storage. I think M3 11 project, so, un-huh. 10 Q. So is it your contention that there 12 Mr. Moyle? 11 A. If they've got water up there, and it's 13 not going to affect everybody else in North Ada 15 A. It's mot going to affect ev	1	•		
25 A. I don't know enough about I don't Page 41 25 the Farmers Union Canal? Page 43 1 know. If I'm not mistaken, it's not to the Avimor project, a planned community, too, or annexed in the city of Eagle, also. 1 A. They've got options. They have the Farmers Union Canal? Page 43 1 know. If I'm not mistaken, it's not to the Avimor project, a planned community, too, or annexed in the city of Eagle, also. 1 A. They've got options. They have the Farmers Union Canal water right now. That is actually one of the few ditches that allows you to move water rights around. And they have the ability for in-storage basins, similar to what 6 A. You are going there, so I'm asking you. 6 Micron does. You are seeing surface water being used by United Water, in two facilities. One in Boise, and one there in the same Micron area. 9 Mr. Moyle? 9 Micron even used underground storage. I think M3 could do something similar. 11 project, so, un-huh. 10 Q. So is it your contention that there should be no more ground water developed in North did you oppose it? A. It's my contention that the Department, your study and others show, that you have a declining resource. And the amount of water is not there that everybody buight was there 16 County when Avimor first came in, if I'm not mistaken, they were going to bring water from the Payette River. If that's their original plan, I 19 19 22 MR. FEREDAY: Let's go off the record.			222 2	
Page 41Page 431know. If I'm not mistaken, it's not to the A vimor project, a planned community, too, or annexed in the city of Eagle, also.1A. They've got options. They have the Farmers Union Canal water right now. That is actually one of the few ditches that allows you to move water rights around. And they have the ability for in-storage basiss, similar to what4Q. I don't I'm not in a position to be answering your questions here, Mr. Moyle.3actually one of the few ditches that allows you to move water rights around. And they have the ability for in-storage basiss, similar to what6A. You are going there, so I'm asking you.6Micron does. You are seeing surface water being used by United Water, in two facilities. One in Boise, and one there in the same Micron area.7Mr. Moyle?98Q. I know you weren't involved in the Avimor project, so, un-huh.1011project, so, un-huh.1112Q. I know you weren't involved in it, but did you oppose it?1214A. If they've got water up there, and it's mistaken, they were going to bring water from the Payette side, to use a lot of water from the Payette kiver. If that's their original plan, I don't care. It's not going to affect everybody else.142MR. FEREDAY: Let's go off the record.2124(Discussion held off the record.)24			111-11-11-11-11-11-11-11-11-11-11-11-11	
1know. If I'm not mistaken, it's not to the1A. They've got options. They have the2Avimor project, a planned community, too, orannexed in the city of Eagle, also.3actually one of the few ditches that allows you4Q. I don't I'm not in a position to be3actually one of the few ditches that allows you4Q. I don't I'm not in a position to be4to move water right around. And they have the5answering your questions here, Mr. Moyle.5ability for in-storage basins, similar to what6A. You are going there, so I'm asking you.6Micron does. You are seeing surface water being7Let's have a conversation.7used by United Water, in two facilities. One in8Q. Did you oppose the Avimor project,9Micron even used underground storage. I think M310A. I wasn't involved in the Avimor10Q. So is it your contention that there11project, so, un-huh.11Q. So is it your contention that there12Q. I know you weren't involved in it, but13Ada County, Mr. Moyle?13A. If they've got water up there, and it's14A. It's my contention that there14A. If they've going to bring water from the15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to affect everybody102018Payette River. If that's their original plan, I1919 <t< td=""><td>25</td><td></td><td>25</td><td></td></t<>	25		25	
2Avimor project, a planned community, too, or annexed in the city of Eagle, also.2Farmers Union Canal water right now. That is actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you 	<u> </u>	raye 91		Eage 45
2Avimor project, a planned community, too, or annexed in the city of Eagle, also.2Farmers Union Canal water right now. That is actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to move water rights around. And they have the actually one of the few ditches that allows you to mote one reging discover one reging discover one same. For the	1	know. If I'm not mistaken, it's not to the	1	A. They've got options. They have the
3annexed in the city of Eagle, also.3actually one of the few ditches that allows you4Q. I don't I'm not in a position to beanswering your questions here, Mr. Moyle.4to move water rights around. And they have the5answering your questions here, Mr. Moyle.4to move water rights around. And they have the6A. You are going there, so I'm asking you.6Micron does. You are seeing surface water being7Let's have a conversation.7used by United Water, in two facilities. One in8Q. Did you oppose the Avimor project,9Micron even used underground storage. I think M310A. I wasn't involved in the Avimor10could do something similar.11project, so, un-huh.11Q. So is it your contention that there12Q. I know you weren't involved in it, but13Ada County, Mr. Moyle?14A. If they've got water up there, and it's14A. It's my contention that there15not going to affect everybody else in North Ada15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is19Payette River. If that's their original plan, I19they ought to be using surface water and not10don't care. It's not going to affect everybody20ground water.21else.MR. FEREDAY: Let's go off the record2123for a minute.24(Discussion held off the record.)24	2		2	
4Q. I don't - I'm not in a position to be answering your questions here, Mr. Moyle.4to move water rights around. And they have the ability for in-storage basins, similar to what6A. You are going there, so I'm asking you.6Micron does. You are seeing surface water being used by United Water, in two facilities. One in7Let's have a conversation.7used by United Water, in two facilities. One in8Q. Did you oppose the Avimor project, 99Boise, and one there in the same Micron area.9Mr. Moyle?910A. I wasn't involved in the Avimor project, so, un-huh.10could do something similar.11project, so, un-huh.11Q. So is it your contention that there should be no more ground water developed in North Ada County, Mr. Moyle?14A. If they've got water up there, and it's mot going to affect everybody else in North Ada County - when Avimor first came in, if I'm not mistaken, they were going to bring water from the Payette River. If that's their original plan, I could don't care. It's not going to affect everybody else.1612MR. FEREDAY: Let's go off the record count.20My question, though, is whether it is your contention that there should be no further ground water developed in North Ada County? Is they ought to be using surface water and not	3		3	
5answering your questions here, Mr. Moyle.5ability for in-storage basins, similar to what6A. You are going there, so I'm asking you.6Micron does. You are seeing surface water being7Let's have a conversation.7used by United Water, in two facilities. One in8Q. Did you oppose the Avimor project,9Boise, and one there in the same Micron area.9Mr. Moyle?9Micron even used underground storage. I think M310A. I wasn't involved in the Avimor10could do something similar.11project, so, un-huh.11Q. So is it your contention that there12Q. I know you weren't involved in it, but12should be no more ground water developed in North13did you oppose it?13Ada County, Mr. Moyle?14A. If they've got water up there, and it's14A. It's my contention that the Department,15not going to affect everybody else in North Ada15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the19Payette River. If that's their original plan, I19Payette River. If that's their original plan, I19they ought to be using surface water and not20MR. FEREDAY: Let's go off the record20ground water.21(Discussion held off the record.)24that your contention?	4		4	to move water rights around. And they have the
6A. You are going there, so I'm asking you.6Micron does. You are seeing surface water being7Let's have a conversation.7used by United Water, in two facilities. One in8Q. Did you oppose the Avimor project,8Boise, and one there in the same Micron area.9Mr. Moyle?9Micron even used underground storage. I think M310A. I wasn't involved in the Avimor10could do something similar.11project, so, un-huh.11Q. So is it your contention that there12Q. I know you weren't involved in it, but12should be no more ground water developed in North13did you oppose it?13Ada County, Mr. Moyle?14A. If they've got water up there, and it's14A. It's my contention that the Department,15not going to affect everybody else in North Ada15your study and others show, that you have a16County - when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19payette kiver. If that's their original plan, I20MR. FEREDAY: Let's go off the record20ground water.21(Discussion held off the record.)24that your contention?	5		5	
7Let's have a conversation.7used by United Water, in two facilities. One in8Q. Did you oppose the Avimor project,9Boise, and one there in the same Micron area.9Mr. Moyle?9Micron even used underground storage. I think M310A. I wasn't involved in the Avimor10could do something similar.11project, so, un-huh.11Q. So is it your contention that there12Q. I know you weren't involved in it, but12should be no more ground water developed in North13did you oppose it?13Ada County, Mr. Moyle?14A. If they've got water up there, and it's14A. It's my contention that the Department,15not going to affect everybody else in North Ada15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is22MR. FEREDAY: Let's go off the record22your contention that there should be no further23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?<	6		6	
8Q. Did you oppose the Avimor project, 98Boise, and one there in the same Micron area.9Mr. Moyle?9Micron even used underground storage. I think M310A. I wasn't involved in the Avimor10could do something similar.11project, so, un-huh.11Q. So is it your contention that there12Q. I know you weren't involved in it, but12should be no more ground water developed in North13did you oppose it?13Ada County, Mr. Moyle?14A. If they've got water up there, and it's14A. It's my contention that the Department,15not going to affect everybody else in North Ada15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is22MR. FEREDAY: Let's go off the record22your contention that there should be no further23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?	7		7	
9Mr. Moyle?9Micron even used underground storage. I think M310A. I wasn't involved in the Avimor10could do something similar.11project, so, un-huh.11Q. So is it your contention that there12Q. I know you weren't involved in it, but12should be no more ground water developed in North13did you oppose it?13Ada County, Mr. Moyle?14A. If they've got water up there, and it's14A. It's my contention that the Department,15not going to affect everybody else in North Ada15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is22MR. FEREDAY: Let's go off the record22your contention that there should be no further23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?	8	Contraction of the second se	8	
10A. I wasn't involved in the Avimor10could do something similar.11project, so, un-huh.11Q. So is it your contention that there12Q. I know you weren't involved in it, but12should be no more ground water developed in North13did you oppose it?13Ada County, Mr. Moyle?14A. If they've got water up there, and it's14A. It's my contention that the Department,15not going to affect everybody else in North Ada15your study and others show, that you have a16County - when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the17not there that everybody thought was there18Payette side, to use a lot of water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is22MR. FEREDAY: Let's go off the record22your contention that there should be no further23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?				
11project, so, un-huh.11Q. So is it your contention that there12Q. I know you weren't involved in it, but12should be no more ground water developed in North13did you oppose it?13Ada County, Mr. Moyle?14A. If they've got water up there, and it's14A. It's my contention that the Department,15not going to affect everybody else in North Ada15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the17not there that everybody thought was there18Payette side, to use a lot of water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?				
12Q. I know you weren't involved in it, but12should be no more ground water developed in North13did you oppose it?13Ada County, Mr. Moyle?14A. If they've got water up there, and it's14A. It's my contention that the Department,15not going to affect everybody else in North Ada15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the17not there that everybody thought was there18Payette side, to use a lot of water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is22MR. FEREDAY: Let's go off the record22your contention that there should be no further23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?				-
13did you oppose it?13Ada County, Mr. Moyle?14A. If they've got water up there, and it's14A. It's my contention that the Department,15not going to affect everybody else in North Ada15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the17not there that everybody thought was there18Payette side, to use a lot of water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is22MR. FEREDAY: Let's go off the record22your contention that there should be no further23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?				
14A. If they've got water up there, and it's14A. It's my contention that the Department,15not going to affect everybody else in North Ada15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the16not there that everybody thought was there18Payette side, to use a lot of water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?				
15not going to affect everybody else in North Ada15your study and others show, that you have a16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the16declining resource. And the amount of water is18Payette side, to use a lot of water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?	1			
16County when Avimor first came in, if I'm not16declining resource. And the amount of water is17mistaken, they were going to bring water from the17not there that everybody thought was there18Payette side, to use a lot of water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?	1000 E-00			
17mistaken, they were going to bring water from the17not there that everybody thought was there18Payette side, to use a lot of water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?	1			
18Payette side, to use a lot of water from the18before. I think that that leads credence, that19Payette River. If that's their original plan, I19they ought to be using surface water and not20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is22MR. FEREDAY: Let's go off the record22your contention that there should be no further23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?				
 Payette River. If that's their original plan, I don't care. It's not going to affect everybody else. MR. FEREDAY: Let's go off the record for a minute. (Discussion held off the record.) they ought to be using surface water and not ground water. Q. My question, though, is whether it is your contention that there should be no further ground water developed in North Ada County? Is that your contention? 				
20don't care. It's not going to affect everybody20ground water.21else.21Q. My question, though, is whether it is22MR. FEREDAY: Let's go off the record22your contention that there should be no further23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?	1 C C C C C C C C C C C C C C C C C C C	and the second provide the second state and the second state of the second state and the second second second s		The second
21else.21Q. My question, though, is whether it is22MR. FEREDAY: Let's go off the record22your contention that there should be no further23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24				
22MR. FEREDAY: Let's go off the record22your contention that there should be no further23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?				0
23for a minute.23ground water developed in North Ada County? Is24(Discussion held off the record.)24that your contention?	100000	LEASTRACTOR AND A AND AND AND AND AND AND AND AND A	125 (1627)	
24 (Discussion held off the record.) 24 that your contention?				•
		A TOWNED IN STREET, AND A TOWNED AND AND A TOWNED AT A TOWNED AND A TOWNED AT A TOWNED AND A TOWNED AND A TOWNED AND A TOWNED AND A TOWNED AT A TOWNED AND A TOWNED AT A T		
25 MR. FEREDAY: Back on the record. 25 A. It's my contention that the Department				•
	25		25	
Page 42 Page 44		Page 42		Page 44

1	has concerns. It's my contention that there is a	1	same water you are - you guys are going into.
2	study going on right now that shows their	2	It doesn't make sense to me.
3	concerns. And I think it would be better to use	3	Q. So it is your contention, that there
4	surface water than ground water. You have a	4	should be no further ground water development in
5	declining resource. It's not there.	5	North Ada; is that right?
6	And what's going to happen if the	6	A. I would say, that it should be very
17	Department continues to grant these water rights	7	limited, at best. And none, until they figure
8	for water that doesn't exist, is you are going to	8	out what's going on, would be better.
9	end up with a big mess as people's wells go dry.	9	Q. And with regard to supplying a place
10	Everybody keeps suing everybody. It's not a good	10	like north Eagle with surface water, your view is
11	thing. Especially, when they have the	11	that that should be provided from the Boise
12	opportunity to use surface water, and actually	12	River, is that correct?
13	you could almost turn it into a recharge project	13	A. I think you have options currently with
14	versus a drawn aquifer. You also have seen it	14	the ditch that goes there. And it's a ditch that
15	with the development across the road.	15	allows the water rights to be transferred, unlike
16	Hillsdale's wells are going down. They had to	16	some of the other. And I think it's an option
17	dig a well a little deeper. The resource isn't	17	that nobody has talked about, and ought to look
18	there.	18	at.
19	Q. So I recognize that you are a layperson	19	I think you are seeing the State doing
20	with regard to growth trends, Mr. Moyle. But is	20	that, by the way, Jeff, when you have the
21	it your view that economic -	21	governor and others talking about Twin Springs,
22	A. I can see the growth trends pretty	22	raising Anderson Ranch, all those talks are in
23	easy. It's going (indicating).	23	regards to more water for municipal. Everybody
24	Q the economic development in North	24	knows, eventually, you are going to have to go
25	Ada County is really not an option for our	25	there.
	Page 45		Page 47
1	future?	1	The water supply is limited, in my
2	A. Those are your words, and not mine.	2	opinion, I'm not a hydrologist, but in my
3	Q. Okay.	3	opinion, especially, in North Ada County, the
4	A. And I think you can do the economic	4	Department and others have said it for quite a
5	development with surface water and not ground	5	while.
6	water. And I think that if you use the ground	6	Q. So, Mr. Moyle, is it your contention
7	water like you are proposing, you are going to	7	that for there to be any significant economic
8	create an economic mess, as everybody's wells go	8	growth in North Ada, we're going to have to build
9	dry.	9	a new dam, such as Twin Springs?
10	Hence, the reason, I think, use the	10	A. No, I think you can go in there right
11	surface water. It's being done already in Ada	11	now, and put any surface water right right now
12	County. They also have the option that Avimor	12	for any water that you have and develop it, if
13	had, bring the water over the hill from the	13	you are talking about water rights today.
14	Payette. There is about 40 percent of that water	14	Q. And what
15	that hasn't even been appropriated out of the	15	A. You just don't want to do it.
16	Payette River. There is plenty of water if they	16	Q. And what water rights do we have; do
17	are willing to put the money in to bring the	17	you know?
18	surface water up, and turn it into a recharge	18	A. M3, I don't know. I know they have got
19	project, versus the draw. That's going to have	19	some of up there, coming out of Farmers Union,
20	economic detriment to the place, when everybody's	20	because I know they irrigate back there. And I
21	wells go dry.	21	know the guy farming it said, they want him to
22	If you want to talk about economic	22	expand. So they must have more water rights than
23	benefit, look at Hillsdale. I mean, that's going	23	I thought. Have you been there, Jeff?
24	to cost a quarter of million dollars to get the	24	Q. Sorry?
25	well deep enough to find the water. That's the	25	A. Have you been there?
	Page 46		Page 48

Г

1	Q. Been where?	1	only one water right they gave me was municipal.
2	A. Up there in Avimor - I mean, the M3	2	What do you understand? What do you want to
3	project, where they farm it?	3	know?
4	Q. Yes, I've been there many times. Thank	4	Q. I want to know what you know, about the
5	you.	5	subject of municipal water rights?
6	A. It's little pipes right there to go up	6	MR. ALAN SMITH: Can you make the
7	there. So they have a water right.	7	question more specific, Counsel? That's pretty
8	Q. Right. I would like to show you what	8	broad.
9	we're marking as Deposition Exhibit F.	9	THE WITNESS: That's why I gave a broad
10	(Exhibit F marked.)	10	answer.
11	Q. (BY MR. FEREDAY) It's a copy of the	11	Q. (BY MR. FEREDAY) I'm asking,
12	City's "Reasonably Anticipated Future Needs	12	everything you know about municipal water rights?
13	Analysis." Have you ever seen this before?	13	MR. ALAN SMITH: The same objection.
14	A. No, sir.	14	Q. (BY MR. FEREDAY) You can go ahead and
15	Q. Did you know that the City provided	15	answer, Mr. Moyle.
16		16	A. I know they trump my water rights. And
17	information on Reasonably Anticipated Future	17	
18	Needs, or sometimes called RAFN?	18	I know the City is going to continue to do what
18	A. RAFN?	19	they are doing with regards to requests for
	Q. RAFN. To the Department of Water		municipal water rights. We're going to have an
20	Resources?	20	economic problem, because you are going to drain
21	A. I did not know that.	21	everybody else's well, and cause a hardship on
22	Q. What do you know about reasonably	22	everybody else.
23	anticipated future needs, Mr. Moyle?	23	I know, also, that as these cities have
24	A. I know that you have a whole bunch of	24	sought water rights, they've been allowed to do
25	cities trying to grab a whole bunch of ground,	25	them, where others have not been allowed to do
<u> </u>	Page 49		Page 51
1	because they are all afraid the other one is	1	water rights. Especially, when you go to the
2	going to get there first. And I think their	2	Star Road to the east. I know that when the
3	biggest problem, they are not taking care of	3	Department says it's a moratorium, it didn't
4	business from the center out. They are trying to	4	include municipals.
5	hopscotch. Similarly, to what we were talking	5	Q. Are you familiar with any statutory
6	about today.	6	provisions pertaining to municipal water rights?
7	Q. Where does the term "reasonably	7	A. Not - well, to explain to you what I
8	anticipated future needs" come from; do you know?	8	know, I guess is the word I'm trying to say. I
9	A. I do not know. It's probably different	9	mean, I know a little bit, but
10	for every city.	10	Q. What would that little bit be?
11	Q. What about planning horizons for water	11	A. Just that they trump my ag rights.
12	planning? Do you know what that means?	12	(Exhibit G marked.)
13	A. I'm assuming it means that what they	13	Q. (BY MR. FEREDAY) I would like you to
14	anticipate their growth will be, and what water	14	look now at Deposition Exhibit G.
15	they will need for the growth.	15	MR. SMITH: Excuse me, Jeff. Is this
16	Q. Do you know where that phrase, planning	16	marked as an exhibit?
17	horizon comes from?	17	MR. FEREDAY: It is F.
18	A. No.	18	THE WITNESS: So is Exhibit F what the
19	 Q. What do you know about municipal water 	19	City anticipates; is that what I'm to understand?
20	rights, Mr. Moyle, in any particular? Have you	20	
20		21	Q. (BY MR. FEREDAY) I'm asking you,
22	had any experience with municipal water rights;	and the second sec	Mr. Moyle, what you know about this document?
22	looking at them, evaluating them, commenting on	22	You said, you had never seen it.
11	4h a - 0		
	them?	23	A. I've never seen it. I'm reading it as
24	A. I know they trump my ag water rights.	24	we've been talking, and that is why I asked that

.

1 2	Q. Well, we would let the document speak	-	
2	Q. Holl, Ho Hould let die dooddhollt speak	1	testifying to?
-	for itself. But I would like you now to focus on	2	A. I have to do homework before I can tell
	Exhibit G.	3	you that.
4	A. All right. We're moving on to G?	4	Q. So you don't know that here, today?
5	Q. Yes.	5	A. I don't know that today.
6	A. G.	6	MR. FEREDAY: Okay. No further
7	Q. G, I'll represent to you, is a document	7	questions.
8	prepared by the Idaho Department of Water	8	Bruce, exam?
	Resources, dated June 1st, 2011, and revised	9	MR. SMITH: Do the protestants have any
	October 4, 2011. Have you seen this document,	10	questions?
	Mr. Moyle?	11	MR. ALAN SMITH: No questions.
12	A. Just the little thing on the computer,	12	(Discussion held off the record.)
	and I didn't open it up, because I didn't have	13	MR. SMITH: Back on the record.
	time.	14	EXAMINATION
15	Q. So you have not read it?	15	QUESTIONS BY MR. SMITH:
16	A. I have not read it.	16	Q. Mr. Moyle, I'm going to follow-up with
17		17	
	MR. JASON SMITH: Can I get a copy of that one Leff that lost one G?	18	very few questions. I represent the City of
	that one, Jeff, that last one G?	18	Eagle in this matter. Okay?
19	MR. FEREDAY: Yes.		A. And Jeff represents M3, correct?
20	Let's go off the record.	20	Q. That is correct.
21	(Discussion held off the record.)	21	MR. ALAN SMITH: Right.
22	MR. FEREDAY: Back on the record.	22	Q. (BY MR. SMITH) I need mostly to
23	Q. (BY MR. FEREDAY) Mr. Moyle, I would	23	clarify a couple things. I am not sure, I
	like to just go back over an area that I know I	24	understood what the purpose of your testimony
25	asked you, briefly, about with regard to your Page 53	25	will be. What is the purpose of your testimony Page 55
	Fage 55		rage 55
1	expertise. I would like to confirm that you	1	at the hearing that's upcoming?
	don't consider yourself an expert on a reasonable	2	A. I think, Bruce, that if we talk about
	anticipated future need water rights, in that	3	the three questions brought into play by the
	you've never appeared as an expert witness on	4	director. And we talk about future needs,
	such a subject; correct?	5	anticipated growth. We need to talk about the
6	MR. ALAN SMITH: Objection. That's	6	impacts that this water right will have on those.
	been asked and answered.	7	And I would like to talk about that.
8	Q. (BY MR. FEREDAY) You can answer.	8	Q. Okay. So do you intend to talk about
9	A. I can't answer.	9	the impacts of the Water Right 63-32573 –
10	O. You can.	10	A. I'm impressed you know the number.
11	Q. You can. A. Do I have to?	11	Q. — on future needs; is that correct?
12		12	
	Q. Well, yes. Yes, you do.		A. On future needs, and that how it
13	A. I can't remember ever testifying as an	13 14	will affect existing people that are there.
	expert witness on that, so, no.	14	Q. Are you testifying personally, or as a
15	Q. Have you ever testified as an expert	15	legislator?
	witness on anything?	16	A. Personally.
17	A. Not in court, no. Oh, at one time a	17	Q. So the opinions
	guy stole one of my guns. I guess I was an	18	A. If I was testifying by the legislature,
	expert witness, because I could identify the gun,	19	I wouldn't have done this. I would have just had
	whatever that means. But I think by the time the	20	a hearing.
	testimony and the hearing comes, I'll probably	21	Q. So the testimony you will be giving is
	know a lot more about that issue.	22	as an individual?
23	Q. What issue?	23	A. Mike Moyle, as an individual.
1		24	And so the opinions that you mould
24	A. Anticipated future needs.		Q. And so the opinions that you would
24 25	A. Anticipated future needs. Q. And what facts do you anticipate Page 54	25	give, on anything you would testify to, would be

е

Г

٦

1			
1	personal opinions?	1	A. The chairman, most of them came from
2	A. Mike Moyle.	2	the pressure of Eastern Snake Plain as they've
3	Q. Okay.	3	tried to address the issue of declining water in
4	A. And I forgot you were left handed.	4	Eastern Snake Plain. The ground pumpers, and the
5	Q. Sometimes. I shoot pistols right	5	spring flows were declining, and all this stuff.
6	handed.	6	It was a way to try to come up with a way to, I
7	You mentioned Treasure Valley	7	think, mostly in the end, generate revenue at
8	hydrologic project. You are familiar with that;	8	that time. At that time, I wasn't in a position
9	correct?	9	to know what was going on. I was just asked to
10	A. A little bit, not very well. I need to	10	be the chairman of the Treasure Valley.
11		11	Q. What year was this?
	go back and read all that stuff. It's been a	12	
12	while. I know they are working on the new one		A. I don't remember.
13	now. I am kind of interested in what they come	13	Q. Is it still in existence?
14	up with.	14	A. Un-huh.
15	Q. And you mentioned Mr. Christian	15	Q. Okay.
16	Petrich. Do you recall that?	16	A. The camps were kind of an offshoot from
17	A. Ob, yeah.	17	that.
18	Q. Do you know Christian - Mr. Petrich?	18	Q. Did you attend any of the camp meetings
19	A. I know Christian a little bit. He and	19	with the Treasure Valley?
20	I did some work together when we did the Treasure	20	A. No, I did that on purpose.
21	Valley Aquifer Committee.	21	Q. And you testified about Mr. Squires
22	Q. Do you understand what Christian does	22	taking measurements at your -
23	for a living?	23	A. Mr. Squires took measurements of our
24	A. Yes, he's a hydrologist.	24	well for two years when he was doing the study
25	Q. Do you have confidence in Christian's	25	for M3.
	Page 57		Page 5
1	opinions?	1	Q. Mr. Squires would know if you were
2	A. It depends on what he's talking about.	2	injured; correct?
3	Q. Water.	3	A. Uh-huh.
4	A. I find that when he talks about water,	4	Q. Okay.
5	it depends on who's paying him.	5	A. Mr. Squires, that's why I brought that
			A. MIL Squites, mars why i blought mar
6			little thing where we talked shout that we ware
6	Q. So you think his opinion is influenced	6	little thing where we talked about that we were
7	by who pays him?	7	going to do the study we did. I am assuming,
7 8	by who pays him? A. I think that he works for a living.	7 8	going to do the study we did. I am assuming, since he was testing my well, my well was one of
7 8 9	by who pays him? A. I think that he works for a living. And who he works for, says their story.	7 8 9	going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that
7 8 9 10	by who pays him?A. I think that he works for a living.And who he works for, says their story.Q. Do you think everybody is like that?	7 8 9 10	going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion.
7 8 9 10 11	by who pays him?A. I think that he works for a living.And who he works for, says their story.Q. Do you think everybody is like that?A. Not everybody. But I know that	7 8 9 10 11	going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and
7 8 9 10 11 12	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that 	7 8 9 10 11 12	going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking
7 9 10 11 12 13	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than 	7 8 9 10 11 12 13	going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about
7 9 10 11 12 13 14	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that 	7 8 9 10 11 12 13 14	going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot?
7 8 9 10 11 12 13 14 15	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of Eagle. 	7 8 9 10 11 12 13 14 15	 going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot? A. Yes. I said that in my testimony, too,
7 8 9 10 11 12 13 14 15 16	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of 	7 8 9 10 11 12 13 14 15 16	going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot?
7 8 9 10 11 12 13 14 15 16	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of Eagle. 	7 8 9 10 11 12 13 14 15	 going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot? A. Yes. I said that in my testimony, too,
7 8 9 10 11 12 13 14 15 16 17	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of Eagle. Q. And when you said "committee," what 	7 8 9 10 11 12 13 14 15 16	 going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot? A. Yes. I said that in my testimony, too, that we talked about them. I think Hormachea
7 8 9 10 11 12 13 14 15 16 17 18	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of Eagle. Q. And when you said "committee," what committee are you talking about? 	7 8 9 10 11 12 13 14 15 16 17	 going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot? A. Yes. I said that in my testimony, too, that we talked about them. I think Hormachea thought that he was going to get water and sewer.
7 8 9 10 11 12 13 14 15 16 17 18 19	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of Eagle. Q. And when you said "committee," what committee are you talking about? A. The Treasure Valley Aquifer Committee. It was put together a few years ago when they 	7 8 9 10 11 12 13 14 15 16 17 18	 going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot? A. Yes. I said that in my testimony, too, that we talked about them. I think Hormachea thought that he was going to get water and sewer. He didn't get none. Q. Did you talk to him about that?
7 8 9 10 11 12 13 14 15 16 17 18 19 20	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of Eagle. Q. And when you said "committee," what committee are you talking about? A. The Treasure Valley Aquifer Committee. It was put together a few years ago when they started dealing with the Eastern Snake Plain. 	7 8 9 10 11 12 13 14 15 16 17 18 19 20	 going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot? A. Yes. I said that in my testimony, too, that we talked about them. I think Hormachea thought that he was going to get water and sewer. He didn't get none. Q. Did you talk to him about that? A. No. I do know he's filling his feedlot
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of Eagle. Q. And when you said "committee," what committee are you talking about? A. The Treasure Valley Aquifer Committee. It was put together a few years ago when they started dealing with the Eastern Snake Plain. They put one together in Mountain Home, Treasure 	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot? A. Yes. I said that in my testimony, too, that we talked about them. I think Hormachea thought that he was going to get water and sewer. He didn't get none. Q. Did you talk to him about that? A. No. I do know he's filling his feedlot up, running cattle, which he didn't do for a
7 8 9 10 11 12 13 14 15 16 17 18 20 21 22	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of Eagle. Q. And when you said "committee," what committee are you talking about? A. The Treasure Valley Aquifer Committee. It was put together a few years ago when they started dealing with the Eastern Snake Plain. They put one together in Mountain Home, Treasure Valley, north Idaho, as they tried to figure out 	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot? A. Yes. I said that in my testimony, too, that we talked about them. I think Hormachea thought that he was going to get water and sewer. He didn't get none. Q. Did you talk to him about that? A. No. I do know he's filling his feedlot up, running cattle, which he didn't do for a while. And the annexation took place. They were
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of Eagle. Q. And when you said "committee," what committee are you talking about? A. The Treasure Valley Aquifer Committee. It was put together a few years ago when they started dealing with the Eastern Snake Plain. They put one together in Mountain Home, Treasure Valley, north Idaho, as they tried to figure out how to address the issues of declining water. 	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot? A. Yes. I said that in my testimony, too, that we talked about them. I think Hormachea thought that he was going to get water and sewer. He didn't get none. Q. Did you talk to him about that? A. No. I do know he's filling his feedlot up, running cattle, which he didn't do for a while. And the annexation took place. They were shutting it down, and now they are going full
7 8	 by who pays him? A. I think that he works for a living. And who he works for, says their story. Q. Do you think everybody is like that? A. Not everybody. But I know that Christian has said certain things within that committee. And those things were different than what he said when he was working for the City of Eagle. Q. And when you said "committee," what committee are you talking about? A. The Treasure Valley Aquifer Committee. It was put together a few years ago when they started dealing with the Eastern Snake Plain. They put one together in Mountain Home, Treasure Valley, north Idaho, as they tried to figure out 	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 going to do the study we did. I am assuming, since he was testing my well, my well was one of the ones that he used, to come up with that conclusion. Q. Okay. You were testifying earlier, and you mentioned a feedlot. When you are talking about a feedlot, are you talking about Hormachea's feedlot? A. Yes. I said that in my testimony, too, that we talked about them. I think Hormachea thought that he was going to get water and sewer. He didn't get none. Q. Did you talk to him about that? A. No. I do know he's filling his feedlot up, running cattle, which he didn't do for a while. And the annexation took place. They were

•

1	A. Cattle, full.	1	made by who. Some would have been made by
2	Q. It might have something to do with the	2	Thornton. Some may have been made by - I don't
3	market, though; right?	3	think Mary would have made those marks. And some
4	A. It might, but I doubt it.	4	made by me, when I was copying them. I didn't
5	Q. Okay.	5	bring them all, though, because I didn't copy
6	A. I think it had something to do with the	6	them all off the internet.
7	fact that he thought he could turn it into	7	Q. Okay. I'm going to hand you, those are
8	houses, and now he can't. So let's go back into	8	my Exhibits 1 through 5, which are my copies of
9	putting in cattle.	9	the ones that you did.
10	Q. Now, when you say, Mr. Hormachea	10	A. Do I need to hand those back? What do
11	thought, what do you base that on? How do you	11	I need to do with them?
12	know that?	12	Q. I am going to keep them.
13	A. Well, I know that the guys that worked	13	So I want you to go through them, and
14	for them talked about, that there was a	14	where there is an "X" marked on it, and here is a
15	perception that he owned a lot of ground up	15	pen. And I would like for you to mark on that,
16	there. And if he was annexed into the city, and	16	who made that mark.
17		17	MR. ALAN SMITH: If you know.
18	he had sewer and water to build houses, it was	18	MR. SMITH: Mr. Smith, I'm pretty sure
	probably worth more than a feedlot. I believe	19	
19	Hormachea – and this is me speculating that	20	that this is an independent witness. That you
20	he did some developments. Wasn't he involved	20	not guide him in the questions I'm asking him,
21	with Brookwood, and some of those other	22	please.
22	developments in Eagle, if I'm not mistaken?	22	MR. ALAN SMITH: Well, he can't answer
23	Q. I don't know.	23	if he doesn't know.
24	A. I don't either, but I think so. And I		MR. SMITH: Mr. Smith, do not instruct
25	think that when they went in there, and said, Page 61	25	the witness. Page 63
1	hey, we'll bring you water and sewer, I mean,	1	THE WITNESS: Are we going to have a
2	everybody thinking we're going to get the golden	2	fight here?
3	cow here. We're going to get the services.	3	Q. (BY MR. SMITH) So if you would take
4	Q. Okay. But that's what you are	4	those 1 through 5, which I've handed you. Just
5	speculating about?	5	mark on there.
6	A. I'm speculating from hearsay, from his	6	A. I don't know who did this one
7	employees.	7	(indicating).
8	Q. Sure.	8	Q. Okay.
9	A. By the way, the margins on the feedlot	9	A. These are mine. There is two copies of
10	aren't as good as they used to be, because of the	10	this that I have. This (indicating) one is not
11	costs.	11	my mark.
12	Q. On your exhibits, the exhibits that are	12	Q. You are referring to which exhibit?
13	marked	13	A. This is your M3's hydrological study.
14	A. They were mine. I was looking at them.	14	Q. That's No. 3.
15	I had to give them to you.	15	A. I have marked them, but not that one.
16	Q. Yeah, that's the way depositions work.	16	Q. So hang on just a minute. So on No. 3,
	There are marks on them, with an "X" with circles	17	there is an "X." And the same thing, would you
17			
		18	just put a question mark, since you don't know
18	on them. Are those your marks?	18 19	just put a question mark, since you don't know who that was?
18 19	on them. Are those your marks? A. Some of them are. Some of them aren't.	19	who that was?
18 19 20	on them. Are those your marks? A. Some of them are. Some of them aren't. Q. Who else's would they be?	19 20	who that was? A. (Witness complying.)
18 19 20 21	on them. Are those your marks? A. Some of them are. Some of them aren't. Q. Who else's would they be? A. A friend of mine.	19 20 21	who that was?A. (Witness complying.)Q. Okay. Thank you.
18 19 20 21 22	on them. Are those your marks? A. Some of them are. Some of them aren't. Q. Who else's would they be? A. A friend of mine. Q. Who is that friend?	19 20 21 22	who that was?A. (Witness complying.)Q. Okay. Thank you.A. This is a combo.
18 19 20 21 22 23	 on them. Are those your marks? A. Some of them are. Some of them aren't. Q. Who else's would they be? A. A friend of mine. Q. Who is that friend? A. Do I have to tell you? 	19 20 21 22 23	 who that was? A. (Witness complying.) Q. Okay. Thank you. A. This is a combo. Q. And that's Exhibit 4, you are looking
18 19 20 21 22	on them. Are those your marks? A. Some of them are. Some of them aren't. Q. Who else's would they be? A. A friend of mine. Q. Who is that friend?	19 20 21 22	who that was?A. (Witness complying.)Q. Okay. Thank you.A. This is a combo.

1	be underlined here, like that (indicating).	1	A. Very little, but I'm familiar with what
2	Q. So for the record, unfortunately,	2	it is.
3	Mr. Moyle, when you say, "this," it shows up on	3	Q. Okay. What do you know about it?
4	the transcript	4	A. What do you want to know? It allows
5	A. Underlying the statement from the	5	forced annexations.
6	director –	6	Q. I want to know –
7	Q. Let's do it this way. You marked on	7	A. It allows police powers with the
8	Exhibit 4 you just put a new mark?	8	cities, things like that.
9	A. Correct.	9	Q. Okay. Anything else?
10	Q. What page is that on?	10	A. I don't know. There is a lot of stuff
11	A. It's on page 5.	11	in it.
12	Q. Okay. And you	12	Q. Okay. But I'm just asking you about,
13	A. Page 5 of Exhibit 2.	13	what you know about it?
14	Q. And would you just put a	14	A. Those are the ones that I brought up,
15	A. Combo, what do you want me to put?	15	that come to my mind.
16	Q. Whatever you just marked on it, I want	16	Q. Okay. You mentioned that you were
17	you to put a star by it. You are from Star.	17	going to talk to Mr. Homan and Mr. Baxter. And I
18	That's a good one.	18	think you said, if I am allowed to testify?
19	A. (Witness complying.) That is a star.	19	A. Yeah, I would like to talk to them and
20	What do you want?	20	get their side of the story.
21	Q. That is fine.	21	Q. Would you anticipate talking to them
22	A. Now what?	22	before your testimony?
23	Q. That was Exhibit 2?	23	A. I would try to.
24	A. Yes.	24	Q. Okay. Have you looked at the
25	Q. Now, Exhibit 1, there is no marks on	25	settlement agreement between the Department and
	Page 65		Page 67
1	it. So just pass it back.	1	M3?
2	A. Well, it's underlined.	2	A. Not all of it.
3	Q. Did you underline it?	3	Q. What part did you look at?
4	A. No.	4	A. Just the front page of it on the
5	Q. Do you know who underlined it?	5	computer, and didn't have time to read it before
6	A. No.	6	I came.
7	Q. Okay. So besides Mr. Thornton, did	7	Q. Okay. Do you intend to read it?
8	anybody else mark on these?	8	A. If I testify, yeah.
9	A. Besides me and Mr. Thornton?	9	Q. Okay. And
10	Q. Besides you and Mr. Thornton, yes.	10	A. How does that work? How does the
11	A. Not unless somebody else did. It could	11	Department make an agreement without the
12	have been something marked there from Mary, but I	12	protestants involved? How does that work?
13	don't know that she did.	13	Q. Well, unfortunately, in a deposition, I
14	Q. Okay.	14	ask questions. You answer. If you have
15	A. You'll have to ask her.	15	questions, it's not part of the deposition.
16	Q. Are you familiar with the Local Land	16	A. I don't get – it's not a two-way
17	Use Planning Act?	17	conversation.
18	A. I wrote the note that it should never	18	Q. It is not. It's unfortunate, but
19	have been passed.	19	that's the way it goes.
20	Q. That means you are familiar with it;	20	A. So we could go off the record, and shut
21	correct?	21	the tape down, and I could tell you.
22	A. That's your annexation stuff; isn't it?	22	Q. Yeah, I could.
23	Passed in the '70s. What would you like to know?	23	A. You wouldn't, though, it sounds like?
24	Q. I would like to know if you are	24	Q. Well, I just need to get through your
25	familiar with it?	25	deposition, if you don't mind.
	Page 66		Page 68
	2090 00		

۰,

17 (Pages 65 to 68)

		1	
1	So you had responded to one question.	1	everybody else's water right, we ought to look at
2	You intended to testify about the annexation	2	a solution to the problem. And I think a
3	process about Eagle's future needs, what is	3	solution to the problem would be surface water.
4	Eagle, quote, "trying to accomplish," and impacts	4	So those are my opinions.
5	on your water?	5	Q. Those are your opinions about what a
6	A. I think you've got to look at the	6	party should do with its own private property;
7	impacts, not only to mine, but everybody else's.	7	correct?
8	Q. Okay.	8	A. Those are my opinions on what ought to
9	A. It needs to be broader than that.	9	happen on this project.
10	Q. All right. You indicated that in your	10	Q. Okay. You made the comment that we
11	opinion, cities should be using surface water;	11	have a declining resource. IDWR says so. How do
12	correct?	12	you know that?
13	A. Yeah, you and I have had that	13	A. Hence, the reason that Christian
14	discussion before.	14	Petrich brought it up in the committee. IDWR had
15	Q. Where would the surface water come	15	concern about North Ada County. The director had
16	from, for the M3 project?	16	concerns when he had issue with well, one of
17	A. You tell me.	17	his orders that I read. And quite frankly, their
18	Q. You don't know?	18	own study from M3 addressed it, that there is a
19	A. It's not my project. I know they have	19	decline in water.
20	a surface water right now. I think if they have	20	I also know that the subdivisions to
21	one now, they could change it over, and use it	21	the other side of the road from this proposed
22	for the other.	22	project, are lowering their wells, because they
23	Q. And would it be enough for the M3	23	are going down. So that tells me that there is
24	project?	24	declining water in North Ada County. And the
25	A. I don't know. I do know they are on a	25	Department the reason they are doing the study
	Page 69		Page 71
1	ditch, though, that allows more water to be	1	there is, there is a concern. They wouldn't be
2	transferred if they wanted to go purchase it.	2	doing a study if there wasn't a concern with
3	Q. And you are a farmer. You know that	3	North Ada County.
4	the water in the Farmers Union ditch is owned by	4	Q. So you don't think the Department would
5	someone else; don't you?	5	do a study just to gather information, so they
6	A. Uh-huh.	6	can make informed decisions?
7	Q. Okay.	7	A. I think the Department is low on
8	A. But I also know, that someone else has	8	resources, and they are going to focus on areas
9	been willing to make deals with Micron and United	9	of concern. And I think that when we, the
10	Water. So I think it could be done, you have got	10	legislature, put the money together for the North
11	examples of that already taking place.	11	Ada County, the reason it stayed on the top of
12	Q. Okay.	12	the list was, because we were concerned about
13	A. And also with in basin storage, and I	13	declining water levels.
14	think that that plays that that might be	14	And it was brought to their attention,
15	conducive to that, although I am not a	15	I think, in part by Christian Petrich. If I'm
16	hydrologist.	16	not mistaken, didn't he do the study, early on,
17	Q. But those are your opinions about what	17	that had the concerns? And the two places that
18	a private party should do; correct?	18	Christian Petrich mentioned were concerns, if I'm
19	A. Maybe they need to have a statute to	19	not mistaken, were North Ada County and Lake
20	help them get there.	20	Lowell, down by Lake Lowell, south somewhere.
21	Q. But that is your opinion about what a	21	Q. That issue, you say, the availability
22	private party should do with their property;	22	of the water supply, you would have confidence in
23	correct?	23	Mr. Petrich's opinion?
24	A. It's my opinion, that when a big	24	A. I'm saying, Mr. Petrich says things,
25	developer comes in, and is going to affect	25	whoever is paying him to do it. I think that you
	Page 70		Page 72

1	could go look at what he said before with his	1	Not that way (indicating). I think that you grow
2	concerns in North Ada County, and look at other	2	from your center. You work your way out. You
3	places, and they don't always say the same thing.	3	don't do what they are doing with the M3 project,
4	But that's my opinion.	4	where you go eight miles from the city and create
5	Q. I hope you can understand why I'm	5	a whole new enclave, and annex all this ground in
6	having trouble establishing between your opinion	6	between with no anticipation to providing the
7	as a layperson and a legislator. That's why I	7	services to develop between them for years to
8	asked the question.	8	come. I think that's a mistake. And the cities
9	A. I apologize.	9	need to grow from the center out.
10	Q. I recognize it's hard to draw the line	10	Q. Okay. And again
11	sometimes.	11	A. It's easier for them to provide
12	A. I'm not good at drawing lines.	12	services.
13	Q. The comment you made, that cities are	13	Q. And again, that's your own personal
14	trying to grab water. What were you referring to	14	opinion; correct?
15	there?	15	A. It's just common sense.
16	A. I think they are.	16	Q. And you made the comment, I wish I had
17		17	
18	Q. What are you referring to?	18	protested this application. Do you remember
19	A. For example, this water right. They	18	that?
	don't need that much water for the first phase or		A. Yeah. If I had known the effects it
20	two. Let's see if it works. I think that is why	20	was going to have on my wells, I probably would
21	they have these huge planning areas. I think	21	have. I had no idea. And I think that's the bad
22	that goes with their questions there under future	22	situation with regards to the process now.
23	planning needs and anticipated growth.	23	Because until Squires' study, you know, I didn't
24	I think that they are trying to grab	24	think it was going to affect us as bad as Ed
25	area before somebody else grabs it. I think you Page 73	25	thinks it will. Page 75
<u> </u>			
1	saw that in regards to Eagle and Star, in their	1	Q. Did you review the application filed by
2	area of impact. The City of Eagle said, they	2	M3 when it was filed?
3	wouldn't go past Linder. And then they said,	3	A. No. I think at that time, you and I
4	they wouldn't go past Palmer. And then they	4	were playing on another one.
5	wouldn't go past 16. And every time they made	5	Q. At the very beginning of your
6	these arbitrary make believe marks in the sand,	6	deposition, you indicated that you had talked to
7	they went past them. And in the meantime, they	7	Mr. John Thornton, Mary Taylor, Mr. Meissner, and
8	couldn't provide sewer or any services to them.	8	Alan Smith, and Jason Smith; correct?
9	It was just, burry up and grab it before somebody	9	A. Yeah.
10	else got it. It's crazy.	10	Q. Any others?
11	Q. Is it your understanding that the City	11	A. There were others. I don't remember
12	of Eagle provides sewer service?	12	their names.
13	A. They don't. They have a private	13	Q. Do you remember their faces?
14	company. The same as Star. But when they do	14	A. No.
15	their development agreements, that's my	15	Q. Okay. Have you ever talked to Eagle?
16	understanding, that's part of the agreement. So	16	Have you ever talked to the City of Eagle about
17		17	this?
18	while it may be Eagle City sewer, it's really the	18	
18	City of Eagle. They work hand-in-hand on doing		A. Formally, no.
	it.	19	Q. Informally?
20	Q. Okay. As a general principle, do you	20	A. Oh, the Norm Semanko and I have touched
21	believe cities shouldn't plan for the future?	21	off on it just a little bit, but not really the
22	A. I think cities should plan from the	22	water right. Just issues with M3, what was going
23	center out.	23	on. He talked to me the other day at a chamber
24	Q. What does that mean?	24	meeting about CIDs. I think that was in the
105	A. I think you grow this way (indicating).	25	paper.
25	Page 74		Page 76

1 Q. But not about this particular water	 Q. Okay. And so if you've been measuring
2 right?	2 the head pressure, what's your head pressure now?
3 A. Un-buh.	3 A. Head pressure this summer went up.
4 Q. And have you talked to the City about	4 This summer when Legacy went broke, they quit
5 its future planning rights?	5 pumping the water in the ditch. The fire
6 A. Un-huh. Now, on the past one, Mayor	6 hydrants kept running in the drain, and the
7 Merrill talked about them.	7 pressure came back up. We would have run mink
8 Q. The past what?	8 this summer if we would have known that they were
9 A. The past water rights.	9 quit running in the ditch.
	10 Q. So do you know what the head pressure
IN A WE DECIDE OF RECEIPTION OF RECEIPTION OF THE DECIDENCE DECIDENCE OF PROPERTIES.	11 is now?
	12 A. I haven't looked at it recently. The
	13 last time I looked it was about eight-and-a-half.
di time jet time te time e tij et e Bri	14 Q. When you say, it came back up, you mean
	15 it ran the artesian?
	16 A. The pressures came back up. The
	17 pressures went down to about two, two-and-a-half,
The second second second contraction and second sec	that's when they wouldn't work for the water in
	19 the mink. When they quit running the fire
	 hydrants in the drain, the pressure came back up.
	21 But who was to know that they were going to go
The second	broke, and turn the wells off.
F-F-B	, , , , , , , , , , , , , , , , , , ,
25 about that? Page 77	25 grab water. You were referring to this Page 79
1 Q. Sure, tell me about that.	1 application?
2 A. The well that supplies the mink farm.	2 A. I think sometimes, like with Legacy,
3 And you go by and the sheds are still there. Not	3 and with this water right application, they apply
4 all of them, but there is five or six sheds are	4 for more than they need. And I think you saw
5 still there. When Eagle got their water right	5 that, when the director said they needed less in
6 for Legacy, and they built a few houses. The	6 this water right. He said the same thing in the
7 people living in them didn't like the taste of	7 water right that we did before.
8 the water, because it kind of has sulphur taste,	8 So sometimes they try to go for a lot
9 because they went to the same aquifer as the well	9 more than is necessary, and I think that's a
	10 water grab. And they use the excuse of
	11 anticipated future needs. Well, you see what's
	12 going on out there? Their growth rate didn't hit
	13 anywhere near what they anticipated it to be.
	14 Q. What did they anticipate it to be?
0,1 3	15 A. I don't know. I'm sure it was not what
1 0//	16 it is today.
The second state of the second s	17 Q. So you are speculating?
, , , , , , , , , , , , , , , , , , ,	A. I'm guessing. But I do remember when
	 A. Thi guessing. But I do remember when we talked before about the hundreds of houses,
1 0	and all the stuff in regards to Legacy. I'm sure
	it was probably similar with M3, and all these
2 notice incoments if there is no assessed in it	homes and stuff that were there. I think that's
	a nomes and suff that were mere i initik that's
22 There is nothing there. It was always just used	second the construction of the second s
 There is nothing there. It was always just used for the mink and for ag. 	23 why the director pared it down, originally,
 There is nothing there. It was always just used for the mink and for ag. Q. Do you recall how deep that well is? 	 why the director pared it down, originally, before the final, final, wherever we are at.
 There is nothing there. It was always just used for the mink and for ag. Q. Do you recall how deep that well is? 	23 why the director pared it down, originally,

7

1 2	A. So I think that the cities asked for more than they ever anticipated needing or using,	1 2	ERRATA SHEET FOR MIKE MOYLE PageLineReason for Chauge
3	and I don't think that's right.	3	ReadsSbould Read
4		4	
5	Q. So when you say, generically, "cities,"	5	Page Line Reason for Change Reads
	you are referring to the City of Eagle, not		ReadsSbould Read
6	anyone else?	6	Page Line Reason for Change
7	A. I would have to do some research, but I		Reads
8	think I would assume City of Eagle, but I don't	8	Should Read
9	know that for sure. I'm speculating.		Page Line Reason for Change
10	MR. SMITH: I have no further	10	ReadsShould Read
11	questions. Thank you very much.	11	
12	THE WITNESS: Thanks, Bruce.	12	Page Line Reason for Change
13	MR. FEREDAY: I guess that's it.	13	Reads Should Read
14	(Deposition concluded at 12:52 p.m.)	14	
15	(Signature requested.)	15	Page Line Reason for Change Reads
16			Reads Should Read
17		16	Page Line Reason for Change
18		1,	Reads Should Read
19		18 19	Should Read
20		19	Page Line Reason for Change
21		20	Reads
22		21	Should Kcad
22		22	Page Line Reason for Change
a desired a second of		23	Reads Should Read
24		24	You may use another sheet if you need more room.
25	Page 81	25	WITNESS SIGNATURE Page 83
<u> </u>	rage bi	<u> </u>	rage 05
1	CERTIFICATE OF WITNESS	1	REPORTER'S CERTIFICATE
1	CERTIFICATE OF WITNESS	1	REPORTER'S CERTIFICATE
2	I, MIKE MOYLE, being first duly sworn,	2	I, COLLEEN P. ZEIMANTZ, CSR No. 345,
2 3	I, MIKE MOYLE, being first duly sworn, depose and say:	2 3	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify:
2 3 4	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing	2 3 4	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken
2 3 4 5	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1	2 3 4 5	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set
2 3 4 5 6	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and	2 3 4 5 6	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under
2 3 4 5 6 7	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions	2 3 4 5 6 7	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;
2 3 4 5 6 7 8	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that	2 3 4 5 6 7 8	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made
2 3 4 5 6 7 8 9	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and	2 3 4 5 6 7 8 9	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and
2 3 4 5 6 7 8 9 10	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have	2 3 4 5 6 7 8 9	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction;
2 3 4 5 6 7 8 9 10 11	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto:	2 3 4 5 6 7 8 9 10 11	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct
2 3 4 5 6 7 8 9 10 11 12	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have	2 3 4 5 6 7 8 9 10 11 12	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my
2 3 4 5 6 7 8 9 10 11 12 13	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto:	2 3 4 5 6 7 8 9 10 11 12 13	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability;
2 3 4 5 6 7 8 9 10 11 12	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED this day of,	2 3 4 5 6 7 8 9 10 11 12 13 14	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my
2 3 4 5 6 7 8 9 10 11 12 13 14 15	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto:	2 3 4 5 6 7 8 9 10 11 12 13 14 15	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I
2 3 4 5 6 7 8 9 10 11 12 13 14	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED this day of,	2 3 4 5 6 7 8 9 10 11 12 13 14	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative
2 3 4 5 6 7 8 9 10 11 12 13 14 15	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED this day of,	2 3 4 5 6 7 8 9 10 11 12 13 14 15	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED this day of,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED this day of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action. IN WITNESS WHEREOF, I set my hand and seal
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED this day of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action. IN WITNESS WHEREOF, I set my hand and seal
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED thisday of MIKE MOYLE SUBSCRIBED AND SWORN to before me this	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action. IN WITNESS WHEREOF, I set my hand and seal this 11th day of October, 2011.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED this day of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action. IN WITNESS WHEREOF, I set my hand and seal this 11 th day of October, 2011. COLLEEN P. ZEIMANTZ, CSR 345
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED thisday of MIKE MOYLE SUBSCRIBED AND SWORN to before me this day of, 20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action. IN WITNESS WHEREOF, I set my hand and seal this 11 th day of October, 2011. COLLEEN P. ZEIMANTZ, CSR 345 Notary Public
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED thisday of MIKE MOYLE SUBSCRIBED AND SWORN to before me this day of, 20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action. IN WITNESS WHEREOF, I set my hand and seal this 11 th day of October, 2011. COLLEEN P. ZEIMANTZ, CSR 345 Notary Public P.O. Box 2636
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED thisday of MIKE MOYLE SUBSCRIBED AND SWORN to before me this day of, 20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22 23 24	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action. IN WITNESS WHEREOF, I set my hand and seal this 11th day of October, 2011. COLLEEN P. ZEIMANTZ, CSR 345 Notary Public P.O. Box 2636 Boise, Idaho 83701-2636
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	I, MIKE MOYLE, being first duly sworn, depose and say: That I am the witness named in the foregoing deposition, Volume I, consisting of pages 1 through 80; that I have read said deposition and know the contents thereof; that the questions contained therein were propounded to me; and that the answers contained therein are true and correct, except for any changes that I may have listed on the Change Sheet attached hereto: DATED thisday of MIKE MOYLE SUBSCRIBED AND SWORN to before me this day of, 20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my ability; I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action. IN WITNESS WHEREOF, I set my hand and seal this 11 th day of October, 2011. COLLEEN P. ZEIMANTZ, CSR 345 Notary Public P.O. Box 2636

		—	
1	BEFORE THE DEPARTMENT OF WATER RESOURCES	1	INDEX
2	OF THE STATE OF IDAHO	2	TESTIMONY OF MARY TAYLOR PAGE
3		3	Examination by Mr. Fereday 4
4	IN THE MATTER OF APPLICATION)	4	Examination by Mr. Alan Smith 23
5	FOR PERMIT NO. 63-32573 IN THE)	5	Further Examination by Mr. Fereday 25
6	NAME OF M3 EAGLE LLC, ASSIGNED)	6	Examination by Mr. Smith 26
7	TO THE CITY OF EAGLE)	7	Further Examination by Mr. Fereday 46
8)	8	Further Examination by Mr. Alan Smith 47
9		9	
10		10	
11		1	EXHIBITS
12		12	DESCRIPTION PAGE
13		13	H - Copy of Notice of Deposition Duces 4
14		14	Tecum of Mary Taylor
15		15	
16	DEPOSITION OF MARY TAYLOR	16	
17	October 12, 2011	17	
18		į8	
19		19	
20	REPORTED BY:	20	
21	COLLEEN P. ZEIMANTZ, CSR No. 345	21	
22	Notary Public	22	
23		23	
24		24	
25		25 25	
		ļ	Page 3
1	DEPOSITION OF MARY TAYLOR was taken on	1	(Exhibit H marked.)
2	behalf of the M3 Eagle LLC, at the offices of	2	MARY TAYLOR,
3	Givens Pursley, LLP, located at 601 West Bannock	3	first duly sworn to tell the truth relating to
4	Street, Boise, Idaho, commencing at 9:53 a.m., on	4	said cause, testified as follows:
5	October 12, 2011, before Colleen P. Zeimantz,	5	EXAMINATION
6	Certified Shorthand Reporter and Notary Public	6	QUESTIONS BY MR. FEREDAY:
7	within and for the State of Idaho, in the	7	Q. Please, state your name and address.
8	above-entitled matter.	8	A. Mary Taylor, 3410 Hartley Road, Eagle,
9	APPEARANCES:	9	Idaho.
0	For M3 Eagle LLC:	10	Q. What's your occupation, Mary?
1	Givens Pursley, LLP	11	A. Housewife, and help my busband with his
2	BY MR. JEFFREY C. FEREDAY	12	business.
13	BY MR. MICHAEL P. LAWRENCE	13	Q. And what's your educational background?
4	601 West Bannock Street	14	A. Three-and-a-balf-years at the U of I.
15	P.O. Box 2720	15	Q. In what field?
16	Boise, Idaho 83701-2720	16	A. I changed every semester. That's why I
17	For the City of Eagle:	17	didn't get a degree.
8	Moore Smith Buxton & Turcke, Chartered	18	Q. Okay. Have you ever been deposed
19	BY MR. BRUCE M. SMITH	19	before —
20	950 West Bannock, Suite 520	20	A. No.
21	Boise, Idaho 83702	21	Q Mary?
22 23	Also Present: Alan Smith	22	A. I've never even been to traffic court.
23	Jason Smith	3	Q. Do you mind if I call you, Mary?
24 25	:	4	A. That's fine.
25		25	Q. So you've never been deposed before?
	Page 2		Page 4
			1 (Pages 1 to 4)
			- (14900 1 00 1

(208)345-9611

• *

M & M COURT REPORTING

(20 EXHIBIT

1 A. No. 2 Q. So let me just explain. This is an exercise where we simply are trying to find out what you know, what facts you know about this smither. 3 Q. Have you met with John Thomton about this application? 4 Max you know, what facts you know about this smither. 3 Q. Have you met with John Thomton about this application? 6 A. Okay. 6 Have - now, let me think. There was a meeting - yes, his mame was John. And I'll be honest with you, I do not remember his last name. 0 10 A. Okay. 10 O. And I'll ry not to talk over you, and 1 11 A. Max your assistant here, or your counsel, Mr. 11 guessions, you can certainly refer those to, I 13 3 application; do you know? 13 questions, your as effect there, or your counsel, Mr. 13 application; do you know? 14 A. Okay. 11 3 application; do you know? 15 Smith. And if you don't understand a question, growth forecasting, or anything like that? 13 application; do you know? 16 O. You said earlier, that you brought no experience: 9 O. Lear was about he wore pist from development of the substance of them. 17 A. No. 2 Q. Or water use forecasting for wore weel, and damage that might come to				
3 exercise where we simply are trying to find out 3 Q. Have you met with John Thornton about 4 what you know, what facts you know about this 3 Q. Have you met with John Thornton about 6 A. Okay. A. I met with a gentleman - 1 6 A. Okay. A. I met with a gentleman - 1 7 Q. So we'll be asking questions. And have - now, let me think. There was a 10 A. Okay. meeting - yes, his name was John. And I'll be 11 Q. And I'll try not to talk over you, and 11 12 yeestions, you can certainly refer those to, I 13 13 guestions, you can certainly refer those to, I 13 14 Q. Okay. So I take it you have any 13 application; do you know? 15 Smith. And if you don't understand a question, 16 hawe. I'm not certain of that, 16 please ask me. 16 chaw about he issue of water in 17 A. Okay. 17 A. Okay. Au that was the substance of 18 Q. Okay. So I take it you have no 18 wat me centre group of people that were 20 Or water use forecasting, or anything like that? 20 No. <td>1</td> <td>A. No.</td> <td>1</td> <td>Q. Is that, no?</td>	1	A. No.	1	Q. Is that, no?
4 what you know, what facts you know about this matter. 4 this application? 5 matter. A. Okay. 7 Q. So well be asking questions. And fave - now, let ume think. There was a meeting - yee, his name was a lobn. And I'll be have - now, let ume think. There was a meeting - yee, his name was a lobn. And I'll be 9 Ive asked it, then start your answer. 9 10 A. Okay. 9 11 Q. And I'll try not to talk over you, and questions, you can certainly refer those to, I 13 12 vice versa, I'm sure. And if you have any 13 13 guess, your assistant here, or your counsel, Mr. 14 14 guess, your assistant here, or your counsel, Mr. 14 16 please ask me. 10 17 A. Okay. 11 18 Q. Okay. So I take it you bave no 18 19 education or experience in growth population, growth forecasting, or anything like that? 20 20 Or water use forecasting for 21 21 A. No. 21 22 Q. You are not a protestant in this case; 3 3 A. No. 25 4 A	2	Q. So let me just explain. This is an	2	A. No.
4 what you know, what facts you know about this 4 this application? 5 matter. A. Okay. 7 Q. So well be asking questions. And 5 A. I mex with a gentleman – I 9 picess, listen for the question, and then after 7 have now, let me think. There was a 9 Pice asked it, then start your answer. 9 O. Do you remember this last name. 11 Q. And I'll try not to talk over you, and 11 n. It was about the issue of water in northwest Ada County. 13 questions, you can certainly refer those to, I 13 Q. Did that meeting pertain to this 14 guess, your assistant here, or your counsel, Mr. 14 application; do you know? 14 Q. Okay. So I take it you bave no 18 A. It may have. 17 15 A. No. 17 Q. Okay. And what was the substance of what Mr. Thornton conveyed to you? A. It may have. 10 20 Or water use forecasting for 20 was the emain group of poople that were 21 21 A. No. 21 Q. How about the M3 Eagle water right 21 23 0. So that would be injury to your 23 A. No. <t< td=""><td>3</td><td></td><td>3</td><td>Q. Have you met with John Thornton about</td></t<>	3		3	Q. Have you met with John Thornton about
5matter.5A. I meet with a gentleman - 16A. Okay.6have - now, let me think. There was a7Q. So we'll be asking questions. And6have - now, let me think. There was a8Pre asked it, then start your answer.9O. Do you remember the substance of that10A. Okay.10northember the substance of that11A. Okay.11A. It was about the issue of water in12vice versa, I'm sure. And if you bave any120. Do you remember the substance of that13questions, your assistant here, or your counsel, Mr.13Q. Did that meeting pertain to this14guess, your assistant here, or your counsel, Mr.14aplication; do you know?15Smith. And if you bave no18A. It may have. I'm not certain of that,16please ask me.17A. Okay.1617A. Okay. So I take it you bave no18A. It was' iso much Mr. Thornton, as it18Q. Or water use forecasting for19A. It was' iso much Mr. Thornton, as it20Q. Or water use forecasting for202021A. No.22Q. So that would be injury to your24A. No.23Q. So that would be injury to your25A. No.24Q or water rights from development of26A. That's correct.3A. Yes.3A. No.3(Discussion held off the record.)3Q. You are not a protestant in this case;3A. Yes. <t< td=""><td>4</td><td></td><td>4</td><td>this application?</td></t<>	4		4	this application?
7 Q. So well be asking questions. And 7 meeting yes, his name was John. And I'll be 8 please, listen for the question, and then after 9 Q. Do you remember the substance of that 10 A. Okay. 10 A. Okay. 11 A. It was about the issue of water in 12 vice versa, I'm sure. And if you have any 12 12 14 A. It was about the issue of water in 13 questions, you can certainly refer those to, I 13 Q. Did that meeting or you have any 12 14 guestions, you can certainly refer those to, I 13 application, do you know? 15 Smith. And if you don't understand a question, 16 the may have. 17 17 A. Okay. 17 Q. Okay. And what was the substance of what Mr. Thornton conveyed to you? 18 optimize it was the subt content of that, 10 was the entire group of people that were 19 education or experience in growth population, 19 A. It wasn't so much Mr. Thornton, as it 20 Q. Or water use forecasting for 10 Water the substance of 14 A. No. 20 So that would be injury to your 24	5		5	
7 Q. So we'll be asking questions. And 7 meeting yes, his name was John. And I'll be honest with you, I do not remember his last name. 8 Pive asked it, then start your answer. 9 Q. Do you remember the substance of that meeting? 10 A. Okay. 10 A. Okay. 10 11 Q. And I'll ry not to talk over you, and 11 A. It was about the issue of water in northwest Ada County. 12 yice versa, I'm sure. And if you bave any 12 12 O. Did that meeting pertain to this 14 guess, your assistant here, or your counsel, Mr. 14 16 17 A. Okay. 17 15 Smith. And if you don't understand a question, prevent for cortain or experience in growth population, 17 A. It may have. I'm note creatin of that, 18 10 education or experience in growth population, 19 education, or experience in growth population, 19 A. It wasn't so much Mr. Thornton, as it 10 growth forecasting, or anything like that? 20 Q. Or water use forecasting for 21 10 Weels - 11 documents today; is that correct? 1 Q or water rights from development of 0 2 A. No. 2	6	A. Okay.	6	have now, let me think. There was a
8 please, listen for the question, and then after 9 Inonest with you, I do not remember his last name. 9 Ive asked it, then start your answer. 9 Q. Do you remember the substance of that meeting? 11 Q. And I'll try not to talk over you, and 10 A. It was about the issue of water in 12 vice versa, Tim sure. And if you have any 11 A. It was about the issue of water in 13 questions, you can certainly refer those to, I 11 A. It was about the issue of water in 14 guess, your assistant here, or your counsel, Mr. 14 application; do you know? 14 Q. Okay. So I take it you have no 18 A. It may have. Tim not certain of that, 16 please ask me. 16 Q. Okay. And what was the substance of 17 A. Okay. 17 Q. Okay. And what was the substance of 18 Q. Okay. So I take it you have no 18 application; do you know? 20 Or water use forecasting for 20 Q. Namage that might come to them. 23 municipalities, or anything like that? 23 Q. So that would be injury to your 24 A. No. 25 A. Yes. 26 <td< td=""><td>7</td><td></td><td>7</td><td></td></td<>	7		7	
9 Îve asked it, then start your answer. 9 Q. Do you remember the substance of that 10 A. Okay. 10 12 Q. And Til try not to talk over you, and 11 13 questions, you can certainly refromose to, I 13 14 guess, your assistant here, or your counsel, Mr. 14 15 Smith. And if you don't understand a question, 15 16 but it may have. 10 17 A. Okay. 17 18 Q. Okay. So I take it you have no 18 19 education or experience in growth population, 19 20 Growth forecasting, or anything like that? 21 21 Q. Or water use forecasting for 22 22 Q. Or water use forecasting for 22 23 municipalities, or anything like that? 23 24 A. No. 24 25 A. That's correct. 25 2 Q. You sare not a protestant in this case; 3 37 A. No. 20 30 Q. You are not a protestant in this case; 3 31 A. No.	8		8	
10 A. Okay, 10 meeting? 11 Q. And I'll try not to talk over you, and 11 A. It was about the issue of water in northwest Ada County. 13 questions, you can certainly refer those to, I 11 anorthwest Ada County. 14 questy, your assistant here, or your counsel, Mr. 14 questions, your assistant here, or your counsel, Mr. 16 please ask me. 17 Q. Okay. So I take it you have no 18 19 education or experience in growth population, 0 Q. Q. Way. And what was the substance of 20 growth forecasting, or anything like that? 10 A. It wasn't so much Mr. Thornton, as it 21 A. No. 21 A. No. 22 22 Q. Okay. So I take it you bave no 18 A. It wasn't so much Mr. Thornton, as it 23 growth forecasting or 21 A. No. 22 23 Q. You said earlier, that you brought no 24 A. No. 25 24 A. No. 20 Q. You are not a protestant in this case; 3 Q or water rights from development of 35 A. No. 20 You are not a protestant in this case; 3	9		9	
11 Q. And Till try not to talk over you, and 11 A. It was about the issue of water in 12 vice versa, I'm sure. And if you have any 12 northwest Ada County. 14 guess, your assistant here, or your counsel, Mr. 14 application; do you know? 15 Smith. And if you don't understand a question, 16 A. It may have. Th or eetain of that, 16 please ask me. 16 but it may have. A. It may have. A. It may have. 17 A. Okay. 17 A. Okay. 17 20 Okay. So I take it you have no 18 what Mr. Thornton. conveyed to you? 19 education or experience in growth population, 19 A. It may have. Th or outcent about our 21 nonicipalities, or anything like that? 21 was the entire group of people that were 22 22 Q. You said earlier, that you brought no 25 A. Yes. Page 7 24 A. No. 25 A. Yes. Page 7 25 A. No. 6 Q. Have you read the M3 Eagle water right 7 6 other ground water in the - 3 A. Yes. 30 Coum	10		10	meeting?
12 vice versa, I'm sure. And if you bave any guestions, you can certainly refer those to, I 12 northwest Ada County. 13 questions, you can certainly refer those to, I 13 Q. Did that meeting pertain to this application; do you know? 15 Smith. And if you don't understand a question, please ask me. 14 application; do you know? 16 please ask me. 16 but it may have. 17 18 Q. Okay. So I take it you bave no 18 A. It may have. 17 20 growth forecasting, or anything like that? 20 A. No. 21 A. No. 21 A. No. 22 Q. Or water use forecasting for 22 22 23 Q. So that would be injury to your 24 A. No. 24 A. No. 24 A. Yes. Page 7 1 documents today; is that correct? 1 Q or water rights from development of other ground water in the 3. Yes. 3 Q. You are not a protestant in this case; are you? 1 Q area? 3. A. Yes. 4 are you? 4 Q area? 3. A. Yes. Page 7 4 A. No. G. Have you read the M3 Eagl	11		11	A. It was about the issue of water in
13questions, your can certainly refer those to, I13Q. Did that meeting pertain to this14guess, your assistant here, or your counsel, Mr.14application; do you know?15Smith. And if you don't understand a question,15A. It may have. I'm not certain of that,16please ask me.17A. Okay.1717A. Okay.17Q. Okay. So I take it you have no1818Q. Okay. So I take it you bave no18but it may have.19education or experience in growth population,19A. It wasn'ts on much Mr. Thornton, as it20growth forecasting, or anything like that?20Wast the substance of the was the entire group of people that were21A. No.21Cogether. And we were just concerned about our22Q. Or water use forecasting for222224A. No.24Wells -25Q. You said earlier, that you brought no Page 525A. Yes.26A. That's correct?1Q or water rights from development of other ground water in the -3Q. You are not a protestant in this case; are you?4Q area?4A. No.5A. And the City of Eagle, both.6Q. Have you read the M3 Eagle water right application?7for a moment?7A. No.1010MR. FEREDAY: Eack on the record.9Q. Are you a member of the North Ada9MR. FEREDAY: Back on the record.9Q. Have you and wheit whe ther of those <td>12</td> <td></td> <td>12</td> <td>northwest Ada County.</td>	12		12	northwest Ada County.
14 guess, your assistant here, or your counsel, Mr. 14 application; do you kow? 15 Smith. And if you don't understand a question, 15 A. It may have. I'm not certain of that, 16 please ask me. 16 What Mr. Thornton conveyed to you? 17 A. Okay. 17 Q. Okay. So I take it you bave no 18 18 Q. Okay. So I take it you bave no 18 what Mr. Thornton conveyed to you? 20 growth forecasting, or anything like that? 20 was the entire group of people that were 21 A. No. 21 A. No. 21 22 Q. Or water use forecasting for 22 wells 23 24 A. No. 24 Wells 25 Q. You said earlier, that you brought no Page 5 25 A. Yes. Page 7 1 documents today; is that correct? 1 Q or water rights from development of other ground water in the A. Yes. 3 Q. You are not a protestant in this case; 3 A. Yes. Page 7 4 A. No. 10 Q area? A. Yes. Page 7 4 A. No.	13		13	Q. Did that meeting pertain to this
15 Smith. And if you don't understand a question, 15 A. It may have. I'm not certain of that, 16 please ask me. 16 17 A. Okay. 17 18 Q. Okay. So I take it you have no 18 19 education or experience in growth population, 19 19 education or experience in growth population, 19 21 A. No. 21 22 Q. Or water use forecasting for 21 23 runnicipalities, or anything like that? 23 24 A. No. 24 25 Q. You said earlier, that you brought no Page 5 26 Q. You are not a protestant in this case; A. Yes. 3 are you? 4 5 A. No. 2 6 Q. Have you read the M3 Eagle water right 6 7 A. No. 8 8 A. No. 8 9 Q. Are you a member of the North Ada 9 9 Q. Are you a member of the North Ada 9 9 Q. Are you a member of those 15 10 Q. Hav	14		14	
16 please ask me. 16 but it may have. 17 A. Okay. 17 Q. Okay. And what was the substance of 18 Q. Okay. So I take it you bave no 18 Q. Okay. So I take it you bave no 19 education or experience in growth population, 19 Wast Mr. Thornton conveyed to you? 19 education or experience in growth population, 19 A. It wasn't so much Mr. Thornton, as it 20 growth forecasting, or anything like that? 20 was the entire group of people that were 21 A. No. 21 Wells - 22 Q. Or water use forecasting for 22 Wells - 23 municipalities, or anything like that? 23 Q. So that would be injury to your 24 A. No. 24 Wells - 25 25 Q. You said earlier, that you brought no Page 5 25 A. Yes. Page 7 1 documents today; is that correct? 1 Q or water rights from development of the record. 0 2 A. No. 2 0 area? A. And the City of Eagle, both. 0 3 A. No. 10 M. FEREDAY: Can we go o	15		15	
18 Q. Okay. So I take it you have no 18 what Mr. Thornton conveyed to you? 19 education or experience in growth population, 19 A. It wasn't so much Mr. Thornton, as it 20 growth forecasting, or anything like that? 20 No. 21 21 A. No. 22 wells, and damage that might come to them. 23 municipalities, or anything like that? 23 Q. So that would be injury to your 24 A. No. 23 Q. You said earlier, that you brought no Page 5 25 A. Yes. 24 A. No. 25 A. Yes. Page 7 25 A. That's correct? 1 Q or water rights from development of other ground water in the 3 Q. You are not a protestant in this case; a are you? 4 Q area? 5 A. No. 5 A. And the City of Eagle, both. 6 Q. Have you read the M3 Eagle water right application? 9 M. FEREDAY: Can we go off the record. 7 application? 10 Oiscussion held off the record. 9 9 Q. Are you a member of the North Ada 9 M. FEREDAY: Back on the record. 10	16		16	
18 Q. Okay. So I take it you have no 18 what Mr. Thornton conveyed to you? 19 education or experience in growth population, 19 A. It wasn't so much Mr. Thornton, as it 20 growth forecasting, or anything like that? 20 X. It wasn't so much Mr. Thornton, as it 21 A. No. 21 X. It wasn't so much Mr. Thornton, as it 22 Q. Or water use forecasting for 22 wells, and damage that might come to them. 23 municipalities, or anything like that? 23 Q. So that would be injury to your 24 A. No. 23 Q. So that would be injury to your 24 A. No. 24 Wells - 25 Q. You said earlier, that you brought no 25 A. Yes. 26 You are not a protestant in this case; 1 Q or water rights from development of 3 Q. You are not a protestant in this case; 4 Q area? 5 4 A. No. 9 M. FEREDAY: Can we go off the record. 7 for a moment? (Discussion held off the record.) 9 9 Q. Are you a member of the North Ada 9 M. FEREDAY: Back on the record. <td>17</td> <td>A. Okay.</td> <td>17</td> <td>Q. Okay. And what was the substance of</td>	17	A. Okay.	17	Q. Okay. And what was the substance of
19 education or experience in growth population, 19 A. It wasn't so much Mr. Thoruton, as it 20 growth forecasting, or anything like that? 20 was the entire group of people that were 21 A. No. 21 22 Q. Or water use forecasting for 22 24 A. No. 23 25 Q. You said earlier, that you brought no Page 5 Q. So that would be injury to your 24 A. That's correct. 20 3 Q. You are not a protestant in this case; 3 4 are you? 4 5 A. No. 5 6 Q. Have you read the M3 Eagle water right 6 7 It wasn't so much Mr. Thoruton, as it was the entire group of people that were 7 A. That's correct. 20 So that would be injury to your 24 wells - 20 - or water rights from development of 6 Q. You are not a protestant in this case; 3 A. Yes. 7 G. are you? 4 Q area? 5 8 A. No. 7 MR. FEREDAY? Can we go off the record. 9	18	-	18	
21 A. No. 21 together. And we were just concerned about our wells, and damage that might corne to them. 22 Q. Or water use forecasting for municipalities, or anything like that? 22 Q. So that would be injury to your 24 A. No. 23 Q. So that would be injury to your 24 24 A. No. 25 Q. You said earlier, that you brought no Page 5 25 A. Yes. 25 Q. You are not a protestant in this case; are you? 1 Q or water rights from development of other ground water in the - 3 3 Q. You are not a protestant in this case; are you? 4 Q area? 5 A. No. 6 Q. Have you read the M3 Eagle water right application? 5 A. And. the City of Eagle, both. 6 MR. FEREDAY: Can we go off the record. 9 Q. Are you a member of the North Ada 9 MR. FEREDAY: Do you have any information about your own well, and how it might have been affected by any pumping, by any other 13 Water Users Association? 10 Q. (BY MR. FEREDAY: Do you have any information about your own well, and how it might have been affected by any pumping, by any other 13 Water Users Association? 11 have been affected by any pumping, by any other 14 A	19		19	
22 Q. Or water use forecasting for municipalities, or anything like that? 22 wells, and damage that might come to them. 23 M. No. 23 Q. So that would be injury to your 24 A. No. 24 A. No. 25 Q. You said earlier, that you brought no Page 5 25 A. Yes. 2 A. That's correct. 2 A. Yes. Page 7 2 A. No. 2 A. Yes. A. Yes. 3 Q. You are not a protestant in this case; 3 A. Yes. A. And the City of Eagle, both. 6 Q. Have you read the M3 Eagle water right application? 5 A. And the City of Eagle, both. MR FEREDAY: Can we go off the record. 9 Q. Are you a member of the North Ada 9 MR FEREDAY: Back on the record. 10 Coumty Foothills Alliance? 10 Q. (BY MR FEREDAY) Do you have any information about your own well, and how it might have been affected by any pumping, by any other 11 A. No. 11 have been offected by any pumping, by any other 13 Order Users, met with a number of people in northwest Ada County. I would think some of them 14 A. My understanding is, that wasn't a part of the scope of these questions. Is that – am I	20	growth forecasting, or anything like that?	20	was the entire group of people that were
23 municipalities, or anything like that? 23 Q. So that would be injury to your 24 A. No. 24 A. No. 25 Q. You said earlier, that you brought no Page 5 Page 7 25 Q. You said earlier, that you brought no Page 5 25 A. Yes. Page 7 1 documents today; is that correct? 1 Q or water rights from development of other ground water in the A. Yes. 3 Q. You are not a protestant in this case; are you? 4 Q area? A. Yes. 5 A. No. 5 A. and the City of Eagle, both. MR FEREDAY: Can we go off the record for a moment? 6 Q. Have you are mote of the North Ada 9 MR FEREDAY: Back on the record. 9 Q. Are you a member of the North Ada 9 MR FEREDAY: Back on the record. 10 County Foothills Alliance? 10 Q. (BY MR FEREDAY) Do you have any information about your own well, and how it might have been affected by any pumping, by any other 14 A. No. 14 A. My understanding is, that wasn't a part 15 Q. Have you met with either of those 15 of the secone of these questions. Is that - am I accurate on that? 17 A. I think so. Trn not certain. W	21	A. No.	21	together. And we were just concerned about our
24 A. No. 24 wells – 25 Q. You said earlier, that you brought no Page 5 25 A. Yes. 1 documents today; is that correct? 1 Q or water rights from development of other ground water in the – 3 Q. You are not a protestant in this case; 1 Q or water rights from development of other ground water in the – 3 Q. You are not a protestant in this case; 3 A. Yes. 4 A. No. Q area? 5 A. No. 5 A. And the City of Eagle, both. 6 Q. Have you read the M3 Eagle water right application? 6 M. FEREDAY: Can we go off the record. 7 M. No. 7 10 Oiscussion held off the record. 9 Q. Are you a member of the North Ada 9 MR. FEREDAY: Back on the record. 10 Q. How about the North Ada County Ground 11 have been affected by any pumping, by any other 13 Water Users Association? 11 A. No. 14 A. My understanding is, that wasn't a part 15 Q. Have you met with either of those 15 of the scope of these question. because you 17 A. I think so. Tm not certain. We h	22	Q. Or water use forecasting for	22	wells, and damage that might come to them.
25 Q. You said earlier, that you brought no Page 5 25 A. Yes. Page 7 1 documents today; is that correct? 1 Q or water rights from development of other ground water in the - 3 Q. You are not a protestant in this case; 1 Q or water rights from development of 3 M. Yes. - A. Yes. - 4 are you? - A. No. - 5 A. No. 5 A. And the City of Eagle, both. M. FEREDAY: Can we go off the record for a moment? 7 application? 7 6 M. FEREDAY: Back on the record. 9 Q. Are you a member of the North Ada 9 M. FEREDAY: Back on the record. 10 County Foothills Alliance? 10 Q. (BY MR. FEREDAY) Do you have any information about your own well, and how it might have been affected by any pumping, by any other entity? 14 A. No. 14 A. My understanding is, that wasn't a part of the scope of these questions. Is that - am I accurate on that? 16 organizations? 17 Q. That's accurate, ma'am. I'm just asking you that follow-up question, because you wells. And I'm trying to find out whether that is an area that might lead us into some evidence, or facts that do pertain to the scope of this nearing. So that's why I'm asking y	23	municipalities, or anything like that?	23	Q. So that would be injury to your
Page 5Page 71documents today; is that correct?1Q or water rights from development of2A. That's correct.2other ground water in the3Q. You are not a protestant in this case;A. Yes.4are you?4Q area?5A. No.5A. And the City of Eagle, both.6Q. Have you read the M3 Eagle water right6MR. FEREDAY: Can we go off the record7application?7for a mornent?8A. No.8(Discussion held off the record.)9Q. Are you a member of the North Ada9MR. FEREDAY: Back on the record.10County Foothills Alliance?10Q. (BY MR. FEREDAY) Do you have any information about your own well, and how it might12Q. How about the North Ada County Ground12have been affected by any pumping, by any other13Water Users Association?13accurate on that?14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that - am I accurate on that?18through the years, met with a number of people in northwest Ada County. I would think some of them are members of that, but I don't know that for sure.2022Q. Have you provided financial support - 23A. No.2123A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about are	24	A. No.	24	wells -
1 documents today; is that correct? 1 Q or water rights from development of other ground water in the 2 A. That's correct. 2 other ground water in the 3 Q. You are not a protestant in this case; 3 A. Yes. 4 are you? 4 Q area? 5 A. No. 5 A. And the City of Eagle, both. 6 Q. Have you read the M3 Eagle water right 6 MR. FEREDAY: Can we go off the record. 7 application? 8 (Discussion held off the record.) 8 A. No. 8 (Discussion held off the record.) 9 Q. Are you a member of the North Ada 9 (Discussion held off the record.) 10 County Foothills Alliance? 10 Q. (BY MR. FEREDAY: Back on the record. 11 A. No. 11 have been affected by any pumping, by any other 13 Water Users Association? 13 entity? 14 A. No. 14 A. My understanding is, that wasn't a part 15 Q. Have you met with either of those 15 of the scope of these question. Is that – am I 16 organizations? 16 <td>25</td> <td>Q. You said earlier, that you brought no</td> <td>25</td> <td></td>	25	Q. You said earlier, that you brought no	25	
2 A. That's correct. 2 other ground water in the 3 Q. You are not a protestant in this case; 3 A. Yes. 4 are you? 4 Q area? 5 A. No. 5 A. And the City of Eagle, both. 6 Q. Have you read the M3 Eagle water right 6 MR. FEREDAY: Can we go off the record. 7 A. No. 8 (Discussion held off the record.) 9 Q. Are you a member of the North Ada 9 MR. FEREDAY: Back on the record. 10 County Foothills Alliance? 10 Q. (BY MR. FEREDAY) Do you have any 11 A. No. 11 information about your own well, and how it might 12 Q. How about the North Ada County Ground 12 have been affected by any pumping, by any other 13 Water Users Association? 14 A. My understanding is, that wasn't a part 16 organizations? 16 accurate on that? 17 A. I think so. I'm not certain. We have, 17 Q. That's accurate, ma'am. I'm just 18 through the years, met with a number of people in northwest Ada County. I would think some of them 19 no		Page 5		Page 7
2 A. That's correct. 2 other ground water in the 3 Q. You are not a protestant in this case; 3 A. Yes. 4 are you? 4 Q area? 5 A. No. 5 A. And the City of Eagle, both. 6 Q. Have you read the M3 Eagle water right 6 MR. FEREDAY: Can we go off the record. 7 A. No. 8 (Discussion held off the record.) 9 Q. Are you a member of the North Ada 9 MR. FEREDAY: Back on the record. 10 County Foothills Alliance? 10 Q. (BY MR. FEREDAY) Do you have any 11 A. No. 11 information about your own well, and how it might 12 Q. How about the North Ada County Ground 12 have been affected by any pumping, by any other 13 Water Users Association? 14 A. My understanding is, that wasn't a part 16 organizations? 16 accurate on that? 17 A. I think so. I'm not certain. We have, 17 Q. That's accurate, ma'am. I'm just 18 through the years, met with a number of people in northwest Ada County. I would think some of them 19 no	1	documents today is that correct?	1	0 - or water rights from development of
3Q. You are not a protestant in this case; are you?3A. Yes.4are you?4Q area?5A. No.5A. And the City of Eagle, both.6Q. Have you read the M3 Eagle water right application?6MR. FEREDAY: Can we go off the record for a moment?7application?7for a moment?8A. No.8(Discussion held off the record.)9Q. Are you a member of the North Ada9MR. FEREDAY: Back on the record.10County Foothills Alliance?10Q. (BY MR. FEREDAY) Do you have any11A. No.11information about your own well, and how it might12Q. How about the North Ada County Ground12have been affected by any pumping, by any other13Water Users Association?13entity?14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that - am I accurate on that?16organizations?16asking you that follow-up question, because you19northwest Ada County. I would think some of them are members of that, but I don't know that for sure.2022Q. Have you provided financial support - 23212223A. No.21is an area that might lead us into some evidence, o r facts that do pertain to the scope of this hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about </td <td></td> <td></td> <td></td> <td></td>				
4are you?4Q area?5A. No.5A. And the City of Eagle, both.6Q. Have you read the M3 Eagle water right6MR. FEREDAY: Can we go off the record7application?7for a moment?8A. No.8(Discussion held off the record.)9Q. Are you a member of the North Ada9MR. FEREDAY: Back on the record.10County Foothills Alliance?10Q. (BY MR. FEREDAY) Do you have any11A. No.11information about your own well, and how it might12Q. How about the North Ada County Ground12have been affected by any pumping, by any other13Water Users Association?13entity?14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that – am I16organizations?16accurate on that?17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20vells. And I'm trying to find out whether that21sare21is an area that might lead us into some evidence,22Q. Have you provided financial support –22or facts that do per				
5A. No.5A. And the City of Eagle, both.6Q. Have you read the M3 Eagle water right6MR. FEREDAY: Can we go off the record7application?7for a moment?8A. No.8(Discussion held off the record.)9Q. Are you a member of the North Ada9MR. FEREDAY: Back on the record.10County Foothills Alliance?10Q. (BY MR. FEREDAY) Do you have any11A. No.11information about your own well, and how it might12Q. How about the North Ada County Ground12have been affected by any pumping, by any other13Water Users Association?14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that – am I16organizations?16accurate on that?17A. I think so. Trn not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your22Q. Have you provided financial support –22or facts that do pertain to the scope of this23A. No.21is an area that might lead us into some evidence,24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping? <td></td> <td></td> <td>2</td> <td>international and protocology and</td>			2	international and protocology and
6Q. Have you read the M3 Eagle water right application?6MR. FEREDAY: Can we go off the record7application?7for a moment?8A. No.8(Discussion held off the record.)9Q. Are you a member of the North Ada9MR. FEREDAY: Back on the record.10County Foothills Alliance?10Q. (BY MR. FEREDAY) Do you have any11A. No.11information about your own well, and how it might12Q. How about the North Ada County Ground12have been affected by any pumping, by any other13Water Users Association?13entity?14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that - am I16organizations?16accurate on that?17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.24Do you have any information about24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?				
7application?7for a moment?8A. No.9MR. FEREDAY: Back on the record.9Q. Are you a member of the North Ada9MR. FEREDAY: Back on the record.10County Foothills Alliance?10Q. (BY MR. FEREDAY) Do you have any11A. No.11information about your own well, and how it might12Q. How about the North Ada County Ground12have been affected by any pumping, by any other13Water Users Association?13entity?14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that - am I16organizations?16accurate on that?17A. I think so. Trn not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness				
8 A. No. 8 (Discussion held off the record.) 9 Q. Are you a member of the North Ada 9 MR. FEREDAY: Back on the record. 10 County Foothills Alliance? 10 Q. (BY MR. FEREDAY) Do you have any 11 A. No. 11 information about your own well, and how it might 12 Q. How about the North Ada County Ground 12 have been affected by any pumping, by any other 13 Water Users Association? 13 entity? 14 A. No. 14 A. My understanding is, that wasn't a part 15 Q. Have you met with either of those 15 of the scope of these questions. Is that - am I 16 organizations? 16 accurate on that? 17 A. I think so. I'm not certain. We have, 17 Q. That's accurate, ma'am. I'm just 18 through the years, met with a number of people in 18 asking you that follow-up question, because you 19 northwest Ada County. I would think some of them 19 brought up the question about injury to your 20 are members of that, but I don't know that for 20 wells. And I'm trying to find out whether that 21 sure.				
9Q. Are you a member of the North Ada9MR. FEREDAY: Back on the record.10County Foothills Alliance?10Q. (BY MR. FEREDAY) Do you have any11A. No.11information about your own well, and how it might12Q. How about the North Ada County Ground12have been affected by any pumping, by any other13Water Users Association?13entity?14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that - am I16organizations?16accurate on that?17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?			8	Second State Contraction Contraction
10County Foothills Alliance?10Q. (BY MR. FEREDAY) Do you have any11A. No.11information about your own well, and how it might12Q. How about the North Ada County Ground12have been affected by any pumping, by any other13Water Users Association?13entity?14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that - am I16organizations?16accurate on that?17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?				
11A. No.11information about your own well, and how it might12Q. How about the North Ada County Ground12have been affected by any pumping, by any other13Water Users Association?13entity?14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that - am I16organizations?16accurate on that?17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?				
12Q. How about the North Ada County Ground12have been affected by any pumping, by any other13Water Users Association?13entity?14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that - am I16organizations?16accurate on that?17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?			11	
13Water Users Association?13entity?14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that - am I16organizations?16accurate on that?17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?				
14A. No.14A. My understanding is, that wasn't a part15Q. Have you met with either of those15of the scope of these questions. Is that - am I16organizations?16accurate on that?17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?				
15Q. Have you met with either of those15of the scope of these questions. Is that - am I16organizations?16accurate on that?17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?	1			
16organizations?16accurate on that?17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?	1			
17A. I think so. I'm not certain. We have,17Q. That's accurate, ma'am. I'm just18through the years, met with a number of people in18asking you that follow-up question, because you19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?				
18through the years, met with a number of people in northwest Ada County. I would think some of them are members of that, but I don't know that for sure.18asking you that follow-up question, because you brought up the question about injury to your20are members of that, but I don't know that for sure.20wells. And I'm trying to find out whether that is an area that might lead us into some evidence, or facts that do pertain to the scope of this22Q. Have you provided financial support - 2322or facts that do pertain to the scope of this hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about effects on your wells from other pumping?				
19northwest Ada County. I would think some of them19brought up the question about injury to your20are members of that, but I don't know that for20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?				
20are members of that, but I don't know that for sure.20wells. And I'm trying to find out whether that21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support - 2322or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?	1			
21sure.21is an area that might lead us into some evidence,22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?				
22Q. Have you provided financial support -22or facts that do pertain to the scope of this23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?				
23A. No.23hearing. So that's why I'm asking you that.24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?	1			· · · · · · · · · · · · · · · · · · ·
24Q to any of those groups?24Do you have any information about25A. (Witness nodding head.)25effects on your wells from other pumping?				
25 A. (Witness nodding head.) 25 effects on your wells from other pumping?				
	25		25	
				encou en jour none none panpage

		1	
1	A. The question you asked me was about the	1 1	B?
2	meetings, and all of us were concerned that that	2	MR. FEREDAY: It's Exhibit B from
3	could happen. We were looking into the future,	3	yesterday.
4	and what might happen to our wells if these	4	Q. (BY MR. FEREDAY) Do you know why the
5	developments took place.	5	protestants named you as a witness in this case?
6	Q. So I take it that the answer to my	6	A. I assume it's because we were
7	question is, no, that you don't have any	7	protestants with the City of Eagle's application
8	information about effects on your well from	8	for a water right.
9	anybody else's pumping?	9	Q. But you don't know for sure?
10	A. Yes, I do.	10	A. No.
11	Q. What is that information?	11	Q. Were you contacted by the protestants
12	A. They are records that I have kept of	12	to be a witness in this case?
13	the static water level in my well.	13	A. Yes.
14	Q. Are you measuring that well, yourself?	14	Q. Who contacted you?
15	A. No.	15	A. I believe, Judge Smith asked, if I
16	Q. Who is measuring it?	16	would be willing to do that.
17	A. Various entities.	17	Q. And what did he ask you to testify
18	Q. And who are those?	18	about?
19	A. Idaho Water Department Resource, which	19	A. He didn't ask me. He just asked if I
20	I believe that's public information. SPF,	20	would be a witness.
21	engineering firm.	21	Q. He didn't give you any indication of
22	Q. Are they currently measuring?	22	what kind of testimony he would want you to
23	A. IDWR is.	23	provide?
24	Q. But SPF is no longer?	24	A. No.
25	A. They haven't for a while.	25	Q. Have you met with, or had discussions
	Page 9		Page 11
1	Q. And what have you learned from those	1	with the other witnesses listed here?
2	measurements?	2	A. Mike Moyle and I have met have
3	A. The water level has been pretty	3	talked, not met so much as talked, regarding the
4	reliable, with an exception.	4	protest we made against the City of Eagle on
5	Q. There is an exception. What's the	5	various occasions. And so have I, visited with
6	exception?	6	Mr. Meissner concerning that issue.
7	A. At a time when the City of Eagle was	7	Q. But you have not spoken to those
8	supposedly doing pump testing.	8	gentlemen on that discussion?
9	Q. You have pretty good water from your	9	A. Yes, we did.
10	well?	10	Q. And what was the substance of that
11	A. Uh-huh.	11	discussion?
12	Q. Have you ever lacked the ability to	12	A. Mostly, it was a review of the hearing.
13	produce water from your well?	13	I believe we discussed with Mr. Moyle, some
14	A. Not up to this point in time.	14	issues about legislation. And it seemed like
15	Q. I would like to show you an exhibit,	15	there was something else. That's what I remember
16	Exhibit B, I think from the Moyle deposition.	16	mostly, was the legislation, and the review of
17	That is a copy of the protestant revised witness	17	the history of this application we're discussing
18	list on which your name appears.	18	about M3.
19	Have you seen this before?	19	Q. The legislation that you have
20	A. No, I have not.	20	mentioned, what did that cover?
21	Q. You note that your name does appear	21	A. I think it was some law that was passed
22	there as a witness. But you haven't seen this	22	years ago. And I think the name on it started
23	before?	23	with an H. I want to say, Hurlbutt, or something
24	A. No.	24	like that. The legislation had a name on it, but
25	MR. ALAN SMITH: What exhibit is that; Page 10	25	it started with an H. Page 12

3 (Pages 9 to 12)

1	Q. What was the substance of the	1	into the City. And it gave a date, but the date
2	legislation? How did it relate to this matter?	2	was already past. That's about the limit of my
3	A. I think it had to do with the Eastern	3	understanding.
4	Snake River Plain aquifer.	4	I also understand, that under the law,
5	Q. What discussions did you have with	5	people within 300 feet of anything like that have
6	Mr. Moyle, or Mr. Meissner concerning this	6	to be notified. But because this little strip of
7	application?	7	ground was in the middle of Mr. Hanson's
8	A. Very little. In fact, I don't know	8	property, and he owned everything to the east,
9	that I have discussed it with either one of them,	9	everything to the west, and to the south, and BLM
10	other than we just briefly with Mr. Moyle on	10	on the north. He was the only one who fell
11	Saturday when he was talking about that	11	within the 300-foot range.
12	legislation.	12	So none of us were notified or had any
13	Q. Ms. Taylor, I'm handing you what has	13	knowledge about it. And we would have protested
14	been marked in yesterday's deposition as	14	had we would have gone and testified had we
15	Deposition Exhibit E. And I would like you to	15	known about it, but it was done before we knew
16	turn to the second page of that.	16	anything.
17	I would represent to you, that this is	17	Q. You are not contending here today, are
18	one of these orders that we spoke of earlier,	18	you, Mary, that annexation was in any way
19	that limits the scope of evidence in this	19	illegal?
20	hearing, about which this deposition is being	20	A. I have no idea. I know nothing on the
21	taken. Do you see those three numbered	21	law about that. I just know what happened, of
22	paragraphs on page 2?	22	what we understood, just as neighbors.
23	A. Yes.	23	Q. You understood that the annexation has
24	Q. Do you understand that this hearing is	24	occurred?
25	limited to this type of evidence on these three	25	A. I assume it had. But because we didn't
	Page 13		Page 15
1	topics?	1	get to know, and we weren't able to go to the
2	A. Yes.	2	hearing, it was a done deal before we had any
3		3	opportunity to voice our opinions.
4	Q. What evidence do you have that relates to any of these three? First of all, annexation	4	Q. How about item No. 2, on that page 2 of
5	of this M3 project into the City of Eagle. Do	5	Exhibit E? Have you any evidence that relates to
6	you have evidence or facts regarding that?	6	
7	· · · · · · · · · · · · · · · · · · ·	7	the City of Eagle's planning horizon, and reasonably anticipated future municipal water
8	A. I'm not sure if you would consider it	8	needs for this M3 area?
9	facts. My understanding is, that we live in	9	A. Evidence? I'm not sure what you mean
10	close proximity to this. My understanding is,	10	by evidence on that part of it.
11	there is a gentleman on Hartley Lane, who owns, I think, it's 40 acres, something like that, that	11	Q. Any facts that you know of, that would
	· · ·		
12 13	is bordered on the south by Farmers Union Canal,	12 13	bear on this question?
14	and on the east and west he owns property, and on the porth, BLM	14	A. Well, once again, my understanding from having attended some of the M3 planning meetings
15	the north, BLM.	15	having attended some of the M3 planning meetings,
16	And several years ago he plotted that	16	the City of Eagle in earlier years has prided
17	five, ten acre plots. I'm not sure which it is.	17	itself on not being urban sprawl. And with this
18	Our understanding is that we learned, I would		project, it looks like urban sprawl on steroids.
19	say, in the last two years, that he sold a little	18 19	And so as people who live in that area,
20	strip of one of those plots to M3, and that it		I have deep concerns that the resources there are
20	was being annexed to the City of Eagle.	20	adequate to meet the needs of anything this big,
	So my husband drove up to the end of	21	without damaging all the other people who have
22 23	the lane, when we first heard about it. And	22 23	been there for decades and generations.
23	there was a point, a sign up there that said,	23	Q. Would it be fair to say, that you have
24	there is going to be a public hearing for the	24	concerns about the land use decisions of the City
23	City of Eagle, for annexation of this property	23	of Eagle?
1	Page 14		Page 16

1	A. Yes. Yeah.	1	understanding of how this property was annexed
2	Q. But with regard to the anticipated	2	into the City. I don't have any expertise.
3	future water right needs for the M3 Eagle as part	3	Eagle's planning I assume this is a more
4	of the City, do you have any facts about that?	4	relaxed atmosphere; is that true? Yes or no?
5	What water would be needed for that area?	5	Q. Sure, this is very relaxed.
6	A. No, I do not.	6	A. When I see the mileage scope of the
7	Q. What about No. 3, the information on	7	land of the M3 project, and I lay that over the
8	the quantity of water appropriated under this	8	mileage, over the current city of Eagle, it's
9	permit as it relates to the City, the water needs	9	massive. And that just seems I have a
10	of the City's overall service area, including M3?	10	very - I don't have a legal mind. I just have a
11	Any evidence or facts on that, that you know of?	11	very simple mind. And as a housewife, it just
12	A. It looks like, from what I understand,	12	looks logical to me that this thing poses a huge
13	what they are asking for, is a huge quantity of	13	threat to all kinds of resources: schools,
14	water. We work in agricultural. So I know a	14	roads, fire, you name it.
15	little bit about cubic feet per second. And	15	Q. So would it be fair to say, that you
16	that's why we protested the City of Eagle's first	16	are opposed to the City's annexation of this
17	application out there, that's just south of our	17	area?
18	property. We were concerned about that amount,	18	A. If the City annexes it, then it will be
19		19	
20	which is far less than what M3 is asking, could damage wells. And so I would naturally have	20	responsible to provide water, and all the other
21		21	things that go along with it. So I would be
22	concerns of a quantity much larger would have a	22	crazy not to be objecting to it, considering I'm
	greater effect on damaging the wells.		right in the middle of all this.
23	Q. This, then, is an issue that you	23	Q. Do you have any facts to support a
24	believe is within the purview of this hearing;	24	proposition that the City of Eagle will not be
25	would that be fair to say? The damage - Page 17	25	able to supply water to this area? Page 19
1	A. I	1	A. No. I would have to put a PS on that.
2	Q. The damage to wells?	2	The City of Eagle may be able to provide water,
3	MR. ALAN SMITH: I'm going to object to	3	but at whose expense? They may be able to
4	that, as asking for a legal conclusion of the	4	provide all kinds of services, but at whose
5	witness.	5	expense?
6	Q. (BY MR. FEREDAY) You can go ahead and	6	Q. Do you have any facts about whose
7	answer.	7	expense?
8	A. No, uu-huh.	0	
	A. NO, 40-140.	8	A. Somebody is going to have to pay for
9	Q. You don't think it is within the	8	A. Somebody is going to have to pay for it. That's the only fact I know.
9 10			it. That's the only fact I know.
	Q. You don't think it is within the	9	it. That's the only fact I know. Q. You indicated that you are in the
10	Q. You don't think it is within the purview?	9 10	it. That's the only fact I know.
10 11	Q. You don't think it is within the purview?A. That isn't what I said. I am just not going to answer the question, because I don't	9 10 11	it. That's the only fact I know.Q. You indicated that you are in the agricultural business?A. Uh-buh.
10 11 12	Q. You don't think it is within the purview?A. That isn't what I said. I am just not	9 10 11 12	it. That's the only fact I know. Q. You indicated that you are in the agricultural business?
10 11 12 13	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. 	9 10 11 12 13	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh.
10 11 12 13 14 15	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, 	9 10 11 12 13 14	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it?
10 11 12 13 14	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, that you cannot give opinions in a court of law? 	9 10 11 12 13 14 15	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it? A. It's just 20 acres.
10 11 12 13 14 15 16 17	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, 	9 10 11 12 13 14 15 16 17	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it? A. It's just 20 acres. Q. What do you raise there?
10 11 12 13 14 15 16 17 18	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, that you cannot give opinions in a court of law? Do you understand that? A. I do. 	9 10 11 12 13 14 15 16 17 18	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it? A. It's just 20 acres. Q. What do you raise there? A. Hay, grain, potatoes.
10 11 12 13 14 15 16 17 18 19	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, that you cannot give opinions in a court of law? Do you understand that? A. I do. Q. And you are not an expert, as you've 	9 10 11 12 13 14 15 16 17 18 19	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it? A. It's just 20 acres. Q. What do you raise there? A. Hay, grain, potatoes. Q. Do you have a domestic well, and an
10 11 12 13 14 15 16 17 18 19 20	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, that you cannot give opinions in a court of law? Do you understand that? A. I do. Q. And you are not an expert, as you've said, on municipal water use; are you? 	9 10 11 12 13 14 15 16 17 18 19 20	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-huh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it? A. It's just 20 acres. Q. What do you raise there? A. Hay, grain, potatoes. Q. Do you have a domestic well, and an irrigation well?
10 11 12 13 14 15 16 17 18 19 20 21	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, that you cannot give opinions in a court of law? Do you understand that? A. I do. Q. And you are not an expert, as you've said, on municipal water use; are you? A. No. 	9 10 11 12 13 14 15 16 17 18 19 20 21	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it? A. It's just 20 acres. Q. What do you raise there? A. Hay, grain, potatoes. Q. Do you have a domestic well, and an irrigation well? A. Yes. And I might add, that without
10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, that you cannot give opinions in a court of law? Do you understand that? A. I do. Q. And you are not an expert, as you've said, on municipal water use; are you? A. No. Q. What would your testimony be at the 	9 10 11 12 13 14 15 16 17 18 19 20 21 22	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it? A. It's just 20 acres. Q. What do you raise there? A. Hay, grain, potatoes. Q. Do you have a domestic well, and an irrigation well? A. Yes. And I might add, that without water, I have nothing.
10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, that you cannot give opinions in a court of law? Do you understand that? A. I do. Q. And you are not an expert, as you've said, on municipal water use; are you? A. No. Q. What would your testimony be at the hearing, Mary, if limited to these three 	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it? A. It's just 20 acres. Q. What do you raise there? A. Hay, grain, potatoes. Q. Do you have a domestic well, and an irrigation well? A. Yes. And I might add, that without water, I have nothing. Q. Do you understand that the application
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, that you cannot give opinions in a court of law? Do you understand that? A. I do. Q. And you are not an expert, as you've said, on municipal water use; are you? A. No. Q. What would your testimony be at the hearing, Mary, if limited to these three subjects? 	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it? A. It's just 20 acres. Q. What do you raise there? A. Hay, grain, potatoes. Q. Do you have a domestic well, and an irrigation well? A. Yes. And I might add, that without water, I have nothing. Q. Do you understand that the application that's under review in this limited remand, has
10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. You don't think it is within the purview? A. That isn't what I said. I am just not going to answer the question, because I don't have any expertise in that part. But I have an opinion. Q. But as a layperson, you understand, that you cannot give opinions in a court of law? Do you understand that? A. I do. Q. And you are not an expert, as you've said, on municipal water use; are you? A. No. Q. What would your testimony be at the hearing, Mary, if limited to these three 	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 it. That's the only fact I know. Q. You indicated that you are in the agricultural business? A. Uh-buh. Q. Do you have a farm or ranch? A. Uh-huh. Q. And what size is it? A. It's just 20 acres. Q. What do you raise there? A. Hay, grain, potatoes. Q. Do you have a domestic well, and an irrigation well? A. Yes. And I might add, that without water, I have nothing. Q. Do you understand that the application

5 (Pages 17 to 20)

(208)345-8800 (fax)

1	City of Eagle?	1	I have no further questions at this
2	A. I see that, in footnote 1 here, on this	2	time.
3	order. I just noticed that.	3	THE WITNESS: Okay.
4	Q. Had you heard that, independent of that	4	MR. FEREDAY: Mr. Smith, or the other
5	footnote?	5	Smith may want to ask you some questions now,
6	A. No.	6	Mary.
7	Q. And you were referring to Deposition	7	MR. SMITH: Questions?
8	Exhibit E there?	8	MR. ALAN SMITH: Oh, I only have a
9	A. Yeah.	9	couple here, Mary.
10	Q. What does that mean to you, that the	10	EXAMINATION
11	assignment has occurred from M3 Eagle to the	11	QUESTIONS BY MR. ALAN SMITH:
12	City? Does that have any relevance to you?	12	Q. How far is your property from the
13	A. You bet it does. It's now a	13	Legacy Subdivision? Can you give us an estimate;
14	municipality. Municipalities are not regulated	14	a half mile, or a mile?
15	by PUC, or anything else. So they may get an	15	A. One mile south as the bird flies.
16	order to pump 23 cubic feet per second, but they	16	MR. FEREDAY: Excuse me, Counsel. You
17	might pump 50. There is nobody to keep an eye,	17	asked about the Legacy Subdivision?
18	monitor, control.	18	MR. ALAN SMITH: Yes.
19	Q. So your concern is that the City of	19	MR. FEREDAY: Okay.
20	Eagle would not abide by the water right if it be	20	Q. (BY MR. ALAN SMITH) Was there test
21	granted?	21	pumping done, involving your property?
22	A. I'm concerned about any public entity	22	A. Yes.
23	that might not, whether M3 municipality, or	23	Q. And
24	Eagle, or whoever, Star, or anybody else.	24	A. We were told there was.
25	Q. Do you have any evidence that the City	25	Q. How did you find out about that?
<u> </u>	Pagé 21		Page 23
1	of Eagle, or the City of Star -	1	A. The Department put out an order to the
2	A. No.	2	City of Eagle, and in that order they were told
3	Q or anybody else has ever pumped	3	to notify all protestants and the Department so
4	beyond its water right?	4	that we could monitor our wells, and that the
5	A. No.	5	Department would be present when the pump testing
6	Q. Do you have any knowledge of any	б	was done.
7	evaluation done by the Department of Water	7	Q. And were you notified?
8	Resources of the City of Eagle's reasonably	8	A. No, we were not.
9	anticipated future needs?	9	Q. How did you find out about the test
10	A. No.	10	pumping?
11	Q. How about any analysis done by the	11	A. Word of mouth.
12	Department of Water Resources, or anyone else,	12	Q. And did you observe any impacts to your
13	that would focus just on the M3 areas reasonably	13	well as a result of that test pumping?
14	anticipated future water needs?	14	A. At the time the supposed pump tests
15	A. I'm not aware of any.	15	were done, my static water level changed, yes.
16	Q. Do you know what a planning horizon is	16	Q. Do you know how much, or did you have
17	in the water rights context?	17	any measurements made?
18	A. I assume it's a projection into the	18	A. I did have there are measurements,
19	future, that given a certain rate of growth we'll	19	and I think it dropped from - this is a
20	need X amounts of gallons of water.	20	guesstimate. As I recall, those are things that
21	MR. FEREDAY: All right. Let's go off	21	I can bring copies. I didn't think that was part
22	the record.	22	of what I was going to be asked about. I think
23	(Discussion held off the record.)	23	it dropped from, roughly, 45 to 75 feet.
24	MR. FEREDAY: Let's go back on the	24	Q. So you had about a 30-foot drop -
25	record.	25	A. Yes.
	Page 22		Page 24

1 Q in the water? 1 meeting that you had to discuss the concerns over 3 unprecedented, from when I've been keeping track 3 we then Worth Ada County. Do you recall those questions? 4 O. Do you know what the amount of water to be appropriated in the Legacy Subdivision is? A. Uh-huh. Q. By the way, you have to say, yes. 5 Department, if my memory serves mo correct. Q. Where was that test pumping done? Q. Thank you. 12 halfway between Palmer and Linder, and I would 12 maybe you can help me? When was our bearing 13 say about halfway between Floating Pether and 14 44. Pretry much, in the center of the Legacy 17 MR. ALAN SMITH: I think that's all I 16 Q. December 2007 is probably about right. 18 we have introduced Exhibit H, and ask the winess 16 Q. December 2007 is probably dout right. 19 you, Bruce, I would just like to make sure that 16 Q. December 2007 is probably about right. 11 nave. Page 25 VBR Mr. Meisaner Mary Taylow sat here. 20 Do you recall receiving that? 20 When was that one? 21 to identify that. 16 Q. Coway Thas was there.				
3 upprecedenied, from when I've been keeping track 3 questions? 4 of my well, A. Uh-huh. C. Do you know what the amount of water to 5 0, Do you know what the amount of water to 0, By the way, you have to say, yes. 6 be appropriated in the Legacy Subdivision is? A. Uh-huh. 7 A. I think their application was to correct. O. Where was that test pumping done? 10 Q. Where was that test pumping done? A. It - to help me answer the question, 11 halfway between Floating Feather and 10 12 halfway between Floating Feather and 11 13 before the Water Resource Department on that 14 fry retry much, in the center of the Legacy fry retry much, in the center of the Legacy 15 more, I would just like to make sure that 90, Let me ask your Mayle testified 19 yesterday about a meeting be had with a number of 20 I for strapplication on strapplication of the City? Was there. 21 Q. Do you recall receiving that? 23 MR. FEREDAY: Before we proceed with 24 FURTHER EXAMINATION 25	1	Q in the water?		meeting that you had to discuss the concerns over
4 of my well. 4 A. Ubhuh. 5 Q. Do you know what the amount of water to be appropriated in the Legacy Subdivision is? A. Ubhuh. 7 A. I think their application was for 8.9, G. By the way, you have to say, yes. 8 A. Ubhuh. Q. By the way, you have to say, yes. 9 Department, if my memory serves me correct. 9 0 Where was that test pumping don? A. It was on wells - they are about 11 A. It was on wells - they are about 11 12 halfway between Floating Feather and 11 14 4. Perty much, in the center of the Legacy 11 17 MR. ALAN SMITH: I think that's all I 16 18 MR. FEREDAY: Before we proceed with 18 19 you, Bruce, I would just like to make sure that 20 12 be the Notice of Deposition? 21 24 Yes. Page 25 10 O. Do you recall receiving that? 25 A. Yes. 20 26 Do you recall receiving that? 27 A. Yes. 20 28 MR. FEREDAY: Clay. 29	2	A. Yes, which is dramatic and	2	water in North Ada County. Do you recall those
5 Ó. Do you know what the amount of water to be appropriated in the Legacy Subdivision is? O. By the way, you bave to say, yes. 6 be appropriated in the Legacy Subdivision is? A. Hink their application was for 8.9, 8 but they were givem 2.9, I think, from the Department, if my memory serves me correct. 10 Q. Where was that test pumping done? O. Thank you. 11 A. It was on wells: - they are about I. I to help me answer the question, maybe you can help me? When was our hearing 12 halfway between Palmer and Linder, and I would I. I to help me answer the question, maybe you can help me? When was our hearing 13 say about halfway between Floating Peakher and A. It - do shat sol would 14 A. Fes. Page 25 O. December 2007 is probably about right. 16 MR. ALAN SMITH: I think that's all I I. Contark you. 17 have. A. (7G, so it was after that. So I would 18 you, Bruce, I would just like to make sure that A. (7G, so it was after that. So I would 19 Q. Let me a	3	unprecedented, from when I've been keeping track	3	questions?
6 be aspropriated in the Legacy Subdivision is? 6 Å. Yes. 7 Å. I think their application was for 8.9, but they were given 2.9, I think, from the 9 9 Department, if my memory serves me correct. 9 Q. Thank you. 0 Where was that test yumping done? 10 When did that meeting occur? 11 A. It was on wells they are about 11 A. It to help me answer the question, 12 halfway between Palmer and Linder, and I would 13 before the Water Resource Department on that 14 44. Pretry much, in the center of the Legacy 10 When did that meeting occur? 16 MR. ALAN SMITH: I think that's all I 16 Q. December 2007 is probably shout right. 17 have. 7 0, December 2007 is probably shout right. 18 we have introduced Exhibit H, and ask the winess 10 20 19 out infividuals about this hearing. Okay? He said. 11 20 LSTIONS BY MR. FEREDAY: 20 21 21 Q. Do you recall receiving that? 2 Q. When was that once? 3 MR. FEREDAY: Okay. 2 Q. Whant is the purpose? 2	4	of my well.	4	A. Uh-huh.
7 A. I think their application was for 8.9, but they were given 2.9, I think, from the Department, if my memory serves me correct. 7 Q. Because she can't record a nod. Okay? 10 Q. Where was that test pumping done? 10 N. It was on wells and the entry of the seasource of the legacy property. 10 N. It - to help me answer the question, maybe you can help me answer the question, that A. Pretty much, in the center of the Legacy property. 10 N. It - to help me answer the question, maybe you can help me? When was our bearing before the Water Resource Department on that first application of the City? Was that 2007, '087 11 A. It was on well as any about halfway between Floating Feather and 44. Pretty much, in the center of the Legacy property. N. It - to help me? When was our bearing before the Water Resource Department on that first application of the City? Was that 2007, '087 12 MR. ALAN SMITH: I think that's all I 16 O. December 2007 is probably about right. A. '07, so it was after that. So I would say, it was sometime probably, during 2008. 13 we have introduced Exhibit H, and ask the witness to identify that. 16 O. December 2007 is probably about right. 14 FURTHER EXAMINATION QUESTIONS BY MR, FEREDAY: 20 Mr. Thornton was there. Alan Smith was there. A. Good morning. 21 2 A. Yes. Page 27 A. Yes. 20 3 QUESTIONS BY MR, SMITH: 11 <t< td=""><td>5</td><td>Q. Do you know what the amount of water to</td><td>5</td><td>Q. By the way, you have to say, yes.</td></t<>	5	Q. Do you know what the amount of water to	5	Q. By the way, you have to say, yes.
8 but they were given 2.9, I think, from the 9 A. Yes. 9 Department, if my memory serves me correct. 9 Q. Thank you. 10 Q. Where was that test ymping done? 10 When did that meeting occur? 11 A. It was on wells - they are about 11 A. It - to help me newer the question, 11 halfway between Floating Feather and 11 12 maybe you can help me? When was our hearing 12 maybe you can help me? When was our hearing before the Water Resource Department on that 14 44. Pretty much, in the center of the Legacy 15 00? 16 MR. ALAN SMITH: 1 think that's all I 16 Q. December 2007 is probably about right. 17 have. 7 A. (7, soi twas fhere. Mat. Sold. 18 we have introduced Exhibit H, and ask the wines: 10 Questriate about this hearing. 12 r. FURTHER EXAMINATION 21 22 Mr. Meissner was there. Alan Smith was there. 24 Q. by our recall receiving that? 2 Mr. Meissner was that one? A. I think it was the one he was 3 A. Yes. 9 Q. When was that to acur at? 9 Q. Whart sin the o	6	be appropriated in the Legacy Subdivision is?	6	A. Yes.
9Department, if my memory serves me correct. Q. Where was that test pumping done?9Q. Thank you.10Q. Where was that test pumping done?10When did that meeting occur?11A. It - to help me answer the question, maybe you can help me? When was our hearing12balfway between Palmer and Linder, and I would13say about halfway between Polating Feather and1444. Pretty much, in the center of the Legacy15property.16MR. ALAN SMITH: I think that's all I17have.18MR. FEREDAY: Before we proceed with19you, Bruce, I would just like to make sure that20we have introduced Exhibit H, and ask the witness21to identify that.22QUESTIONS BY MR. FEREDAY:23QUESTIONS BY MR. FEREDAY:24A. Yes.25A. Yes.26Q. Do you recall receiving that?27Q. Good morning.28Q. The Bruce Smith. Tepresent the City3at the hearing?3at the learing?3at the learing?4A. What's the purpose?4A. What's the purpose?13at the learing?14A. What's the purpose?15Q. Orkay. And besides the people that I16taken for, in which the protestants to the M317A. What's the purpose?18A. Okay.19Q. What's the purpose?10only have some clarifying questions based on your<	7	A. I think their application was for 8.9,	7	Q. Because she can't record a nod. Okay?
10 Q. Where was that test pumping done? 10 Where was that test pumping done? 11 A. It was on wells they are about 11 13 say about halfway between Floating Feather and 12 14 44. Pretty much, in the center of the Legacy 13 16 MR. ALAN SMITH: I think that's all I 14 17 have. 17 18 MR. FEREDAY: Before we proceed with 18 19 you, Bruce, I would just like to make sure that 10 20 to identify that. 17 21 to identify that. 17 22 FURTHER EXAMINATION 21 23 MR. FEREDAY: 23 24 Q. Is this the Notice of Deposition? 24 25 A. Yes. 29 26 QUESTIONS BY MR. SMITH: 4 3 A. Fibre EDAY: Okay. 3 4 Yes. 9 3 MR. FEREDAY: Okay. 3 4 A. Yes. 20 5 QUESTIONS BY MR. SMITH: 5 6 Q. Good morning. 4		but they were given 2.9, I think, from the		A. Yes.
11 Å. It vas on wells – they are about 11 Å. It – to help me answer the question, 12 halfway between Plaimer and Linder, and I would 13 before the Water Resource Department on that 14 44. Pretty much, in the center of the Legacy 14 first application of the City? Was that 2007, 15 property. 15 '087 16 MR. ALAN SMITH: I think that's all I 16 Q. December 2007 is probably about right. 17 have. 17 A. '07, so it was after that. So I would 18 we have introduced Exhibit H, and ask the wimess 20 you, Bruce, I would just like to make sure that 20 we have introduced Exhibit H, and ask the wimess 21 individuals about this hearing. Okay? He said, 21 identify that. 22 Mr. Most ExtAMINATION 22 22 Q. Do you recall receiving that? 23 Mr. Meissen Alar Taylor was there. 23 MR. FEREDAY: Okay. 3 A. Yes. 23 24 Q. Do you recall receiving that? 2 Q. When was that one? 3 MR. FEREDAY: Okay. 3 A. I think it was – the one he was 4 A. Yes. 2 </td <td></td> <td>Department, if my memory serves me correct.</td> <td></td> <td></td>		Department, if my memory serves me correct.		
12 halfway between Palmer and Linder, and I would 12 maybe you can help me? When was our hearing 13 say about halfway between Floating Feather and 14 14 44. Pretty much, in the center of the Legacy 14 15 property. 15 16 MR. ALAN SMITH: I think that's all I 16 17 have. Pertty much, in the center of the Legacy 18 MR. FEREDAY: Before we proceed with 17 19 you, Bruce, I would just like to make sure that 16 20 we have introduced Exhibit H, and ask the witness 20 21 to identify that. 21 22 FURTHER EXAMINATION 22 24 Q. Is this the Notice of Deposition? 23 25 A. Yes. 22 26 Q. Do you recall receiving that? 2 27 Q. Do you recall receiving that? 2 3 MR. FEREDAY: Okay. 3 4 EXAMINATION 4 5 Q. Good morning. 4 6 Q. Good morning. 4 7 A. Good morning. 1	10	Q. Where was that test pumping done?	10	When did that meeting occur?
13 say about halfway between Floating Feather and 13 before the Water Resource Department on that 14 44. Pretty much, in the center of the Legacy 14 first application of the City? Was that 2007, 16 MR. ALAN SMITH: I think that's all I 16 A '07, so it was after that. So I would 17 have. 20 December 2007 is probably about right. 18 MR. FEREDAY: Before we proceed with 18 say, it was sometime probably, during 2008. 20 we have introduced Exhibit H, and ask the witness 20 Q. Let me ask you. Mr. Moyle testified 21 FURTHER EXAMINATION 21 individuals about this hearing. Okay? He said, 22 GUESTIONS BY MR. FEREDAY: 23 Mr. Thornton was there. Alan Smith was there. 23 QUESTIONS BY MR. SMITH: 5 A Yes. 23 24 Q. Do you recall receiving that? 1 A. Yes. 20 25 A. Yes. 20 Q. When was that one? 3 3 MR. FEREDAY: Okay. 3 A. I think it was - the one he was referring to was last Saturday. 4 EXAMINATION 2 Q. When was that meeting? A. I think it was - the one		A. It was on wells they are about		
14 44. Pretty much, in the center of the Legacy 14 first application of the City? Was that 2007, 15 property. '08? 16 MR. ALAN SMITH: I think that's all I 16 17 have. 17 18 MR. FEREDAY: Before we proceed with 18 19 you, Bruce, I would just like to make sure that 19 20 we have introduced Exhibit H, and ask the witness 20 21 to identify that. 21 22 FURTHER EXAMINATION 22 23 QUESTIONS BY MR. FEREDAY: 23 24 Q. by our ccall receiving that? 24 2 A. Yes. 22 2 A. Yes. 22 2 A. Yes. 20 3 MR. FEREDAY: Okay. 3 4 EXAMINATION 24 5 A. Yes. 20 6 Q. Oxyou recall receiving that? 1 7 A. Good morning. 20 8 Q. Examination of the protexions based on your 20 10 only have some clarifying questions based on your		halfway between Palmer and Linder, and I would	1	
15 property. 15 '08?' 16 MR. ALAN SMITH: I think that's all I 16 Q. December 2007 is probably about right. 18 MR. FEREDAY: Before we proceed with 18 G. December 2007 is probably about right. 19 yoa, Bruce, I would just like to make sure that Q. Let me ask you. Mr. Mcyle testified 20 we have introduced Exhibit H, and ask the witness Q. Let me ask you. Mr. Mcyle testified 21 to identify that. 20 22 PUTFHER EXAMINATION 21 23 QUESTIONS BY MR. FEREDAY: 23 24 Q. Is this the Notice of Deposition? 24 25 A. Yes. 29 26 QUESTIONS BY MR. SMITH: 2 27 A. Yes, I do. 2 3 MR. FEREDAY: Okay. 3 4 EXAMINATION 4 5 QUESTIONS BY MR. SMITH: 5 6 Q. Good morning. 7 7 A. Good morning. 7 8 Q. I'm Bruce - 7 7 A. Good morning. 7 9 Q. What such meeting?		say about halfway between Floating Feather and		
16 MR. ALAN SMITH: I think that's all I 16 Q. December 2007 is probably about right. 17 have. A. '07, so it was after that. So I would 18 MR. FEREDAY: Before we proceed with 17 A. '07, so it was after that. So I would 19 yon, Bruce, I would just like to make sure that 19 you, Bruce, I would just like to make sure that 10 20 we have introduced Exhibit H, and ask the winness 19 Q. Let me ask you. Mr. Moyle testified 21 full of thightat. 20 Yestrage about a meeting be had with a number of 23 GUESTIONS BY MR. FEREDAY: 23 Mr. Thomton was there. Mary Taylor was there. 24 Q. Is this the Notice of Deposition? 24 And Jason Smith was there. Do you recall receiving that? 25 A. Yes, I do. 2 Q. When was that one? A. I thik it was - the one be was 26 Q. Good morning. 4 Yes, Thank you. 7 A. Good morning. 9 Where did that occur at? 8 A. A I Judge Smith's home. 9 Q. Who called that meeting? 10 only have some clarifying questions based on your 10 A. The person who called me was Judge 11 <		44. Pretty much, in the center of the Legacy		
17 have. 17 Å '07, so it was after that. So I would 18 MR. FEREDAY: Before we proceed with 18 say, it was sometime probably, during 2008. 20 we have introduced Exhibit H, and ask the witness 0. Let me ask you. Mr. Moyle testfied 20 we have introduced Exhibit H, and ask the witness 0. Q. Let me ask you. Mr. Moyle testfied 21 to identify that. 20 Yesterday about a meeting he had with a number of 21 individuals about this hearing. Okay? He said, Mr. Thornton was there. May Taylor was there. 23 QUESTIONS BY MR. FEREDAY: 23 Mr. Thornton was there. Alan Smith was there. 24 Q. Is this the Notice of Deposition? 24 A 'Yes. 29 25 A. Yes. 29 Q. When was that one? 20 26 Q. Do you recall receiving that? 1 A. Yes. 2 Q. When was that one? 3 MR. FEREDAY: Okay. 3 A. I think it was the one he was 4 6 Go do morning. 4 A''Yes. 2 Q. When was that one? 3 MR. FEREDAY: Okay. 5 Q. Okay. That's what I'm trying to get at. Okay. This 's what I				
18 MR. FEREDAY: Before we proceed with 18 say, it was sometime probably, during 2008. 19 you, Bruce, I would just like to make sure that 0. Let me askyou. Mr. Moyle testified 20 we harvouced Exhibit H, and ask the witness 20 21 to identify that. 21 22 FURTHER EXAMINATION 22 23 QUESTIONS BY MR. FEREDAY: 23 24 Q. Is this the Notice of Deposition? 24 25 A. Yes. 23 26 A. Yes. 24 27 Page 25 Page 25 28 Q. Do you recall receiving that? 24 29 MR. FEREDAY: Okay. 3 4 EXAMINATION 4 5 Q. Good morning, Mary. I'm Bruce 6 6 Q. Good morning, Mary. I'm Bruce 7 7 A. Good norning. 8 10 only bave some clarifying questions based on your 11 testimeny to Mr. Fereday's questions. 12 Q. Okay. And besides the people that I 13 at the hearing? 14 14 A. Which - w		MR. ALAN SMITH: I think that's all I	CHIX CER	
19 you, Bruce, I would just like to make sure that we have introduced Exhibit H, and ask the witness to identify that. 19 Q. Let me ask you. Mr. Moyle testified yesterday about a meeting he had with a number of individuals about this hearing. Okay? He said, Mr. Thomton was there. Alan Smith was there. 21 FURTHER EXAMINATION 21 22 FURTHER EXAMINATION 22 23 QUESTIONS BY MR. FEREDAY: 23 24 Q. Is this the Notice of Deposition? 24 25 A. Yes. 23 26 Page 25 Page 27 1 Q. Do you recall receiving that? 1 2 A. Yes, I do. 3 3 MR. FEREDAY: Okay. 3 4 EXAMINATION 4 5 Q. Good morning, Mary. Tm Bruce 7 7 A. Good morning, Mary. Tm Bruce 6 7 A. Good morning, Mary. Tm Bruce 7 8 Q. I'm Bruce Smith. I represent the City 9 9 of Eagle. I's good to see you again. And so I 9 10 only have some clarifying questions based on your 10 11 testerimony to Mr. Fereday's questions. 12 </td <td></td> <td></td> <td></td> <td></td>				
20 we have introduced Exhibit H, and ask the wimess to identify that. 20 yesterday about a meeting he had with a number of individuals about this hearing. Okay? He said, 21 FURTHER EXAMINATION 21 individuals about this hearing. Okay? He said, 23 QUESTIONS BY MR. FEREDAY: 23 Mr. Thornton was there. Mary Taylor was there. 24 Q. Is this the Notice of Deposition? 24 And Jason Smith was there. And Jason Smith was there. 25 A. Yes. 29 Page 25 Page 27 26 We framework that is the set one he was that one? And Jason Smith was that one? 26 MR. FEREDAY: Okay. 3 A. Yes. 27 A. Yes, I do. 2 Q. When was that one? 3 MR. FEREDAY: Okay. 3 A. Ithink it was - the one he was 4 EXAMINATION 4 referring to was last Saturday. Q. Okay. That's what I'm trying to get 4 GUESTIONS BY MR. SMITH: 6 Q. Okay. That's what I'm trying to get at. Okay. 9 O. The neckarring? 10 A. The doc and the meeting? 10 10 only have some clarifying questions based on your A. The person who called me was Judge				
21 to identify that. 21 individuals about this hearing. Okay? He said, 22 FURTHER EXAMINATION 22 individuals about this hearing. Okay? He said, 23 QUESTIONS BY MR. FEREDAY: 23 Mr. Thornton was there. Mary Taylor was there. 24 Q. Is this the Notice of Deposition? 24 A. Yes. 23 25 A. Yes. 23 Mr. Meissner was there. Mary Taylor was there. 25 A. Yes. 24 Do you recall receiving that? 25 2 A. Yes. 26 When was that one? 27 3 MR. FEREDAY: Okay. 3 A. I think it was - the one he was 7 4 EXAMINATION 4 7 Q. Okay. That's what I'm trying to get 3 A. I think it was - the one he was 4 EXAMINATION 4 7 Q. Okay. That's what I'm trying to get 3 A. I think it was - the one he was 5 Q. Good morning. 4 Yes. Q. Okay. That's what I'm trying to get 3 A. At Judge Smith's home. 9 Q. When was that one? 4 A. At Judge Smith's home. 9 Q. Who called that meeting? 1 A. At Judge Smith's			1	
22 FURTHER EXAMINATION 22 Mr. Thornton was there. Mary Taylor was there. 23 QUESTIONS BY MR. FEREDAY: 23 Mr. Meissner was there. Alan Smith was there. 24 Q. Is this the Notice of Deposition? 24 Mr. Meissner was there. Alan Smith was there. 24 Q. Is this the Notice of Deposition? 24 A. Yes. 23 25 A. Yes. Page 25 Page 27 26 Q. Do you recall receiving that? 1 A. Yes. 2 A. Yes, I do. 2 Q. When was that one? 3 MR. FEREDAY: Okay. 3 A. I think it was the one he was 4 EXAMINATION 4 referring to was last Saturday. 5 Q. Good morning, Mary. I'm Bruce 6 A. Good morning. 6 Q. Tim Bruce Smith. I represent the City 9 Q. Wath at Staturday. 9 9 of Eagle. I's good to see you again. And so I 9 Q. Who called that meeting? 10 only bave some clarifying questions based on your 10 A. The person who called me was Judge 11 testimony to Mr. Fereday's questions. 11 13 named, was anyone else there?				
23 QUESTIONS BY MR. FEREDAY: 23 Mr. Meissner was there. Alan Smith was there. 24 Q. Is this the Notice of Deposition? 24 And Jason Smith was there. Do you recall that 25 A. Yes. 25 Page 25 25 1 Q. Do you recall receiving that? 2 A. Yes. Page 27 1 Q. Do you recall receiving that? 2 A. Yes. Page 27 2 A. Yes. I do. 2 Q. When was that one? A. I think it was the one he was 3 MR. FEREDAY: Okay. 3 A. I think it was the one he was referring to was last Saturday. 5 QUESTIONS BY MR. SMITH: 5 Q. Okay. Thatk you. Where did that occur at? 6 Q. Good morning. 7 Where did that occur at? A. A Hudge Smith's home. 9 O Edgle. It's good to see you again. And so I 9 Q. Who called that meeting? 10 10 only bave some clarifying questions based on your 10 A. The person who called me was Judge Smith. 11 testimony to Mr. Fereday's questions. 11 named, was anyone else there? 14 14 A. Which - what hearing?				
24 Q. Is this the Notice of Deposition? 24 And Jason Smith was there. Do you recall that 25 A. Yes. Page 25 Page 27 1 Q. Do you recall receiving that? 1 A. Yes. Page 27 1 Q. Do you recall receiving that? 1 A. Yes. Page 27 1 Q. Do you recall receiving that? 1 A. Yes. Page 27 2 A. Yes, I do. 2 Q. When was that one? Q. When was that one? 3 MR. FEREDAY: Okay. 3 A. I think it was the one be was referring to was last Saturday. 5 QUESTIONS BY MR. SMITH: 5 Q. Okay. That's what I'm trying to get at. Okay. That's what I'm trying to get 6 Q. Good morning. 7 Where did that occur at? A. At Judge Smith's home. 9 of Eagle. It's good to see you again. And so I 9 Q. Who called that meeting? 10 10 only have some clarifying questions based on your 10 A. The person who called me was Judge 11 testimony to Mr. Fereday's questions 12 Q. Okay. And besides the people that I 13 at the hearing? 14 A. Name them ag				
25 A. Yes. 25 meeting? Page 27 1 Q. Do you recall receiving that? 1 A. Yes. 2 Q. When was that one? 2 A. Yes, I do. 2 Q. When was that one? 3 A. Yes. 3 MR. FEREDAY: Okay. 3 A. I think it was - the one he was 4 6 Q. Good morning. 3 A. I think it was - the one he was 4 7 A. Good morning. 5 Q. Okay. That's what I'm trying to get at. Okay. That's what I'm trying to get 8 Q. I'm Bruce Smith. I represent the City 8 A. A tudge Smith's home. 9 9 of Eagle. It's good to see you again. And so I 9 Q. Who called that meeting? 10 10 only have some clarifying questions based on your 10 A. The person who called me was Judge 11 testimony to Mr. Fereday's questions. 11 Smith. 12 Q. Okay. And besides the people that I 13 at the hearing? 13 named, was anyone else there? 14 A. Which - what hearing? 15 Q. John Thornton, Mary Taylor, 16 taken for, in which the protestants to the M3 appl				
Page 25Page 271Q. Do you recall receiving that?1A. Yes, I do.3MR. FEREDAY: Okay.2Q. When was that one?3MR. FEREDAY: Okay.3A. I think it was the one he was4EXAMINATION45QUESTIONS BY MR. SMITH:5Q. Okay. That's what I'm trying to get6Q. Good morning, Mary. I'm Bruce6at. Okay. Thank you.7A. Good morning.7Where did that occur at?8Q. I'm Bruce Smith. I represent the City8A. At Judge Smith's home.9of Eagle. It's good to see you again. And so I9Q. Who called that meeting?10only have some clarifying questions based on your10A. The person who called me was Judge11testimony to Mr. Fereday's questions.11Smith.12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?13named, was anyone else there?14A. Which what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.19MR. JASON SMITH: Uh-huh.19Q. What's the purpose?20THE WTINESS: There was one other21Q. Uh-huh. <td< td=""><td></td><td></td><td>1422128 1010</td><td>· · · · · · · · · · · · · · · · · · ·</td></td<>			1422128 1010	· · · · · · · · · · · · · · · · · · ·
1 Q. Do you recall receiving that? 1 A. Yes, I do. 2 A. Yes, I do. 2 Q. When was that one? 3 MR. FEREDAY: Okay. 3 A. I think it was the one he was 4 EXAMINATION 4 referring to was last Saturday. 5 QUESTIONS BY MR. SMITH: 5 Q. Okay. That's what I'm trying to get 6 Q. Good morning, Mary. Tm Bruce 6 at. Okay. That's what I'm trying to get 7 A. Good morning. 7 Where did that occur at? 8 Q. I'm Bruce Smith. I represent the City 8 A. At Judge Smith's home. 9 of Eagle. It's good to see you again. And so I 9 Q. Who called that meeting? 10 only bave some clarifying questions. 11 Smith. 12 What is the purpose of your testimony 12 Q. Okay. And besides the people that I 13 at the hearing? 14 A. Name them again. 17 14 A. Okay. Mr. Meissner, Alan Smith, and Jason Smith. 15 Q. The one that your deposition is being 15 Q. John Thornton, Mary Taylor, 16 taken for, in which the protestants to t	25		25	meeting?
2A. Yes, I do.2Q. When was that one?3MR. FEREDAY: Okay.3A. I think it was the one be was4EXAMINATION4referring to was last Saturday.5QUESTIONS BY MR. SMITH:5Q. Okay. That's what I'm trying to get6Q. Good morning.7A. Good morning.7A. Good morning.7Where did that occur at?8Q. I'm Bruce Smith. I represent the City8A. At Judge Smith's home.9of Eagle. It's good to see you again. And so I9Q. Who called that meeting?10only bave some clarifying questions based on your10A. The person who called me was Judge11testimony to Mr. Fereday's questions.11Smith.12What is the purpose of your testimony13named, was anyone else there?14A. Which - what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17aplication have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,22name.23Maxi's the adequacy of the water for23	<u> </u>			rage 27
2A. Yes, I do.2Q. When was that one?3MR. FEREDAY: Okay.3A. I think it was the one be was4EXAMINATION4referring to was last Saturday.5QUESTIONS BY MR. SMITH:5Q. Okay. That's what I'm trying to get6Q. Good morning.7A. Good morning.7A. Good morning.7Where did that occur at?8Q. I'm Bruce Smith. I represent the City8A. At Judge Smith's home.9of Eagle. It's good to see you again. And so I9Q. Who called that meeting?10only bave some clarifying questions based on your10A. The person who called me was Judge11testimony to Mr. Fereday's questions.11Smith.12What is the purpose of your testimony13named, was anyone else there?14A. Which - what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17aplication have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,22name.23Maxi's the adequacy of the water for23	1	O Do you recall receiving that?	1	A. Yes.
3MR. FEREDAY: Okay.3A. I think it was the one he was4EXAMINATION4referring to was last Saturday.5QUESTIONS BY MR. SMITH:5Q. Okay. That's what I'm trying to get6Q. Good morning, Mary. I'm Bruce6at. Okay. That's what I'm trying to get7A. Good morning.7Where did that occur at?8Q. I'm Bruce Smith. I represent the City8A. At Judge Smith's home.9of Eagle. It's good to see you again. And so I9Q. Who called that meeting?10only have some clarifying questions based on your10A. The person who called me was Judge11testimony to Mr. Fereday's questions.11Smith.12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?13named, was anyone else there?14A. Which - what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.18right?19Q. What's the purpose?20THE WITNESS: There was one other21Q. Okay. You were referring to this21Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say				
4EXAMINATION4referring to was last Saturday.5QUESTIONS BY MR. SMITH:5Q. Okay. That's what I'm trying to get6Q. Good morning, Mary. I'm Bruce6at. Okay. Thank you.7A. Good morning.7Where did that occur at?8Q. I'm Bruce Smith. I represent the City8A. At Judge Smith's home.9of Eagle. It's good to see you again. And so I9Q. Who called that meeting?10only have some clarifying questions based on your10A. The person who called me was Judge11testimony to Mr. Fereday's questions.11Smith.12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?14A. Name them again.14A. Which - what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,22Q. (BY MR. SMITH) What did he look like?23the availability, the adequacy of the water for23A. Oh, I would say, 70s, medium build. He </td <td></td> <td></td> <td></td> <td></td>				
5QUESTIONS BY MR. SMITH:5Q. Okay. That's what I'm trying to get6Q. Good morning, Mary. I'm Bruce6at. Okay. Thank you.7A. Good morning.7Where did that occur at?8Q. I'm Bruce Smith. I represent the City8A. At Judge Smith's home.9of Eagle. It's good to see you again. And so I9Q. Who called that meeting?10only have some clarifying questions based on your10A. The person who called me was Judge11testimony to Mr. Fereday's questions.11Smith.12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.2121name.22A. I suppose my concern about the water,23name.23the availability, the adequacy of the water for23name.24the project.25Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this<			4	referring to was last Saturday.
6Q. Good morning, Mary. I'm Bruce6at. Okay. Thank you.7A. Good morning.7Where did that occur at?8Q. I'm Bruce Smith. I represent the City8A. At Judge Smith's home.9of Eagle. It's good to see you again. And so I9Q. Who called that meeting?10only have some clarifying questions based on your10A. The person who called me was Judge11testimony to Mr. Fereday's questions.11Smith.12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?14A. Name them again.14A. Which - what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,2323the availability, the adequacy of the water for2324the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He			5	
7A. Good morning.7Where did that occur at?8Q. I'm Bruce Smith. I represent the City8A. At Judge Smith's home.9of Eagle. It's good to see you again. And so I9Q. Who called that meeting?10only have some clarifying questions based on your10A. The person who called me was Judge11testimony to Mr. Fereday's questions.10A. The person who called me was Judge12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?13named, was anyone else there?14A. Which – what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,23name.23the availability, the adequacy of the water for23name.24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium buil			6	
8Q. I'm Bruce Smith. I represent the City8A. At Judge Smith's home.9of Eagle. It's good to see you again. And so I9Q. Who called that meeting?10only have some clarifying questions based on your10A. The person who called me was Judge11testimony to Mr. Fereday's questions.10A. The person who called me was Judge12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?13named, was anyone else there?14A. Which what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.18right?19Q. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,22name.23the availability, the adequacy of the water for23name.24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	7		7	Where did that occur at?
9of Eagle. It's good to see you again. And so I9Q. Who called that meeting?10only have some clarifying questions based on your10A. The person who called me was Judge11testimony to Mr. Fereday's questions.11Smith.12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?13named, was anyone else there?14A. Which – what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. Haury pose my concern about the water,21gentleman there. I can't recall his name. I21A. I suppose my concern about the water,22never met him before, and I don't remember bis23the availability, the adequacy of the water for23A. Okay. You were referring to this24Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	8		8	A. At Judge Smith's home.
10only have some clarifying questions based on your testimony to Mr. Fereday's questions.10A. The person who called me was Judge11testimony to Mr. Fereday's questions.11Smith.12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?13named, was anyone else there?14A. Which – what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,22never met him before, and I don't remember bis23the availability, the adequacy of the water for23name.24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	9		9	Q. Who called that meeting?
11testimony to Mr. Fereday's questions.11Smith.12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?13named, was anyone else there?14A. Which what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,22never met him before, and I don't remember bis23the availability, the adequacy of the water for23Q. (BY MR. SMITH) What did he look like?24Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	10		10	A. The person who called me was Judge
12What is the purpose of your testimony12Q. Okay. And besides the people that I13at the hearing?13named, was anyone else there?14A. Which what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.16Mr. Meissner, Alan Smith, and Jason Smith.18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,23the availability, the adequacy of the water for23the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	11			
14A. Which – what hearing?14A. Name them again.15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.16Mr. Meissner, Alan Smith, and Jason Smith.18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,23never met him before, and I don't remember bis23the availability, the adequacy of the water for24Q. (BY MR. SMITH) What did he look like?24Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	12		12	Q. Okay. And besides the people that I
15Q. The one that your deposition is being15Q. John Thornton, Mary Taylor,16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.16Mr. Meissner, Alan Smith, and Jason Smith.18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,23never met him before, and I don't remember bis23the availability, the adequacy of the water for24Q. (BY MR. SMITH) What did he look like?24Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	13	at the hearing?	13	named, was anyone else there?
16taken for, in which the protestants to the M316Mr. Meissner, Alan Smith, and Jason Smith.17application have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,21never met him before, and I don't remember his23the availability, the adequacy of the water for23name.24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	2020	A. Which – what hearing?	14	A. Name them again.
17application have called you as a witness.17A. This (indicating) is Jason; is this18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,22never met him before, and I don't remember bis23the availability, the adequacy of the water for24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	15	Q. The one that your deposition is being	15	Q. John Thornton, Mary Taylor,
18A. Okay.18right?19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.20THE WITNESS: There was one other22A. I suppose my concern about the water,21gentleman there. I can't recall his name. I23the availability, the adequacy of the water for23name.24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	16	taken for, in which the protestants to the M3	16	Mr. Meissner, Alan Smith, and Jason Smith.
19Q. What's the purpose?19MR. JASON SMITH: Uh-huh.20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,22never met him before, and I don't remember bis23the availability, the adequacy of the water for23name.24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He				A. This (indicating) is Jason; is this
20A. What's the purpose?20THE WITNESS: There was one other21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,22never met him before, and I don't remember bis23the availability, the adequacy of the water for23name.24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Ob, I would say, 70s, medium build. He	2 C C	A. Okay.		
21Q. Uh-huh.21gentleman there. I can't recall his name. I22A. I suppose my concern about the water,22never met him before, and I don't remember his23the availability, the adequacy of the water for23name.24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He	100000	Q. What's the purpose?		AND A DESCRIPTION OF A
22A. I suppose my concern about the water,22never met him before, and I don't remember bis23the availability, the adequacy of the water for23name.24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Ob, I would say, 70s, medium build. He	1 mil			
23the availability, the adequacy of the water for23name.24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He		-		•
24the project.24Q. (BY MR. SMITH) What did he look like?25Q. Okay. You were referring to this25A. Oh, I would say, 70s, medium build. He				never met him before, and I don't remember his
25 Q. Okay. You were referring to this 25 A. Ob, I would say, 70s, medium build. He				11
				The second
Page 26 Page 28	25		25	
		Page 26		Page 28

7 (Pages 25 to 28)

(208)345-8800 (fax)

٦

1	wasn't wearing glasses.	1	all that adjudication years ago through the
2	Q. Did he say anything?	2	Department of Water Resources. You had to go in
3	A. He was very quiet. No, he did not say	3	I think, and file your water rights, and they
4	much.	4	were clearing up - as I recall that
5	Q. So who did the talking?	5	adjudication, it was clearing up water right
6	A. I would say, Mr. Moyle did mostly.	6	ownerships.
7	I there was a John. I assume it's this John	7	Q. In your opinion, was Mr. Moyle there as
8	Thornton, because I don't recall his last name.	8	a representative in the legislature?
		9	A, No.
9	Q. A very tall gentleman?		
0	A. Dark hair, glasses?	10	Q. Was he there as an individual?
1	Q. Yes.	11	A. Yes.
2	A. I would say, Mr. Moyle and Mr. Thornton	12	Q. Okay. Did he say anything else, other
3	did the most talking.	13	than talking about the statute?
4	Q. So what did Mr. Thornton have to say?	14	A. Well, we visited a lot about all the
5	A. He gave a review of the process, up to	15	issues in our neighborhood, how we were all
6	this point.	16	concerned about water, and resources in that
7	Q. Of what process?	17	area. But it was very general. It was nothing
8	A. Of the hearing we are giving the	18	specific that I can call to mind.
9	deposition for.	19	Q. Did he offer any opinions?
0	Q. So he went through the steps and the	20	A. Not that I could recall, no.
1	hearing?	21	Q. Okay. Did you talk about the City of
2	A. Yes, just a skeletal sketch of what	22	Eagle?
3	they are going through.	23	A. I would say, the conversation involved
4	Q. Okay. Did he say anything else?	24	more around M3, and this project.
5	A. I mean, we visited. No, not substance	25	Q. Okay.
	Page 29	20	Page 3
1	that I can think of, that would help in this	1	A. That's my opinion. Or that's what I
2	process. I mean, we visited about the weather.	2	heard. That's how I heard it.
3	Q. Okay. What did Mr. Moyle say?	3	Q. But you were at the meeting, so you
4	A. Mr. Moyle visited shared with us	4	heard the conversation?
5	that legislation I mentioned earlier. But you	5	A. Yes, that's what I heard.
6	gentlemen probably know, especially, you, better	6	Q. And you participated in the
7	than myself. As I say, it started with	7	conversation?
8	somebody's name that started with an H.	8	A. Yes.
9	Q. Judge Hurlbutt?	9	Q. And that was last Saturday?
0	A. The legislation is called by that, as I	10	A. Yes.
1	recall.	11	Q. Did you plan at that meeting for your
2	Q. Would that be Judge Hurlbutt?	12	testimony?
	A. Hurlbutt is the name I remember. I	13	A. No.
I ≤ 1	don't remember him being referred to as a judge.	14	
			Q. Did Judge Smith have anything to say to you?
4			WOUL /
4 5	But it seems as though the legislation was	15	
4 5 6	But it seems as though the legislation was something of that sort, that name.	16	A. Other than just his experience through
4 5 6 7	But it seems as though the legislation was something of that sort, that name. Q. Okay. What did Mr. Moyle say about	16 17	A. Other than just his experience through the hearing, no. He had nothing to say about
4 5 6 7 8	But it seems as though the legislation was something of that sort, that name. Q. Okay. What did Mr. Moyle say about that legislation?	16 17 18	A. Other than just his experience through the hearing, no. He had nothing to say about this (indicating).
4 5 6 7 8 9	But it seems as though the legislation was something of that sort, that name. Q. Okay. What did Mr. Moyle say about that legislation? A. He was just sharing with us that that	16 17 18 19	 A. Other than just his experience through the hearing, no. He had nothing to say about this (indicating). Q. This being, what?
4 5 6 7 8 9 0	But it seems as though the legislation was something of that sort, that name. Q. Okay. What did Mr. Moyle say about that legislation? A. He was just sharing with us that that law had been passed. I don't know how long ago.	16 17 18 19 20	 A. Other than just his experience through the hearing, no. He had nothing to say about this (indicating). Q. This being, what? A. This deposition.
4 5 6 7 8 9 0	But it seems as though the legislation was something of that sort, that name. Q. Okay. What did Mr. Moyle say about that legislation? A. He was just sharing with us that that	16 17 18 19 20 21	 A. Other than just his experience through the hearing, no. He had nothing to say about this (indicating). Q. This being, what?
4 5 6 7 8 9 0 1 2	But it seems as though the legislation was something of that sort, that name. Q. Okay. What did Mr. Moyle say about that legislation? A. He was just sharing with us that that law had been passed. I don't know how long ago.	16 17 18 19 20	 A. Other than just his experience through the hearing, no. He had nothing to say about this (indicating). Q. This being, what? A. This deposition.
456789012	But it seems as though the legislation was something of that sort, that name. Q. Okay. What did Mr. Moyle say about that legislation? A. He was just sharing with us that that law had been passed. I don't know how long ago. He didn't say. But it was on the books.	16 17 18 19 20 21	 A. Other than just his experience through the hearing, no. He had nothing to say about this (indicating). Q. This being, what? A. This deposition. Q. Okay. A. In fact, I would have to say, he made
34.56.78.901234	 But it seems as though the legislation was something of that sort, that name. Q. Okay. What did Mr. Moyle say about that legislation? A. He was just sharing with us that that law had been passed. I don't know how long ago. He didn't say. But it was on the books. Q. And what was the relevance of that law to the proceeding that we have before us now? 	16 17 18 19 20 21 22	 A. Other than just his experience through the hearing, no. He had nothing to say about this (indicating). Q. This being, what? A. This deposition. Q. Okay. A. In fact, I would have to say, he made it quite clear as a retired judge, he was unable
4567890123	 But it seems as though the legislation was something of that sort, that name. Q. Okay. What did Mr. Moyle say about that legislation? A. He was just sharing with us that that law had been passed. I don't know how long ago. He didn't say. But it was on the books. Q. And what was the relevance of that law 	16 17 18 19 20 21 22 23	 A. Other than just his experience through the hearing, no. He had nothing to say about this (indicating). Q. This being, what? A. This deposition. Q. Okay. A. In fact, I would have to say, he made

1	A. To advise, or help, or counsel, or	1	again.
2	anything of that nature. He was just another	2	Q. You are opposed to the M3 project; are
3	private citizen at a meeting, with concerns about	3	you not?
4	our property and rights.	4	A. The size of it, yes.
5	Q. So you think you were asked to be a	5	Q. Okay. And so it's the project, not the
6	witness, because you protested the City of	6	annexation into Eagle that you are concerned
7	Eagle's prior application?	7	about?
8		8	
9	A. I yes.	9	A. No, I'm opposed to that as well.
	Q. Do you understand that this is a		Because once it's annexed into the city of Eagle,
10	different application; correct?	10	the City of Eagle will have to provide all the
11	A. Yes.	11	responsibilities for the resources.
12	Q. Other than at that meeting on Saturday,	12	Q. Okay. How do you know that?
13	with the people that you've indicated, have you	13	A. Because the City of Eagle is a
14	talked to anybody else about this proceeding?	14	municipality. And any land within its city
15	A. No. Well, I told my husband.	15	limits, it's responsible for providing certain
16	Q. What did you tell him?	16	services.
17	A. I told him I had a meeting this morning	17	Q. I don't recall. Are you within the
18	with you.	18	city limits?
19	Q. So you knew I was going to be here?	19	A. No.
20	A. I suspected.	20	Q. So why are you concerned about the City
21	Q. You were talking about the annexation	21	of Eagle providing services?
22	process, and you said, if you had known about it,	22	A. Because it's going to take it from
23	the annexation of M3, you would have protested?	23	someplace else. I
24	A. If I had known about the piece of	24	Q. Go ahead.
25	property north of us that had been purchased, I	25	A. No. No. No.
	Page 33		Page 35
1	assume purchased from Mr. Hanson, yes, we would	1	Q. I don't mean to interrupt.
2	have gone and testified.	2	A. No. Go abead.
3	Q. What would you have protested?	3	Q. I want to give you a hypothetical, and
4	A. My concern about making a way to annex	4	I want you to explain it to me.
5	the big part of M3.	5	A. Okay.
6		6	
	Q. So you didn't like the way M3 was		Q. Your concern, as I hear it, is that the
7	annexed; is that correct?	7	City of Eagle will have to provide services to
8	A. I hate to see M3 annexed into the City	8	M3?
9	at all, period.	9	A. Yes.
10	Q. And why is that?	10	Q. But you are not a member of the City of
11	A. Because of the size of the project, and	11	Eagle?
12	because that project is going to take resources.	12	A. No.
13	It's going to have to take it from someplace.	13	Q. You are a citizen; correct?
14	And I'm concerned it will be at our expense.	14	A. I'm not in – my land is not in the
15	Meaning all of us, who have protested, and have	15	city limits.
16	not protested.	16	Q. So if the M3 project went forward, and
17	Q. So are you opposed to that development	17	the City of Eagle was not providing services, who
18	of the foothills?	18	would provide services?
19	A. Yes.	19	A. I don't believe it can go forward
20	Q. In general?	20	without services.
21	A. The size of it, yes.	21	Q. Okay. The question was, who would
22	Q. So if M3 hadn't been annexed into the	22	provide the services if
23	city of Eagle, you would have protested M3's	23	A. They would have to provide their own.
24	development anyway?	24	Q. And that would be okay?
25	A. Rephrase give me that question,	25	A. Not necessarily.
	Page 34		Page 36

1	Q. Could you explain that?	1	A. Yes, the Corinthian Home and I don't
2	A. It would depend on where they are going	2	know what it is called now. It is that 200, 300
3	to get their services from. If they are drawing	3	acre plot there, on the corner of 16th and Beacon
4	out of the same aquifer that the City of Eagle,	4	Light. They approved high density there, versus
5	and myself, and all the other people do, I would	5	Cove Colony, versus Buckhorn, of course, I don't
6	have grave concerns.	6	think Buckhorn is in the city, versus Cove
7	Q. So any development that draws from the	7	Colony, versus what's that other one east of
8	same aquifer as you do, you would oppose?	8	it. Some others that are large lot, larger lot
9	A. At that size, yes.	9	developments, and they are putting high density
10	Q. Okay. At what level do you not oppose	10	out at the west end.
11	the development?	11	Q. So you oppose high density
12	A. When a hydrologist or a geologist can	12	developments?
13	guarantee me that there is water there for all of	13	A. Outside certain - yeah. Yeah. When
14	us, and since hydrology and geology are not exact	14	you got that city core, you've got low density.
15	sciences, I haven't found one yet that can do	15	And here, right out there in the ag part of it,
16	that. So I would have reservations. I don't	16	you have high density, yeah.
17	know how far.	17	Q. And when you mention Cove Colony, do
18	Q. How far - I'm talking about size -	18	you consider that high density?
19	A. Right. Right. Right.	19	A. No, that's lower density. Those lots
20	Q. We're talking about anything let me	20	are half acre, I think, at least.
21	finish.	21	Q. So do you think the City should be
22	A. Okay.	22	having low density developments?
23	Q. We're talking from one acre to 6,000	23	A. I think as you leave – I'm not a
24	acres, is there any threshold in there, in which	24	planner, my opinion.
25	you don't oppose development?	25	Q. I understand this is your opinion.
	Page 37		Page 39
1	A. That would have to be on an individual		A. As you leave the city, the higher
2	case basis.	2	density should be around the city core. And the
	O Olympic Consistent Assembly meeting?		fronth an and a son and the lower the day of the start
3	Q. Okay. So size doesn't matter?	3	farther out you go, the lower the density should
4	A. It depends on the project; each	4	be. And in my opinion, Eagle is hodge-podging,
4	A. It depends on the project; each individual project.	4 5	be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with
4 5 6	A. It depends on the project; each individual project.Q. Okay. Is it fair to say, that you are	4 5 6	be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity.
4 5 6 7	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? 	4 5 6 7	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"?
4 5 6 7 8	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. 	4 5 6 7 8	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to
4 5 6 7 8 9	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who 	4 5 6 7 8 9	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large
4 5 6 7 8 9 10	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? 	4 5 7 8 9 10	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities.
4 5 6 7 8 9 10 11	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. 	4 5 7 8 9 10 11	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is
4 5 6 7 8 9 10 11 12	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response 	4 5 6 7 8 9 10 11 12	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall
4 5 6 7 8 9 10 11 12 13	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the 	4 5 6 7 8 9 10 11 12 13	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall that?
4 5 6 7 8 9 10 11 12 13 14	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I 	4 5 6 7 8 9 10 11 12 13 14	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall that? A. As I recall, when they first made their
4 5 6 7 8 9 10 11 12 13 14 15	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. 	4 5 6 7 8 9 10 11 12 13 14 15	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was
4 5 6 7 8 9 10 11 12 13 14 15 16	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. A. Yes. 	4 5 6 7 8 9 10 11 12 13 14 15 16	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was something around 45 cubic feet per second;
4 5 6 7 8 9 10 11 12 13 14 15 16 17	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. A. Yes. Q. Okay. What are those concerns? 	4 5 6 7 8 9 10 11 12 13 14 15 16 17	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was something around 45 cubic feet per second; roughly, around that number.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. A. Yes. Q. Okay. What are those concerns? A. The type of developments that they have 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a buge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was something around 45 cubic feet per second; roughly, around that number. Q. And do you know what the present
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. A. Yes. Q. Okay. What are those concerns? A. The type of developments that they have approved in the last couple years. Primarily, 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was something around 45 cubic feet per second; roughly, around that number. Q. And do you know what the present requested water right is?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. A. Yes. Q. Okay. What are those concerns? A. The type of developments that they have approved in the last couple years. Primarily, being that they've approved large lot acreage 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was something around 45 cubic feet per second; roughly, around that number. Q. And do you know what the present requested water right is? A. I'm guessing, it's probably 20.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. A. Yes. Q. Okay. What are those concerns? A. The type of developments that they have approved in the last couple years. Primarily, being that they've approved large lot acreage approvals near to the city center, and they are 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was something around 45 cubic feet per second; roughly, around that number. Q. And do you know what the present requested water right is? A. I'm guessing, it's probably 20. Q. And why are you guessing that?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. A. Yes. Q. Okay. What are those concerns? A. The type of developments that they have approved in the last couple years. Primarily, being that they've approved large lot acreage approvals near to the city center, and they are doing high density very high density 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was something around 45 cubic feet per second; roughly, around that number. Q. And do you know what the present requested water right is? A. I'm guessing, it's probably 20. Q. And why are you guessing that? A. Going by what you had asked for before,
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. A. Yes. Q. Okay. What are those concerns? A. The type of developments that they have approved in the last couple years. Primarily, being that they've approved large lot acreage approvals near to the city center, and they are doing high density – very high density developments out in the western part of their 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a buge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was something around 45 cubic feet per second; roughly, around that number. Q. And do you know what the present requested water right is? A. I'm guessing, it's probably 20. Q. And why are you guessing that? A. Going by what you had asked for before, for the City of Eagle, versus the size of this
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. A. Yes. Q. Okay. What are those concerns? A. The type of developments that they have approved in the last couple years. Primarily, being that they've approved large lot acreage approvals near to the city center, and they are doing high density — very high density developments out in the western part of their city limits. 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a huge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was something around 45 cubic feet per second; roughly, around that number. Q. And do you know what the present requested water right is? A. I'm guessing, it's probably 20. Q. And why are you guessing that? A. Going by what you had asked for before, for the City of Eagle, versus the size of this project. I'm thinking it's got to be at least
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 A. It depends on the project; each individual project. Q. Okay. Is it fair to say, that you are concerned about the size of the M3 project? A. Yes. Q. And that would be regardless of who provides services to it? A. Yes. Q. You also made it, I think, in response to the question, do you have concerns about the land use decisions of the City of Eagle? And I indicated in my notes, that you said, yes. A. Yes. Q. Okay. What are those concerns? A. The type of developments that they have approved in the last couple years. Primarily, being that they've approved large lot acreage approvals near to the city center, and they are doing high density – very high density developments out in the western part of their 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 be. And in my opinion, Eagle is hodge-podging, and just whatever fits, or whoever comes in with some type of project, they have no continuity. Q. What do you mean by "continuity"? A. They don't go from high density, to medium density, to lower density, to large densities. Q. Okay. You made the comment that M3 is asking for a buge amount of water. Do you recall that? A. As I recall, when they first made their applications for water rights, I thought it was something around 45 cubic feet per second; roughly, around that number. Q. And do you know what the present requested water right is? A. I'm guessing, it's probably 20. Q. And why are you guessing that? A. Going by what you had asked for before, for the City of Eagle, versus the size of this

Γ

1	Q. Okay. So other than the size of M3, is	1	appropriate, in your opinion?
2	there anything else about the annexation of M3	2	A. It goes back to the question of who is
3	into the City of Eagle that you object to?	3	it going to damage? Who are they taking it from
4	A. Based on hearings at the City of Eagle,	4	to provide for that project?
5	and people who have testified, who are	5	Q. Ms. Taylor, I'm having a really
6	developers, and they've made the comment that if	6	difficult time understanding some of the approach
7	Eagle never annexed another drop of land, they've	7	that you are taking. If we have a parcel of land
8	got at least 20 to 30 years build out on what	8	that will be developed, private ground that will
9	they have already annexed and approved in the way	9	be developed. And you are concerned about the
10	of projects. I'm going by other people who know	10	resources that that development will take;
11	more about development than me.	11	correct?
12	Q. My question was, what you would object	12	A. Yes.
13	to.	13	Q. Why does it matter? If there is a plan
14	A. Okay. Rephrase the question.	14	for providing the resources, the services for
15	MR. SMITH: Would the reporter read	15	that parcel, whether it comes from the City of
16	back the question to Ms. Taylor?	16	Eagle, or anyone else, why does the annexation
17	(The reporter read back the following	17	matter?
18	requested testimony: "Q. Okay. So other than	18	MR. ALAN SMITH: We would object to the
19	the size of M3, is there anything else about the	19	question. It's already been asked and answered.
20	annexation of M3 into the City of Eagle that you	20	You can go ahead and answer, if you
21	object to?")	21	can.
22	THE WITNESS: Yes, I think the City of	22	THE WITNESS: I'm not a city planner.
23	Eagle has plenty to work with at their present	23	I'm not a city councilmen. I'm an expert in
24	size, more than they can accommodate.	24	nothing, except maybe commonsense. And when I
25	Q. (BY MR. SMITH) So if an individual	25	see a city, whose city's limits are as big as
20121	Page 41		Page 43
1	with a piece of property that wanted to develop,	1	Eagle's, and now they want to take on a project
2	came to the City of Eagle, and said, I would like	2	that's going to more than double that. Why
3	to annex into the city of Eagle. Do you think	3	wouldn't I have concerns about resources? Why
4	that that should be prohibited?	4	would I wonder and question, whether the City can
5	A. My first question would be, what is the	5	really provide, when they have to fire policemen,
6	size of the project?	6	they have to shut the library, why wouldn't I
7	Q. Let me ask it this - why does that	7	question whether they have the resources to
8	matter? Let me make sure you understand what I'm	8	provide for any kind of that development?
9	asking.	9	Q. Let me go back to my question, please.
10	An individual with private property	10	I said, if there is a plan for
11	approaches the City of Eagle, and says, I would	11	providing the services, and whether the plan is
12	like to annex. Do you think that should be	12	for the City to provide them, or someone else to
13	prohibited?	13	provide them, what does the issue of
14	A. If I sat on the city council, I would	14	annexation – what is the problem with
15	take a long hard look of what my resources are	15	annexation?
16	available, whether I could accommodate what they	16	A. Because what I have seen over the past
17	are going to need with their project. And if I	17	years, with our issue with the first water right,
18	don't have adequate water, or if I don't have	18	and now this one is, I don't see where there are
19	adequate fire, or I don't have adequate sewer,	19	the resources available. I personally question
20	then as a city, I would have to say, we are not	20	the plan, because everybody tells me, this is a
21	able to annex your property right now, because we	21	project. This is a projection. This is a model.
22	don't have the resources to supply the needs you	22	This is a guess. And so I – there is no
23	are going to present us with.	23	assurance to me that there can be those resources
24	Q. And if there is a plan for providing	24	available for it.
25	those resources, then the annexation would be	25	Q. So it's a question of the availability
	Page 42		Page 44
1	of resources, not the question of annexation, per	1	Q. That pump test, and that whole episode
----	---	----	---
2	se?	2	involved the City of Eagle's water right
3	A. Resources is my first concern.	3	application; did it not?
4	Q. Regardless of who provides them?	4	A. Yes.
5	A. Exactly. Exactly.	5	MR. FEREDAY: No questions at this
6	Q. Okay. That's what	6	point.
7	A. Yes, I will agree with that.	7	MR. ALAN SMITH: I just have a couple
8	Q. I'm sorry. I don't mean to speak over	8	more, Ms. Taylor.
9	you.	9	FURTHER EXAMINATION
10	So anyway, I was trying to understand	10	QUESTIONS BY MR. ALAN SMITH:
11	that. I think I have that down so	11	Q. Is your concern of the size of the M3
12	A. The resources are my concern.	12	project, also, related to the quantity of water
13	Q. Okay.	13	they are going to want?
14	A. May I ask a question?	14	A. Absolutely.
15	Q. Let me suggest this well, you can go	15	Q. And is there any uncertainty in your
16	ahead and ask the question. The deposition is	16	mind that your well will be adversely impacted by
17	not designed for you asking questions. But go	17	these other pumping areas?
18	ahead, for the record, and ask your question.	18	MR. FEREDAY: We would just object,
19	A. As a representative of the City of	19	just interpose an objection, that she's
20	Eagle - well, let me wait a minute here. As a	20	unqualified to answer the question.
21	representative of the City of Eagle, aren't you	21	But you can go ahead.
22	required by law, as a City, to provide services	22	THE WITNESS: Yes.
23	to anything you annex?	23	MR. ALAN SMITH: That's all I have.
24	Q. We have your question, and I will	24	MR. SMITH: I have no further
25	answer it off the record.	25	questions.
25	Page 45	23	Page 47
1	There was one question that you, also,	1	MR. FEREDAY: Thank you very much.
2	answered. You talked about people pumping, and	2	MR. ALAN SMITH: Thank you, Mary.
3	they were not regulated by the PUC. That no one	3	(Deposition concluded at 10:46 a.m.)
4	was monitoring the pumping. Do you recall that?	4	(Signature waived.)
5	A. That's not what my statement was.	5	
6	Q. Okay. Do you recall what you were	6	
7	talking about?	7	
8	A. Yes.	8	
9	Q. What were you talking about?	9	
10	A. Municipalities are not regulated by PUC	10	
11	on the water issue.	11	
12	Q. Okay. And do you think that the PUC	12	
13	monitors pumping?	13	
14	A. I don't know that.	14	
15	MR. SMITH: I don't have any further	15	
16	questions. Thank you very much.	16	
17	MR. FEREDAY: I just have one follow-up	17	
18	question.	18	
19	FURTHER EXAMINATION	19	
20	QUESTIONS BY MR. FEREDAY:	20	
21	Q. Ms. Taylor, you mentioned in response	21	
22	to questions from Judge Smith, this pump test	22	
23	episode, where you experienced drawdown in your	23	
24	well; do you recall that?	24	
25	A. Yes.	25	
	Page 46		Page 48

1 2 3 4 5 6 7 8 9 10 11 12	REPORTER'S CERTIFICATE I, COLLEEN P. ZEIMANTZ, CSR No. 345, Certified Shorthand Reporter, certify: That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me; That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction; That the foregoing is a true and correct record of all testimony given, to the best of my	
13 14 15 16 17 18	ability; I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action. IN WITNESS WHEREOF, I set my hand and seal this 13th day of October, 2011.	
19 20 21 22 23 24 25	COLLEEN P. ZEIMANTZ, CSR 345 Notary Public P.O. Box 2636 Boise, Idaho 83701-2636 My commission expires September 7, 2017. Page 49	

1			
	BEFORE THE DEPARTMENT OF WATER RESOURCES	1	INDEX
2	OF THE STATE OF IDAHO	2	TESTIMONY OF CHARLES W. MEISSNER, JR. PAGE
3		3	Examination by Mr. Fereday 4
4	IN THE MATTER OF APPLICATION)	4	Examination by Mr. Alan Smith 18
5	FOR PERMIT NO. 63-32573 IN THE)	5	Further Examination by Mr. Fereday 21
6	NAME OF M3 EAGLE LLC, ASSIGNED)	6	Further Examination by Mr. Alan Smith 23
7	TO THE CITY OF EAGLE)	7	Examination by Mr. Smith 24
8)	8	Further Examination by Mr. Alan Smith 44
9		9	
.0		10	
1		11	EXHIBITS
.2		12	DESCRIPTION PAGE
.3		рз	I - Copy of Notice of Deposition Duces 4
4		14	Tecum of Charles Meissner
.5		15	J - Copy of Mr. Meissner Documents 10
16	DEPOSITION OF CHARLES W. MEISSNER, JR.	16	K - Copy of Video
17	October 12, 2011	17	
18		18	
19		19	
20	REPORTED BY:	20	
21	COLLEEN P. ZEIMANTZ, CSR No. 345	21	
2	Notary Public	22	
23		23	
4		24	
25		25	Deve
			Page
1	DEPOSITION OF CHARLES W. MEISSNER, JR.,	1	(Exhibit I marked.)
2	was taken on behalf of the M3 Eagle LLC, at the	2	CHARLES W. MEISSNER, JR.,
3	offices of Givens Pursley, LLP, located at 601	3	first duly sworn to tell the truth relating to
4	West Bannock Street, Boise, Idaho, commencing at	4	said cause, testified as follows:
5	11:00 a.m., on October 12, 2011, before Colleen	5	EXAMINATION
6	P. Zeimantz, Certified Shorthand Reporter and	6	QUESTIONS BY MR. FEREDAY:
7	Notary Public within and for the State of Idaho,	7	Q. Please state your name, and give your
8	in the above-entitled matter.	8	address.
9	APPEARANCES:	9	A. Charles W. Meissner, Jr. I live at
.0		10	3307 Hanson in Boise.
.1	Givens Pursley, LLP	1 1	Q. In Boise, Idaho?
2	BY MR. JEFFREY C. FEREDAY	12	A. Yeah.
3	BY MR. MICHAEL P. LAWRENCE	13	Q. Your occupation, sir?
4	601 West Bannock Street	14	A. Right now, I'm retired. I'm retired
5	P.O. Box 2720	15	from farming.
6	Boise, Idaho 83701-2720	16	Q. Where do you farm?
7	For the City of Eagle:	17	A. I farm at 3101 North Palmer.
8	Moore Smith Buxton & Turcke, Chartered	18	Q. Is that in the city of Eagle?
9	BY MR. BRUCE M. SMITH	19	A. It's in the impact area. It's not the
0	950 West Bannock, Suite 520	20	city of Eagle, no.
1	Boise, Idaho 83702	21	Q. How many acres do you farm?
2	Also Present: Alan Smith	22	A. I farm 30 there, and I own ten and
2 3 4	Jason Smith	23	these 20.
4	;	24	Q. What's your education, sir?
	,	25	A. I've got a couple of degrees in
5	Page 2	45	A. I ve got a couple of degrees in

M & M COURT REPORTING

1	electronics and geophysics.	1	Citizens Foothills Alliance, or any similar
2	Q. And from where?	2	group?
3	A. Boise State University.	3	A. No.
4	Q. And what are those degrees?	4	Q. How about North Ada County Ground Water
5	A. What are they?	5	Users Association?
6	Q. What are the degrees?	6	A. No.
7	A. Oh, bachelor's degree in geophysics. I	7	Q. Have you met with either of those
8	did master's studies, and never did finish it at	8	organizations or their members to discuss this
9	the University of Utah in geophysics.	9	matter?
10	Q. Any other degrees or education?	10	A. Oh, I don't know for sure. I met with
11	A. The electronics degree from Boise	11	Judge Smith, and that was just a minor little
12	Junior College.	12	meeting. It was kind of like what this was going
13	Q. And what did that consist of, that	13	to be all about.
14	course of study?	14	Q. When was that meeting?
15	A. It was just an electronic technicians,	15	A. Last week, or the week before. I don't
16	two year.	16	know.
17	Q. So you have a bachelor of science	17	Q. Was that a meeting in which Mike Moyle
18	degree in geophysics; is that correct?	18	was present?
19	A. Yeah, uh-huh.	19	A. Yes, it was.
20	Q. Do you have any education or experience	20	Q. At Judge Smith's house?
21	in demographics, population forecasting, water	21	A. Yeah.
22	use forecasting?	22	Q. Would that have been last Saturday,
23	A. No.	23	pethaps?
24	Q. How about planned community	24	A. Yeah, it could have been.
25	development	25	Q. And what was the substance of the
20	Page 5	20	Page 7
1	A. No.	1	discussion at that meeting?
2	Q. – of any kind?	2	A. I don't know. We talked about old
3	A. No.	3	friends that haven't seen each other in a while.
4	Q. I'm showing you what's been marked as	4	And a little bit about what was going on with the
5	Deposition Exhibit I, which is the Notice of	5	water rights thing, and it wasn't a whole lot.
6	Deposition for your deposition today. Do you	6	Q. I mean, what's your understanding as to
7	recall receiving it?	7	what's going on with the water rights thing?
8	A. Yes, I do. I have a copy in here	8	A. I really don't understand any of it. I
9	(indicating).	9	haven't studied any of it. I am already out
10	Q. Did you bring documents with you today?	10	quite a bit of money, about \$50,000, and I didn't
11	A. I brought a few?	11	get involved in it.
12	Q. And could you show us what those are,	12	Q. \$50,000 you are out, is the amount that
13	please?	13	you have paid to build a replacement well on your
14	MR. FEREDAY: And let's go off the	14	property; is that correct?
15	record at this time.	15	A. That, and the lawyer bills and fighting
16	(Discussion held off the record.)	16	the last - what I was protesting in the Legacy
17	MR. FEREDAY: Let's go back on the	17	water rights things.
18	record.	18	Q. What were the substance of your
19	Q. (BY MR. FEREDAY) You are not a	19	conversations with Judge Smith about your being a
20	protestant in this water right case; are you?	20	witness in this case?
21	A. No, I am not.	21	A. He asked me if I would be a witness,
22	Q. Have you ever read the M3 Eagle	22	because I was the one that was damaged from the
23	application?	23	last water rights that Eagle got, so
24	A. No.	24	Q. That is to say, because you believe
			-
25	Q. Are you a member of North Ada County	25	your ground water levels were injured by pumping,
	Q. Are you a member of North Ada County Page 6	25	your ground water levels were injured by pumping, Page 8

1	by the City of Eagle; is that correct?	1	brought? What is this?
2	A. Oh, I know they were.	2	A. That's a videotape that Ed Squires made
3	Q. And you know they were based on, what?	3	when he was inspecting the well. He was looking
4	A. Oh, based on my knowledge of what	4	for problems in the well, and he couldn't find
5	happened to the well, and replacing it.	5	any problems in the well.
6	Q. With your replaced well, does it	6	Q. And does this videotape include footage
7	produce water?	7	of a down hole camera?
8	A. Yes.	8	A. Yes, a footage made by a down hole
9	Q. How are its water levels?	9	сашега.
10	A. They are fine. They vary up and down	10	MR. FEREDAY: We'll mark this as
11	with but they are you know, they are doing	11	Exhibit K.
12	okay.	12	(Exhibit K marked.)
13	Q. In the City of Eagle matter with regard	13	Q. (BY MR. FEREDAY) And, Mr. Meissner, is
14	to the City's pumping, did you have any expert	14	it okay with you if you leave this here long
15	advise you that your well was injured by the City	15	enough for us to copy it?
16	of Eagle's pumping?	16	A. Yeah, as long as I get it back, that is
17	A. Ed Squires came out and inspected.	17	no problem.
18	That's what all this (indicating) is about.	18	Q. That would be understood.
19	Q. Did he advise you that your well was	19	A. I could probably get another copy from
20	injured by the City of Eagle's pumping?	20	Ed, maybe. I don't know. He was kind of vague
21	A. He verified that it was not producing	21	in his email. I think I probably copied that
22		22	here – this – somewhere that be sent me this
22	anything, and it had been. But he couldn't find	23	
24	anything in fact, there is a copy of an email	24	morning, basically, that he has no records, and
1	that he sent me, that he really couldn't find	24	couldn't find a reason why it was not producing
25	anything. Page 9	25	water. Page 11
<u> </u>			
1	Q. Couldn't find anything, in what regard?	1	Q. Mr. Meissner, are you familiar with the
2	A. Couldn't find anything, any reason of	2	district court's order, remanding this matter to
3	why it wasn't pumping. Because he couldn't get	3	the Department of Water Resources for a hearing
4	down. It was hydrologically packed in the	4	on limited issues?
5	bottom.	5	A. Not really.
6	Q. So your well had physical problems that	6	Q. Have you heard of such an order?
7	wouldn't allow him to get his tool down into the	7	A. I have heard of something, but it's
8	well; is that right?	8	hearsay. I baven't seen an order.
9	A. Right, he couldn't get all the way	9	Q. I would like to show you what's been
10	down, because it was sand packed in the bottom.	10	marked as Exhibit D, which is a pre-hearing
11	Q. Mr. Meissner, you have brought a group	11	order, Mr. Meissner, which includes in its last
12	of documents here that I would like to have	12	sentence on page 2, the following statement in
13	marked as Exhibit J.	13	part.
14	MR. LAWRENCE: J.	14	At the hearing, "the parties shall not
15	(Exhibit J marked.)	15	conduct discovery or offer evidence at the
16	Q. (BY MR. FEREDAY) Could you tell us	16	hearing concerning other matters such as
17	what those documents show?	17	technical water supply issues, hydrogeology, and
18	A. Oh, those documents showed the expenses	18	potential injury from pumping."
19	- on, more countering one was the expenses	19	Have you ever seen this report before?
112	that I went through to get new water rights and a		TITLE TAR OLD BOOH THE LEPOIL DELOID!
	that I went through to get new water rights and a new well.		A. No. I haven't.
20	new well.	20	A. No, I haven't. O. Did Mr. Alan Smith discuss this with
20 21	new well. Q. For your replacement well; correct?	20 21	Q. Did Mr. Alan Smith discuss this with
20 21 22	new well. Q. For your replacement well; correct? A. (Witness nodding head.)	20 21 22	Q. Did Mr. Alan Smith discuss this with you
20 21 22 23	new well. Q. For your replacement well; correct? A. (Witness nodding head.) Q. You have to actually say, yes.	20 21 22 23	 Q. Did Mr. Alan Smith discuss this with you A. No.
20 21 22 23 24	new well. Q. For your replacement well; correct? A. (Witness nodding head.) Q. You have to actually say, yes. A. Oh, yes.	20 21 22 23 24	 Q. Did Mr. Alan Smith discuss this with you A. No. Q before your appearance here?
20 21 22 23	new well. Q. For your replacement well; correct? A. (Witness nodding head.) Q. You have to actually say, yes.	20 21 22 23	 Q. Did Mr. Alan Smith discuss this with you A. No.

Г

1	Q. Did you understand that the bearing in	1	Eagle application?
2	this matter is limited, and does not include	2	A. The scope of my testimony would be,
3	issues of hydrology and injury to wells? Did you	3	what I was damaged by the last water rights that
4	understand that?	4	was issued.
5	A. No.	5	Q. And that would include discussion of
6	Q. I would like to show you what's been	6	the expenses that you have incurred, as outlined
7	marked as Exhibit E, please. And I'm referring	7	in Exhibit J, for constructing a replacement
8	now to page 2 of Exhibit E. Do you see that?	8	well; would that be correct?
9	A. Yes, I do.	9	A. Ub-bub, yes.
10	Q. It's three numbered items. I'll	10	Q. What else would you testify to?
11	represent to you that this is interim director	11	Anything else?
12	Spackman's order, again, limiting the scope of	12	A. Other than that, it's all hearsay. I
13	this hearing to these three items.	13	couldn't testify to anything, other than that.
14	Do you see item one, evidence	14	Q. Okay. Do you understand that the City
15	establishing that the M3 Eagle project has been	15	of Eagle has annexed the M3 project area into the
16		16	City?
17	annexed by the City of Eagle? A. Yes.	17	
18		18	A. I have beard that they had. It's all
	Q. Do you have any information, any facts		hearsay. I am not aware of a fact that they
19	that you know, that relate to that, that you	19	have.
20	would testify to at this hearing?	20	Q. Okay.
21	A. No, I don't.	21	A. I mean, there is all kinds of
22	Q. How about No. 2, "Evidence related to	22	discussions around the neighborhood about, well,
23	the City of Eagle's planning horizon and the	23	they did this, and they did that, and did that.
24	reasonable anticipated future municipal needs for	24	I don't know for a fact that they have.
25	the City of Eagle service area, including M3	25	Q. Okay.
<u> </u>	Page 13		Page 15
1	Eagle project based on the City of Eagle's	1	A. I assume that they did. But then you
2	current water rights portfolio and planning	2	know how assume is.
3	information."	3	Q. Do you intend to testify at the hearing
4	Have you got any facts, or do you know	4	next week with regard to the annexation of M3
5	of any information that you would testify to at	5	Eagle?
6	the hearing that relates to item 2?	6	A. I hadn't intended on it, no. The scope
7	A. No.	7	of my testimony would be on the damage that was
8	Q. What about item 3, sir, "Information on	8	done to my well.
9	the quantity of water appropriated for permit	9	Q. Okay.
10	No. 63-32573 appurtenant to the M3 project in	10	A. That's the only thing I know for a
		11	-
111			
11	relationship to water needs of the City's service	1	fact.
12	area."	12	Q. Do you understand that this M3
12 13	area." Do you know anything about that, or	12 13	Q. Do you understand that this M3 application has been assigned to the City of
12 13 14	area." Do you know anything about that, or have any information that you would testify to at	12 13 14	Q. Do you understand that this M3 application has been assigned to the City of Eagle?
12 13 14 15	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point?	12 13 14 15	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea.
12 13 14 15 16	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point? A. No, I don't.	12 13 14 15 16	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea. Q. Have you seen or evaluated any
12 13 14 15 16 17	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point? A. No, I don't. Q. Did you discuss these three items with	12 13 14 15 16 17	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea. Q. Have you seen or evaluated any information with regard to reasonably anticipated
12 13 14 15 16 17 18	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point? A. No, I don't. Q. Did you discuss these three items with any other person?	12 13 14 15 16 17 18	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea. Q. Have you seen or evaluated any information with regard to reasonably anticipated future needs, that the City of Eagle might have
12 13 14 15 16 17 18 19	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point? A. No, I don't. Q. Did you discuss these three items with any other person? A. No, that's the first time I've seen it.	12 13 14 15 16 17 18 19	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea. Q. Have you seen or evaluated any information with regard to reasonably anticipated future needs, that the City of Eagle might have with regard to water?
12 13 14 15 16 17 18 19 20	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point? A. No, I don't. Q. Did you discuss these three items with any other person? A. No, that's the first time I've seen it. Q. You are not an expert on municipal	12 13 14 15 16 17 18 19 20	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea. Q. Have you seen or evaluated any information with regard to reasonably anticipated future needs, that the City of Eagle might bave with regard to water? A. With regard to water, yes, I have. And
12 13 14 15 16 17 18 19 20 21	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point? A. No, I don't. Q. Did you discuss these three items with any other person? A. No, that's the first time I've seen it. Q. You are not an expert on municipal water use; are you?	12 13 14 15 16 17 18 19 20 21	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea. Q. Have you seen or evaluated any information with regard to reasonably anticipated future needs, that the City of Eagle might have with regard to water? A. With regard to water, yes, I have. And that has to do with the case that the previous
12 13 14 15 16 17 18 19 20 21 22	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point? A. No, I don't. Q. Did you discuss these three items with any other person? A. No, that's the first time I've seen it. Q. You are not an expert on municipal water use; are you? A. No. The only thing I know is, I've	12 13 14 15 16 17 18 19 20 21 22	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea. Q. Have you seen or evaluated any information with regard to reasonably anticipated future needs, that the City of Eagle might have with regard to water? A. With regard to water, yes, I have. And that has to do with the case that the previous case with Legacy.
12 13 14 15 16 17 18 19 20 21 22 23	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point? A. No, I don't. Q. Did you discuss these three items with any other person? A. No, that's the first time I've seen it. Q. You are not an expert on municipal water use; are you? A. No. The only thing I know is, I've been damaged from previous water use.	12 13 14 15 16 17 18 19 20 21 22 23	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea. Q. Have you seen or evaluated any information with regard to reasonably anticipated future needs, that the City of Eagle might have with regard to water? A. With regard to water, yes, I have. And that has to do with the case that the previous case with Legacy. Q. What was the nature of that
12 13 14 15 16 17 18 19 20 21 22 23 24	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point? A. No, I don't. Q. Did you discuss these three items with any other person? A. No, that's the first time I've seen it. Q. You are not an expert on municipal water use; are you? A. No. The only thing I know is, I've been damaged from previous water use. Q. What matters do you expect to testify	12 13 14 15 16 17 18 19 20 21 22 23 24	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea. Q. Have you seen or evaluated any information with regard to reasonably anticipated future needs, that the City of Eagle might bave with regard to water? A. With regard to water, yes, I have. And that has to do with the case that the previous case with Legacy. Q. What was the nature of that information?
12 13 14 15 16 17 18 19 20 21 22 23	area." Do you know anything about that, or have any information that you would testify to at the hearing, relative to that point? A. No, I don't. Q. Did you discuss these three items with any other person? A. No, that's the first time I've seen it. Q. You are not an expert on municipal water use; are you? A. No. The only thing I know is, I've been damaged from previous water use.	12 13 14 15 16 17 18 19 20 21 22 23	 Q. Do you understand that this M3 application has been assigned to the City of Eagle? A. I have no idea. Q. Have you seen or evaluated any information with regard to reasonably anticipated future needs, that the City of Eagle might have with regard to water? A. With regard to water, yes, I have. And that has to do with the case that the previous case with Legacy. Q. What was the nature of that

4 (Pages 13 to 16)

		1	
1	water than they needed. I mean, that was my	1	MR. FEREDAY: We're going to object to
2	opinion on it.	2	this line of questioning. As you know, this is
3	Q. With regard to the concept, though, of	3	outside the scope of the hearing. And I don't
4	reasonably anticipated future needs, have you	4	think it's reasonably calculated to lead to
5	ever seen any analysis, specifically, addressing	5	relevant evidence.
6	that question?	6	And you can go ahead and answer.
7	A. I am not I'm not a soothsayer. We	7	MR. ALAN SMITH: The objection is noted
8	cannot, any of us, predict the future. I mean,	8	for the record.
9	look what's happened in the last four years.	9	You can go ahead and answer.
10	Q. Do you understand, though, that City's	10	THE WITNESS: Okay. Yeah, they were
11	and other water purveyors do plan for the future?	11	pumping the wells, flushing out the systems, and
12	A. Yeah, I understand they do try to	12	pumping the wells. And every time they would
13	anticipate. You know, and there we go,	13	pump the wells, my water level would go down.
14	anticipate and assume. We can't put that in the	14	And what happened was, the bottom of my well got
15	bag. If it happens, it happens.	15	hydrologically impacted.
16	Q. So I take it that your answer is that,	16	There was some sand on the bottom of
17	no, you have not evaluated any future needs water	17	it, which had never been a problem. It had been
18	right for the City of Eagle?	18	pumping out of that well for 20 years. And when
19	A. I'm not a – I'm not a soothsayer. I	19	the water level started fluctuating as much as it
20	can't see into the future.	20	did, which was a whole lot more than they
21	Q. So that's a, no, you haven't done that	21	predicted, and it packed the sand in the bottom
22	evaluation?	22	of the well like concrete, and couldn't pull
23	A. No. I don't think anybody can. I	23	water through it, and the well went dry.
24	mean, everybody can procrastinate and propagate,	24	Do you want me to go on and explain?
25	and everything else that they do. And oh,	25	Q. (BY MR. ALAN SMITH) Yes, if you would.
	Page 17		Page 19
1	listen. We're going to do this, and we're going	1	A. They did find about a three-eighths
2	to do that. Well, if it happens, it happens.	2	inch hole in the screen at the bottom of the
3	Q. What do you know about planning	3	well. We finally got everything jerked out of
4	horizons with regard to municipal water rights?	4	there, and that was allowing some sand to come
5	A. Nothing. It's not my field of study.	5	in. And when the water table would fluctuate as
6	MR. FEREDAY: No further questions.	6	much as it was, there was a 130 foot column of
7	THE WITNESS: Okay.	7	water that impacted the sand in the bottom of the
8	EXAMINATION	8	well.
9	QUESTIONS BY MR. ALAN SMITH:	9	If you pull it one way through the
10	Q. You were protesting in the Legacy case;	10	sand, it's a great filter. It doesn't cause a
11	were you not, Mr. Meissner?	11	problem. But when you pack down on it, it
12	A. Yes, I was.	12	becomes like concrete. That is what had happened
13	Q. Was that Water Permits 13-2089 and	13	to my well.
14	13-2090, if you recall?	14	Q. And what did you have to expend in the
15	A. I don't recall the exact numbers, but	15	way of money to repair that well?
16	that sounds about right. Yeah.	16	A. \$43,542, and that does not include the
17	Q. And what damages have you suffered as a	17	payment to Ed Squires. I couldn't find that
18	result of Legacy's pumping?	18	check.
19	A. My well went dry.	19	MR. ALAN SMITH: Okay. I think that's
20	Q. Can you explain to us, or give us some	20	all I have.
21	idea of what pumping was going on at Legacy, and	21	Q. (BY MR. ALAN SMITH) What was your
22	when that started, and when you started having	22	payment to Ed Squires for?
23	problems with your well?	23	A. That was for inspecting the well, to
24	A. They were they were doing testing,	24	see what he could find out. There is a
25	and they were going to	25	videotape.
	Page 18		Page 20

1

1 0.	The videotape shows that?	1	somewhere.
	To make sure there was no real problem	2	Q. I'm really asking you this question,
	e well. He couldn't find a problem with	3	just to inquire as to how you recall events with
4 the we	-	4	regard to your experience. But, so, your
	MR. JASON SMITH: Do you remember,	5	testimony is, that you did pay him about \$2,000?
	k-wise, what it cost you for Ed Squires?	6	A. Yeab, approximately, that, yeab, to the
	THE WITNESS: It was around 2,000 or	7	best of my memory.
8 2,5001		8	MR. FEREDAY: No further questions.
· · · · · · · · · · · · · · · · · · ·	MR. JASON SMITH: Okay.	9	FURTHER EXAMINATION
	MR. ALAN SMITH: That's all we have,	10	QUESTIONS BY MR. ALAN SMITH:
11 Mr. Sp		11	Q. But you know of your own knowledge,
	MR. FEREDAY: Bruce, if I could go out	12	Mr. Meissner, that you did, in fact, pay Ed
	· · · · · · · · · · · · · · · · · · ·	13	Squires for that work?
	er, I have one brief question here, maybe	14	
14 two. 15	FINTIED EXAMPLATION	15	A. Yes, I did. Yeah, I was invoiced for it.
	FURTHER EXAMINATION	15	
	TIONS BY MR. FEREDAY:		Q. And does the advice that he gave you
	Mr. Meissner, I would like you to refer	17	appear on that videotape?
	exhibit that you produced here, Exhibit J,	18	A. No, that's just a videotape of the down
	ry last page of it. Here we have an email	19	hole. There was some paper work and stuff that
	d Squires to you.	20	came with it, that, basically, they couldn't find
100.0	Yes.	21	any real damage to the casing. You know, there
	That's dated this morning?	22	was some rust and stuff on the inside of it, and
	Uh-huh.	23	he explained that. I couldn't find it.
	You recognize that?	24	I mean, that pile of stuff over in the
25 A.	Yeah, I just yeah, I just took it	25	corner is and, you know, how it is when you
	Page 21		Page 23
1 off the	email.	1	are one person? You are chief cook, bottle
2 Q.	And that email says, "Dear Chuck, We	2	washer, and secretary, and everything, and it
3 were ne	ever able to find anything out about your	3	just gets piled.
4 well. T	he water column was dirty and could not	4	EXAMINATION
5 be clear	red by adding water because the well would	5	QUESTIONS BY MR. SMITH:
6 not take	e any water. Therefore we were not able	6	Q. Mr. Meissner, I'm Bruce Smith. I
	o anything useful and did not invoice you,	7	represent the City of Eagle. Good seeing you
	e we did not provide a product. You hired	8	again.
	r for advice that was contrary to the way	9	A. Yeah. Did you bring a check?
1000 E.C. 100	ald have recommended you to proceed. So we	10	Q. For?
	eally connected on any work, and we have	11	A. For this. Don't they just give you a
	ings. That is why you have no records."	12	check to write out to me, so I don't have to hire
	s that accurate, sir?	13	another lawyer to go after it?
	No, because that's not the advice that	14	Q. No, I don't believe a brought a check
Property Description of	e me. And he did videotape it.	15	for you.
6	And he did invoice you	16	A. I was hoping to save me another 10,000.
	-	17	
	Yes, he did.		Q. Before I ask you some questions. My
	- is your testimony?	18	copies of Exhibit J, I can't read. Could I see
	And I paid him.	19	what the original is like, to see if I have any
	And is there a record of that payment	20	questions?
21 in here? 22 A.		21	A. Yes.
1.2.12 A	No, I couldn't find it.	22	Q. Mr. Meissner, with regard to Exhibit J,
12,222,000			
23 Q.	You couldn't find it?	23	the documents you brought, there is a page 1,
23 Q. 24 A.	No. Who knows? I've got eight or nine	24	this entry that's marked in pink. It says, "work
23 Q. 24 A.			

6 (Pages 21 to 24)

(208)345-8800 (fax)

1 to Koontz Well Drilling?	1	A. That well log was a deepening of my
2 A. Yes.	2	well. And it was filed in the wrong coordinates,
3 Q. For the \$3,275?	3	and the wrong name.
4 A. Yes.	4	Q. Who is Bob Stoner or Stoney?
5 Q. What's that for?	5	A. I have no idea who that is. I know Bob
6 A. He's the first one I called in after Ed		Storey.
7 Squires finished up, to try to fix the well.	7	Q. Storey, who is that?
8 Q. What did he do?	8	A. He was the owner of the he is the
9 A. He went down, tried to flush out the		one that built the chicken buts up there. It's
10 bottom of the well. He had some success.		Storey Egg Company that built an egg farm,
11 he tried to pull the screens, and couldn't do		basically. And then when they needed the water
12 So he referred me over to the other well	12	for the egg farm, then they had that original
13 drillers, because they had a cable tool that		well deepened, and that's what that report is.
14 could pull the screens with.	14	Because that well was only 180-feet deep to begin
15 Q. So on the first two pages, which is a		with. And it was deepened down to 315 feet, and
16 series of entries. That is the only one in he		that was in 1980.
17 the first two pages, that relates to the well;	17	Q. Mr. Meissner, just for the record, I'm
18 correct?	18	looking at this. And it says, the casing went
19 A. No, there is more than that.	19	from 67 to 304 feet; is that correct?
20 Q. Well, I	20	A. Uh-bub.
21 A. The \$33,000 I paid him, and he's th		Q. Okay.
22 one who had the cable to it, and he was out		A. And then screens beyond that, so
23 for about a year trying to repair that old we		Q. So it's your testimony that this is,
24 And finally, they just couldn't repair it.	24	basically, your well; correct?
25 Q. Okay. I now see that it's the one	age 25	A. That is my well, yes. Page 27
	age 25	raye 27
1 that's not marked for the record. It's on page	ge 1	Q. Okay.
2 2, the third entry from the bottom, it looks		A. And that took some serious hunting.
3 it's Check No. 112 for \$33,387. Does that :		Q. I'm sorry?
4 correct?	4	A. I didn't know that the well was that
5 A. Yes.	5	deep, until Ed Squires ran through there. This
6 Q. And page 3, it looks like a copy of t	the 6	well is deeper than what it's supposed to be.
7 check entry for where you paid him; is that	7	And I said, well, it's the right well. Then
8 correct?	8	started looking, and I found that well driller's
9 A. Yes.	9	report, which had been improperly filed.
10 Q. Okay. Page 4 looks like another ch	eck 10	Q. So Mr. Squires found this?
11 to a pump company for 6,880. Does that so		A. Yeah, Ed Squires was the one that found
12 correct?	12	out that the well was deeper than it was supposed
 A. That's the Burgess purp. 	13	to be.
14 Q. Okay. That's –	14	Q. Who found the driller's report?
15 A. That's for the pump, and the	15	A. What's that?
16 pipe - and the pump that went into the new		Q. Who found the driller's report?
17 Q. So that's for your new pump and cas		A. I found the driller's report. And it's
18 Okay. And then the next page is a well dril		a lot of fun going through thousands of driller's
19 report from, it says, Bob Stoner, Stoney?	19	reports to find the right one. As you can see on
20 A. Yeah, that's what it looks like. And		there, it was filed on the wrong coordinates, and
21 that was one of the problems, because it's the		the wrong name. That makes it interesting to try
22 right well, but it was entered improperly. N		to find. But when I contacted Phipps, he said,
23 the only when this other hearing went on		oh, yeah, I remember doing that. So then it
24 didn't have that well log.	24	was verified that we were in the right hole,
25 Q. What is this well log?	25	with the right well driller's report. And then
Pi	age 26	Page 28

7 (Pages 25 to 28)

11They had to fill in the hole, and drill a new11A. If I know that somebody is going to be12well.12pumping a lot of water close to me, then you can13They spent a year out there trying to13see it go up and down.14fix that thing, and couldn't do it. They ended14Q. Are there some big wells close to you?15up tearing the casing up two or three times.15A. The only ones real close to me is16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig18is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19talking about?20dropped the tools, and oh, it was a mess. He20A. Yes.21Q. So bow much did you pay to get this new22significant increases or decreases in your water23Q. So bow much did you pay to get this new24A. I did in the old well, yes.				
3 map, hé ha ít marked in the right place, but had 3 one. 4 the wrong coordinates on it. 0 0. And on top of that, the 2,300 that you 5 Q. Mr. Meissner, I want to show you, this 6 6 0. And on top of that, the 2,300 that you 6 is the page that you are talking about for the 9 0. It says, the depth of the well was 315 6 A. Approximately, yeah. 10 A. Uh-huh. 10 particular I mean, the lawyer foll a lawyer, oor on this 11 A. Right. 11 the previous protest, for when the City of Eagle 11 M. They, hat is on my new well. 11 the previous protest, for when the City of Eagle 12 Q. Okay. So the newt to the last page is 10 particular I mean, the lawyer field on Legacy. 13 ithologic log? 13 A. He will driller's report. 13 14 A. Vea, that's on my new well. 17 what it was? 0. Okay. So the well was only deepened 33 15 feet; corret? Page 29 14 A. Yeab, that's a brand new well? 3. Okay. And the abovs that well? 2 A. Yeab, that's a brand new well? A. Yeab, that's a brand new well? 2. Okay. So the w	1	there is a copy of a new well driller's report.	1	and the pump, and work that we did out there
3 map, he had it marked in the right place, but had 3 one. 4 the wrong coordinates on it. 3 one. 5 Q. Mr. Meissner, I want to show you, this 6 A. A poroximately, yeab. 6 is the page that you are talking about for the 6 A. A poroximately, yeab. 7 A. Uh-huh. 5 A. A poroximately, yeab. 9 Q. It says, the depth of the well was 315 9 A. Lu-wert paid a lawyer, not on this 10 Perticular – I mean, the lawyer fees on the Legacy 9 A. Hor when the City of Eagle 11 the previous protest, for when the City of Eagle wateit awell, and lawyer, fees on the Legacy 13 libhologic log? 13 D. Vary. So the next to the last page is 14 A. Yes, that's on my new well. 17 what it was? Q. Vary. That's the work that you had 16 done by? 10 A. Hat's about show that the well was 20 A. Yeah, that's actual expenses. That 22 Q. Okay. So the well was only deepered 33 Feet; correet? 23 Q. Okay. Do you know what your static 23 Q. Okay. So the well was a new well. 3 3 11 <td></td> <td></td> <td>2</td> <td></td>			2	
4 the wrong coordinates on it. 4 0. And on top of that, the 2,300 that you 5 0. Mr. Meissner, I want to show you, this 5 1 A. Mproximately, yeah. 0. Okay. And ther you said, you paid a 7 Well driller's report for Bob Storey. Okay? 7 0. Okay. And ther you said, you paid a 9 0. It says, the depth of the well was 315 9 A. Ibaver' paid a lawyer, not on this 11 A. Right. 1 1 1 12 0. The right-hand column, under the 11 11 11 13 lithologic log? 13 11 14 build a well, and lawyer fees on the Legacy. 13 nother well driller's report. 14 14 what it was? 14 what it was? 14 done by? 0. Kay. So the next to the last page is 14 14 what it was? 14 <td< td=""><td>3</td><td></td><td>3</td><td></td></td<>	3		3	
5 Q. Mr. Meissner, I want to show you, this 5 paid Mr. Squires? 7 well driller's report for Bob Storey. Okay? A. Uh-huh. Q. Okay. And then you said, you paid a 8 A. Uh-huh. Q. Okay. And then you said, you paid a 9 Q. It says, the depth of the well was 315 It berevious protest, for when the City of Eagle 10 feet. Do you see that? 10 11 the previous protest, for when the City of Eagle wanted that water right on Legacy. 13 lithologic log? Q. Okay. So the next to the last page is 14 A. Uh-huh. 10 15 Q. Okay. So the next to the last page is 10 16 another well driller's report. 11 17 A. Yes, that's on my new well. 12 18 Q. Okay. Dark's the work that you had 18 18 done by? 19 Q. But for the well, we're talking about 20 A. Mak feet. 20 A. Mak feet. 21 A. Yeah, that's a brand new well? 20 25 feet, correct? Page 29 11 A. Yeah, that's a brand new well? 4. It's - the last time I checked, it was	4		4	Q. And on top of that, the 2,300 that you
6is the page that you are talking about for the well driller's report for Bob Storey. Okay?6A. Approximately, yeah. Q. Okay. And then you said, you paid a lawyer. Is that part of this?9A. Uh-huh.9A. I haven't paid a lawyer, not on this 1011A. Right.101112Q. The right-hand column, under the 111113Ithiologic log?1114A. Uh-huh.1115Q. Okay. So the next to the last page is another well driller's report.1116Q. Okay. So the next to the last page is another well driller's report.1117A. Yes, that's on my new well.1118Q. Okay. That's the work that you had 191819Q. Okay. So the next to the last page is another well driller's report.1611A. Yes, that's on my new well.1612Q. Okay. So the well was only deepened 321414Q. Okay.2015A. Hawasn't deepened. It was a new well.1416Q. Okay.1417A. Yeah, that's a brand new well?2526A. Yeah, that's a brand new well?2527A. Yeah, that's a brand new well?2628A. It wasn't deepened. It was a new well.1129about three months ago, and it was 58 foot.20Q. Okay.130A. It wasn't deepened. It was a new well.131A. Yeah, that's a brand new well?232A. Yeah, that's a brand new we	5		5	
7 well driller's report for Bob Siorey. Okay? 7 Q. Okay. And the 'yous sid, you paid a lawyer. Is that part of this? 8 A. Uh-huh. 8 lawyer. Is that part of this? 9 Q. It says, the depth of the well was 315 feet. Do you see that? 1 10 feet. Do you see that? 10 the previous protects, for when the City of Eagle wanted that water right on Legacy. 13 lithologic log? 10 the previous protects, for when the City of Eagle wanted that water right on Legacy. 14 A. Uh-huh. 10 previous protects, for when the City of Eagle wanted that water right on Legacy. 15 nother well driller's report. 11 the way. feet. Correct? 16 one by? Q. Okay. A. It was more than that. Q. Okay. 16 one the? 20 A. at the well, we't takking about 17 A. Yeab. 21 A. Yeab. 22 18 Q. Okay. A. the well was a new well. 23 A. It was nore than that. 24 20 Okay. A. He well, we't takking about 43,0000' A. It was nore than that. 24 25 21 A. Yeab. 23 Q. Okay				
8 A. Uh-huh. Iawyer. Is that part of this? 9 Q. It says, the depth of the well was 315 Is that part of this? 9 Q. It says, the depth of the well was 315 Is that part of this? 11 A. Right. Is the part of this? 12 Q. The right-hand column, under the Is the previous protest, for when the City of Eagle 13 Ithologic log? Q. Your testimony was, I'm out \$50,000 to 14 A. Uh-huh. Is well, and lawyer fees 55,000 for the Legacy matter, is that 15 another well driller's report. Is was now new well. 16 Gone by? Q. Okay. That's the work that you had Is was now that was only deepened 33 16 G. Okay. So the well was only deepened 33 Fet; correct? Page 29 11 A. Yeab. Q. Okay. A. It was a new well. 2 Q. Okay. So this is a brand new well. Is was now well. 3 A. It wasn't deepened. It was a new well. Is was a new well. Q. Okay. 4 Q. Okay. So this is a brand new well. Q. Okay. Q. Okay. 4 A. Yeab. Q. Okay. Q. Okay. G. Okay. 5			7	
9Q. It says, the depth of the well was 3159A. I haven' paid a lawyer, not on this10feet. Do you see that?1011A. Right.1112Q. The right-hand column, under the1213lithologic log?1314A. Uh-huh.1415Q. Okay. So the next to the last page is1616another well driller's report.1617A. Yes, that's on my new well.1718Q. Okay. That's the work that you had1910A. Dave Phips.2020A. Dave Phips.2121A. Ath stows that the well was22extended to how far?23A. 348 feet.24Q. Okay.25Feet, correct?26A. Yeah.27A. Yeah.28A. Yeah.29114A. Yeah.29115A. Yeah.20A. Yeah.21A. Yeah.22Q. Okay.23A. 348 feet.24Q. Okay.25A. Yeah.26A. Yeah.27A. Yeah.28A. It wasn't deepened. It was a new well.29120O. Kay.31They shad to fill in the hole, and drill a new32Q. Okay.33They spent a year out there trying to34They spent a year out there trying to35The spant a year out there trying to<			8	
10 feet. Do you see that? 10 particular I mean, the lawyer bills were on 11 A. Right. 11 12 Q. The right-hand column, under the 12 13 lithologic log? 13 14 A. Uh-huh. 14 15 Q. Okay. So the next to the last page is another well driller's report. 16 16 a. Okay. So the next to the last page is another well driller's report. 16 16 Q. Okay. That's the work that you had 18 19 Q. Okay. That's the work that you had 18 19 Q. Okay. That's the work that you had 18 10 A. Hat's actual expenses. That's actual expenses. 21 Q. Okay. So the well was only deepened 32 24 22 Q. Okay. So the well was only deepened 32 24 23 A. 348 feet. 23 24 Q. Okay. 25 25 feet; correct? Page 29 11 A. Yeab, that's a brand new well? 4 3 A. Hat's a brand new well? 5 4 Q. Okay. 6 5 Q. Okay.				
11A. Right.1111the previous protest, for when the City of Eagle12Q. The right-hand column, under the12wanted that water right on Legacy.13M. Uh-huh.14Q. Your testimony was, I'n out \$50,000 to14A. Uh-huh.1415Q. Kay. So the next to the last page is1516another well driller's report.1617A. Yes, that's on my new well.1618Q. Okay. That's the work that you had1819done by?1920A. Dave Phipps.2121A. Dave Phipps.2122A. Af St feet.2323A. 348 feet.2324Q. Okay. So the well was only deepened 332425feet; correct?Page 2911A. Yeah.126A. Yeah, that's a brand new well?253A. Yeah, that's a brand new well?264A. Trey couldn't do anything with that76Q. Okay.57A. They couldn't do it in the ground.17They spent a year out there trying to18screens up. They left half of it in the ground.17They spent a year out there trying to18screens up. They tred. It even tore hins rig19up tearing the casing up two or three times.10screens up. They tred. It even tore hins rig11They spent a year out there trying to12They spent a year out there trying to13 <td></td> <td></td> <td></td> <td></td>				
12Q. The right hand column, under the lithologic log?12wanted that water right on Legacy. Q. Your testimony was, Ym out \$50,000 to build a well, and lawyer fees on the Legacy matter. So I'm trying to figure out, was your lawyer fees \$5,000 for the Legacy matter, is that what it was?16another well driller's report.1617A. Yes, that's on my new well.1718Q. Okay, That's the work that you had done by?1819O. Dave Phipps.1020A. Dave Phipps.2021Q. And that shows that the well was extended to how far?2022A. 348 feet.2023A. 348 feet.2124Q. Okay. So the well was only deepened 33 feet; correct?2125feet; correct?Page 291A. Yeah.12about three months ago, and it was \$8 foot.2Q. Okay.203A. It wasn't deepened. It was a new well.4Q. Okay.5A. Yeah, that's a brand new well?5A. They couldn't do anything with that one. They tried to do something the casing up, tearing the casing up two or three times.13They spent a year out there trying to furth spant a 250,000 pound hydraulic jack in that thing, and ended up tearing the casing apat they ad a 250,000 pound hydraulic jack in that thing, and ended up tearing the casing apat they ad a 250,000 pound hydraulic jack in that thing, and ended up tearing the casing			1	
13 lithologic log? 13 Q. Your testimony was, Tm out \$50,000 to 14 A. Uh-huh. build a well, and lawyer fees on the Legacy 16 another well driller's report. 15 17 A. Yes, that's on my new well. 16 18 Q. Okay. So the next to the last page is 16 19 done by? 18 20 A. Dave Phipps. 20 21 A. Dave Phipps. 21 22 A. 348 feet. 22 23 A. 348 feet. 22 24 Q. Okay. So this is a brand new well. 3 A. Tweah. 21 4 Q. Okay. So this is a brand new well. 4 Q. Okay. So this is a brand new well. 5 A. Yeah, that's a brand new well. 5 6 Q. Okay. 11 about three months ago, and it was 58 foot. 7 A. They couldn't do anything with that 7 6 A. It doesn't seem to. 7 7 A. They couldn't do anything with that 7 8 O. Okay. Do this is a brand new well.			Contraction (Contraction)	
14A. Uh-huh.14build a well, and lawyer fees on the Legacy matter. So I'm trying to figure out, was your matter. So I'm trying to figure out, was your matter. So I'm trying to figure out, was your inaver fees \$5,000 for the Legacy matter, is that what it was?17A. Yes, that's on my new well.1618Q. Okay. That's the work that you had done by?18A. It was more than that. Q. But for the well, we're talking about20A. Dave Phipps.204. It was more than that. Q. But for the well, we're talking about21A. Add feet. Q. Okay. So the well was only deepered 33 feet; correct?21A. Yeah, that's actual expenses. That doesn't include Ed Squires. Q. Okay. Doy un know what your static water level is now?23A. Yeah. Q. Okay.21A. It's - the last time I checked, it was ground surface; correct?24Q. Okay. Q. Okay.1about three months ago, and it was 58 foot. Q. Okay. Does it vacillate now? A. It's - the last time I checked, it was ground surface; correct?3A. It wasn't deepened. It was a new well. Q. Okay.14Q. Okay.14Q. Okay.15A. Yeah, that's a brand new well. G. Q. Okay.26A. They couldn't do anything with that or. They tried to fill in the hole, and drill a new up tearing the casing up two or three times. They had to fill in the hole, and drill a new up tearing the casing up two or three times. They had a 250,000 pound hydraulic jack in that thing, and ended up tearing the casing apart they ad a 250,000 pound hydraulic jack in that thing, and ended up tearing th				
15Q. Okay. So the next to the last page is another well drilled?15matter. So I'm trying to figure out, was your lawyer fees \$5,000 for the Legacy matter; is that16another well drilled?17A. Yes, that's to may new well.1718Q. Okay. That's the work that you had18A. It was more than that.Q. But for the well, we're talking about19Q. Okay. That's the work that you had18A. It was more than that.Q. But for the well, we're talking about21Q. And that shows that the well was21A. Yeah, that's actual expenses. That22extended to how far?21A. Yeah, that's actual expenses. That23A. 348 feet.22Q. Okay. Do you know what your static24Q. Okay. So the well was only deepened 33Page 2911A. Yeah,21A. It's - the last time I checked, it was25A. Yeah, that's a brand new well.13A. It wasn't deepened. It was a new well.34O. Okay.3A. It doesn't iscent to.3A. Stake.2Q. Okay. Does it vacillate now?4A. Yes.5A. It doesn't scent to.4Yes.5Q. Okay. Does it vacillate now?5A. Yeah, that's a brand new well.66Q. Okay.67A. They couldn't do anything with that8one. They tried to do something with it, and9they ended up tearing the casing up, two or three times.11They had a 250,000 pound hydraulic jack in that </td <td></td> <td></td> <td>1</td> <td></td>			1	
16 another well driller's report. 16 lawyer fees \$5,000 for the Legacy matter, is that 17 A. Yes, that's on my new well. 17 18 Q. Okay, That's the work that you had 18 19 done by? 19 20 A. Dave Phipps. 20 21 A. dat att shows that the well was 20 22 A. dat att shows that the well was 20 23 A. 348 feet. 20 24 Q. Okay. So the well was only deepened 33 24 25 feet; correct? 29 26 Q. Okay. A. It's - the last time I checked, it was 25 feet; correct? Page 29 26 Q. Okay. about three months ago, and it was 58 foot. 2 Q. Okay. 2 3 A. It wasn't deepened. It was a new well. 1 4 Q. So this is a brand new well? 5 5 A. Yeah, that's a brand new well. 7 6 Q. Okay. 6 7 A. They couldn't do anything with that 7 8 one. They tried to do something with it, and 8			1	
17A. Yes, that's on my new well.17what it was?18Q. Okay. That's the work that you had18A. It was more than that.19done by?19A. It was more than that.20A. Dave Phipps.2043,000?21Q. And that shows that the well was2043,000?22A. 348 feet.2043,000?23A. 348 feet.21A. Yeab, that's actual expenses. That24Q. Okay. So the well was only deepened 332525feet; correct?Page 2926A. Yeab.2127A. Yeab.2328A. Yeab.2429Okay.320Okay.33A. It wasn't deepened. It was a new well.34Q. So this is a brand new well?45A. Yeah, that's a brand new well?46Q. Okay.57A. They couldn't do anything with that7A. They couldn't do anything with that8one. They tried to do something with it, and9they ended up tearing the casing up, tearing the11They had to fill in the hole, and drill a new12well.13They had a 250,000 pound hydraulic jack in that14fix that thing, and couldn't do it. They ended15They had a 250,000 pound hydraulic jack in that16They had a 250,000 pound hydraulic jack in that17thing, and ended up tearing the casing apart18going				
18 Q. Okay. That's the work that you had 18 A. It was more than that. 19 done by? Q. But for the well, we're talking about 21 Q. And that shows that the well was 21 22 Q. And that shows that the well was 21 23 A. 348 feet. 22 24 Q. Okay. So the well was only deepened 33 25 25 feet; correct? Page 29 1 A. Yeab. 20 2 Q. Okay. So this is a brand new well? 3 A. It wasn't deepened. It was a new well. 20 4 Q. So this is a brand new well? 4 5 A. Yeah, that's a brand new well? 5 6 Q. Okay. 5 Q. Okay. Does it vacillate now? 6 Q. Okay. 6 A. It doesn't seem to. 7 A. They couldn't do anything with that 7 Q. You are talking about so figure out what up and down 10 screens up. They left half of it in the ground. 7 A. If I know that somebody is going to be 11 They had a 250,000 pound hydraulic jack in that 11 A. If I know that somebody is going to be				
19done by?19Q. But for the well, we're talking about20A. Dave Phipps.2043,000?21Q. And that shows that the well was2043,000?22a. 348 feet.20Ckay. So the well was only deepened 3323feet; correct?Page 2924Q. Okay. So the well was only deepened 332525feet; correct?Page 2926A. Yeah.2027A. Yeah.2028Q. Okay.A. It's - the last time I checked, it was Page 3129Yeah, that's a brand new well.330A. It wasn't deepened. It was a new well.34Q. Okay.95A. Yeah, that's a brand new well.36Q. Okay.97A. They couldn't do anything with that one. They tried to do something with it, and they ended up tearing the casing up, tearing the screens up. They left half of it in the ground.11They spent a year out there trying to up tearing the casing up two or three times.12well.113They spent a year out there trying to up tearing the casing up two or three times.14thing, and ended up tearing the casing apat up two or three times. Broke the cables and dropped the tools, and oh, it was a mess. He gave it the old college try, let's put it that way.20O. So bow mucb did you pay to get this new well drilled?23Q. So bow mucb did you pay to get this new up two or three times. Broke the cables and up two or three times. Broke the cables and 				
20A. Dave Phipps.2043,000?21Q. And that shows that the well was21A. Yeah, that's actual expenses. That22extended to how far?21A. Yeah, that's actual expenses. That23A. 348 feet.21A. Yeah, that's actual expenses. That24Q. Okay. So the well was only deepened 3324Water level is now?25feet; correct?Page 29251A. Yeah.25J. It's - the last time I checked, it was Page 311A. Yeah.2J. Wasn't deepened. It was a new well.2Q. Okay.Q. Okay.Q. You are talking about 58 feet from ground surface; correct?3A. It wasn't deepened. It was a new well.3ground surface; correct?4Q. So this is a brand new well?4Q. Okay.5A. Yeah, that's a brand new well.9Q. Okay. Does it vacillate now?6Q. Okay.G. A. It doesn't seem to.77A. They couldn't do anything with that7Q. Okay. Does it vacillate now?10screens up. They left half of it in the ground.10means?11They had to fill in the hole, and drill a new11A. If I know that somebody is going to be12well.13See it go up and down.13They had a 250,000 pound hydraulic jack in that1414fix that thing, and ended up tearing the casing up two or three times.1615They had a 250,000 pound hydraulic jack in that1616They had a 2			1	
21Q. And that shows that the well was extended to how far?21A. Yeah, that's actual expenses. That doesn't include Ed Squires.23A. 348 feet.2324Q. Okay. So the well was only deepened 332535feet; correct?Page 231A. Yeah.251A. Yeah.251A. Yeah.251A. Yeah.251A. Yeah.262Q. Okay.273A. It wasn't deepened. It was a new well.24Q. So this is a brand new well?44Q. So this is a brand new well?45A. Yeah, that's a brand new well?46Q. Okay.67A. They couldn't do anything with that8one. They tried to do something with it, and9they ended up tearing the casing up, tearing the11They spent a year out there trying to12They spent a year out there trying to13They spent a year out there trying to14thing, and ended up tearing the casing apart15up tearing the casing up two or three times.16They had a 250,000 pound hydraulic jack in that17thing, and ended up tearing the casing apart18gave it the old college try, let's put it that19up two or three times. Broke the cables and19up two or three times. Broke the cables and19up two or three times. Broke the cables and19up tway.20 <t< td=""><td></td><td></td><td>10000</td><td></td></t<>			10000	
22extended to how far?22doesn't include Ed Squires.23A. 348 feet.2324Q. Okay. So the well was only deepened 332425feet; correct?Page 291A. Yeah.252Q. Okay.A. It's the last time I checked, it was Page 311A. Yeah.22922about three months ago, and it was 58 foot.2Q. Okay.Q. Vou are talking about 58 feet from3A. It wasn't deepened. It was a new well.34Q. So this is a brand new well?45A. Yeah, that's a brand new well?56Q. Okay.0 Okay. Does it vacillate now?6Q. Okay.67A. They couldn't do anything with that78one. They tried to do something with that79one. They tried to do something with that79one. They tried to fill in the bole, and drill a new910screens up. They left half of it in the ground.1011They spent a year out there trying to1314fix that thing, and couldn't do it. They ended1415thearing the casing up two or three times.16They had a 250,000 pound hydraulic jack in that17thing, and ended up tearing the casing apart18several times. They tried. It even tore his rig19up two or three times. Broke the cables and20No bow much did you pay to get this new21<				
23A. 348 feet.23Q. Okay. So the well was only deepened 332325feet; correct?Page 2925A. It's the last time I checked, it was Page 311A. Yeah.25A. It's the last time I checked, it was Page 311A. Yeah.25about three months ago, and it was 58 foot.2Q. Okay.2Q. You are talking about 58 feet from ground surface; correct?3A. It wasn't deepened. It was a new well.2Q. You are talking about 58 feet from ground surface; correct?4Q. So this is a brand new well.3ground surface; correct?5A. Yeah, that's a brand new well.5Q. Okay. Does it vacillate now?6Q. Okay.6A. It doesn't seem to.7A. They couldn't do anything with that one. They tried to do something with it, and they ended up tearing the casing up, tearing the screens up. They left half of it in the ground.711They spent a year out there trying to fix that thing, and couldn't do it. They ended up tearing the casing up two or three times.1014They spent a year out there trying to thing, and ended up tearing the casing apart several times. They tried. It even tore his rig up two or three times. Broke the cables and dropped the tools, and oh, it was a mess. He gave it the old college try, let's put it that way.223Q. So bow much did you pay to get this new well2A. I did in the old well, yes.24well drilled?2A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the wel				
24 Q. Okay. So the well was only deepened 33 24 water level is now? 25 feet; correct? Page 29 1 A. Yeah. 25 A. It's - the last time I checked, it was Page 31 1 A. Yeah. 26 John Strenge 29 1 A. Yeah. 27 John Strenge 29 1 A. Yeah. 28 John Strenge 29 1 A. Yeah. 29 John Strenge 29 1 A. Yeah. 29 John Strenge 29 1 A. Yeah. 29 John Strenge 29 2 John Strenge 29 John Strenge 29 John Strenge 29 3 A. It wasn't deepened. It was a new well. John Strenge 20 John Strenge 20 5 A. Yeah, that's a brand new well? A. Yes. John Strenge 20 John Strenge 20 6 Q. Okay. Okay. John Strenge 20 John Strenge 20 John Strenge 20 7 A. They couldn't do anything with that John Strenge 20 Joh			1	
25 feet; correct? 25 A. It's - the last time I checked, it was Page 31 1 A. Yeah. 2 Q. Okay. 3 A. It wasn't deepened. It was a new well. 3 about three months ago, and it was 58 foot. 4 Q. So this is a brand new well? 4 A. Yeah, that's a brand new well? 5 A. Yeah, that's a brand new well. 3 6 Q. Okay. 6 A. It doesn't seem to. 7 A. They couldn't do anything with that 7 A. They couldn't do anything with that 8 one. They tried to do something with it, and 9 they ended up tearing the casing up, tearing the 9 they spent a year out there trying to 10 R. If I know that somebody is going to be 11 They spent a year out there trying to 13 See it go up and down. 12 well. 14 They had a 250,000 pound hydraulic jack in that 13 several times. They tried. It even tore his rig 14 19 up two or three times. Broke the cables and 15 14 fix that thing, and ended up tearing the casing apart 16 19 up two or three times. Broke the cables and 17			1.1.1 1.1.1.1	
Page 29Page 311A. Yeah.1about three months ago, and it was 58 foot.2Q. Okay.2Q. You are talking about 58 feet from3A. It wasn't deepened. It was a new well.3ground surface; correct?4Q. So this is a brand new well?4A. Yes.5A. Yeah, that's a brand new well.5Q. Okay. Does it vacillate now?6Q. Okay.6A. It doesn't seem to.7A. They couldn't do anything with that7Q. Vou testified previously, the comment8one. They tried to do something with it, and8was, water levels are fine. They are up and9they ended up tearing the casing up, tearing the10means?10screens up. They left half of it in the ground.10means?11They spent a year out there trying to13see it go up and down.12well.1416Legacy.13They spent a year out three times.15Legacy.14fix that thing, and couldn't do it. They ended141615They had a 250,000 pound hydraulic jack in that1616They nad ended up tearing the casing apart1717thing, and ended up tearing the casing apart1918several times. They tried. It even tore his rig1919up two or three times. Broke the cables and1010dropped the tools, and oh, it was a mess. He2012gave it the old college try, let's put it that21 <td></td> <td></td> <td>1111000 B 10000</td> <td></td>			1111000 B 10000	
2Q. Okay.2Q. You are talking about 58 feet from3A. It wasn't deepened. It was a new well.3ground surface; correct?4Q. So this is a brand new well?4A. Yes.5A. Yeah, that's a brand new well.5Q. Okay.6Q. Okay.5Q. Okay.7A. They couldn't do anything with that68one. They tried to do something with it, and99they ended up tearing the casing up, tearing the910screens up. They left half of it in the ground.1011They spent a year out there trying to1012well.1113They spent a year out there trying to1114fix that thing, and couldn't do it. They ended1415up tearing the casing up two or three times.1516They had a 250,000 pound hydraulic jack in that1617thing, and ended up tearing the casing apart1718several times. They tried. It even tore his rig1819up two or three times. Broke the cables and1920dropped the tools, and oh, it was a mess. He2021Q. So how much did you pay to get this new2122Q. So how much did you pay to get this new2223A. Oh, all and all, \$43,000 to the well2525A. Oh, all and all, \$43,000 to the well25	25	Teet; correct? Page 29	25	A. It's the last time I checked, it was Page 31
2Q. Okay.2Q. You are talking about 58 feet from3A. It wasn't deepened. It was a new well.3ground surface; correct?4Q. So this is a brand new well?4A. Yes.5A. Yeah, that's a brand new well.5Q. Okay.6Q. Okay.5Q. Okay.7A. They couldn't do anything with that68one. They tried to do something with it, and99they ended up tearing the casing up, tearing the910screens up. They left half of it in the ground.1011They spent a year out there trying to1012well.1113They spent a year out there trying to1114fix that thing, and couldn't do it. They ended1415up tearing the casing up two or three times.1516They had a 250,000 pound hydraulic jack in that1617thing, and ended up tearing the casing apart1718several times. They tried. It even tore his rig1819up two or three times. Broke the cables and1920dropped the tools, and oh, it was a mess. He2021Q. So how much did you pay to get this new2122Q. So how much did you pay to get this new2223A. Oh, all and all, \$43,000 to the well2525A. Oh, all and all, \$43,000 to the well25				
3A. It wasn't deepened. It was a new well.3ground surface; correct?4Q. So this is a brand new well?4A. Yes.5A. Yeah, that's a brand new well.5Q. Okay.6Q. Okay.6A. It doesn't seem to.7A. They couldn't do anything with that7A. They couldn't do something with it, and8one. They tried to do something with it, and7Q. Vou testified previously, the comment9they ended up tearing the casing up, tearing the7Q. You testified previously, the comment10screens up. They left half of it in the ground.10means?11They had to fill in the hole, and drill a new11A. If I know that somebody is going to be12well.11They spent a year out there trying to1313They spent a year out there trying to13see it go up and down.14fix that thing, and couldn't do it. They ended14Q. Are there some big wells close to you?15up tearing the casing up two or three times.15A. The only ones real close to me is16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig19is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19A. Yes.20Q. So bow much did you pay to get this new20A. Yes. <td></td> <td></td> <td></td> <td></td>				
4Q. So this is a brand new well?4A. Yes.5A. Yeah, that's a brand new well.5Q. Okay. Does it vacillate now?6Q. Okay.6A. It doesn't seem to.7A. They couldn't do anything with that7Q. You testified previously, the comment8one. They tried to do something with it, and9they ended up tearing the casing up, tearing the9they ended up tearing the casing up, tearing the9down. I'm trying to figure out what up and down10screens up. They left half of it in the ground.10means?11They spent a year out there trying to13They spent a year out there trying to1413They spent a year out there trying to13see it go up and down.14thing, and couldn't do it. They ended14Q. Are there some big wells close to you?15up tearing the casing up two or three times.15A. The only ones real close to me is16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig19is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19A. Yes.20Q. So how much did you pay to get this new21Q. And you haven't experienced any21way.22So how much did you pay to get this new2322A. Oh, all and all, \$43,000 to t				
5A. Yeah, that's a brand new well.5Q. Okay.5Q. Okay. Does it vacillate now?6Q. Okay.6A. It doesn't seem to.77A. They couldn't do anything with that7Q. You testified previously, the comment8one. They tried to do something with it, and9down. I'm trying to figure out what up and down9they ended up tearing the casing up, tearing the9down. I'm trying to figure out what up and down10screens up. They left half of it in the ground.10means?11They had to fill in the hole, and drill a new11N. If I know that somebody is going to be12well.11They spent a year out there trying to1313They spent a year out there trying to14R. Are there some big wells close to you?14fix that thing, and couldn't do it. They ended14Q. Are there some big wells close to you?15up tearing the casing up two or three times.15A. The only ones real close to me is16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig19is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any22way.22So bow much did you pay t			100	
6Q. Okay.6A. It doesn't seem to.7A. They couldn't do anything with that7Q. You testified previously, the comment8one. They tried to do something with it, and9You testified previously, the comment9they ended up tearing the casing up, tearing the9down. I'm trying to figure out what up and down10screens up. They left half of it in the ground.10means?11They had to fill in the hole, and drill a new11A. If I know that somebody is going to be12well.11A. If I know that somebody is going to be13They spent a year out there trying to13see it go up and down.14fix that thing, and couldn't do it. They ended14Q. Are there some big wells close to you?15up tearing the casing up two or three times.16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig19is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any22Way.23Q. So bow much did you pay to get this new2323A. Oh, all and all, \$43,000 to the well25A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. Fm talking about your new well.				
7A. They couldn't do anything with that7Q. You testified previously, the comment8one. They tried to do something with it, and9they ended up tearing the casing up, tearing the9they ended up tearing the casing up, tearing the9down. I'm trying to figure out what up and down10screens up. They left half of it in the ground.10means?11They had to fill in the hole, and drill a new10Means?12well.10means?13They spent a year out there trying to1314fix that thing, and couldn't do it. They ended1415up tearing the casing up two or three times.1516They had a 250,000 pound hydraulic jack in that1617thing, and ended up tearing the casing apart1718several times. They tried. It even tore his rig1819up two or three times. Broke the cables and1920dropped the tools, and oh, it was a mess. He2121gave it the old college try, let's put it that2223Q. So bow much did you pay to get this new2324well drilled?2425A. Oh, all and all, \$43,000 to the well25				
 one. They tried to do something with it, and they ended up tearing the casing up, tearing the screens up. They left half of it in the ground. They had to fill in the hole, and drill a new well. They spent a year out there trying to fix that thing, and couldn't do it. They ended up tearing the casing up two or three times. They had a 250,000 pound hydraulic jack in that thing, and ended up tearing the casing apart several times. They tried. It even tore his rig up two or three times. Broke the cables and dropped the tools, and oh, it was a mess. He gave it the old college try, let's put it that way. Q. So how much did you pay to get this new well drilled? A. Oh, all and all, \$43,000 to the well 				
 9 they ended up tearing the casing up, tearing the screens up. They left half of it in the ground. 11 They had to fill in the hole, and drill a new well. 10 they spent a year out there trying to well. 11 They spent a year out there trying to fix that thing, and couldn't do it. They ended up tearing the casing up two or three times. 11 They had a 250,000 pound hydraulic jack in that thing, and ended up tearing the casing apart the old college try, let's put it that 10 down. I'm trying to figure out what up and down means? 11 They had to fill in the hole, and drill a new the tailed? 21 Q. So how much did you pay to get this new well drilled? 22 A. Oh, all and all, \$43,000 to the well 31 They spent a year out there trying to figure out what up and down means? 32 A. Oh, all and all, \$43,000 to the well 33 They spent a year out there trying to figure out what up and down means? 34 A. I did in the old well, yes. 35 A. Oh, all and all, \$43,000 to the well 	10 m m			
10screens up. They left half of it in the ground.10means?11They had to fill in the hole, and drill a new10means?12well.11A. If I know that somebody is going to be13They spent a year out there trying to13see it go up and down.14fix that thing, and couldn't do it. They ended14Q. Are there some big wells close to you?15up tearing the casing up two or three times.15A. The only ones real close to me is16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig18is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19is going to be pumping a lot, that's what you are20dropped the tools, and oh, it was a mess. He20A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any22way.22significant increases or decreases in your water23Q. So how much did you pay to get this new23level; is that correct?24well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. Fm talking about your new well.				
11They had to fill in the hole, and drill a new11A. If I know that somebody is going to be12well.12pumping a lot of water close to me, then you can13They spent a year out there trying to13see it go up and down.14fix that thing, and couldn't do it. They ended14Q. Are there some big wells close to you?15up tearing the casing up two or three times.15A. The only ones real close to me is16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig18is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19is going to be pumping a lot, that's what you are20dropped the tools, and oh, it was a mess. He20A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any22way.22significant increases or decreases in your water23Q. So how much did you pay to get this new22A. I did in the old well, yes.24well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. I'm talking about your new well.				down. I'm trying to figure out what up and down
12well.12pumping a lot of water close to me, then you can13They spent a year out there trying to13see it go up and down.14fix that thing, and couldn't do it. They ended14Q. Are there some big wells close to you?15up tearing the casing up two or three times.14Q. Are there some big wells close to you?16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig18is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19talking about?20dropped the tools, and oh, it was a mess. He20A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any22way.22significant increases or decreases in your water23Q. So bow much did you pay to get this new24A. I did in the old well, yes.24Well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. Fm talking about your new well.	10	screens up. They left half of it in the ground.		means?
13They spent a year out there trying to13see it go up and down.14fix that thing, and couldn't do it. They ended14Q. Are there some big wells close to you?15up tearing the casing up two or three times.15A. The only ones real close to me is16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig18is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19talking about?20dropped the tools, and oh, it was a mess. He20A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any22way.22significant increases or decreases in your water23Q. So bow much did you pay to get this new24A. I did in the old well, yes.24A. Oh, all and all, \$43,000 to the well25Q. Fm talking about your new well.	11	They had to fill in the hole, and drill a new	and the second second	
14fix that thing, and couldn't do it. They ended14Q. Are there some big wells close to you?15up tearing the casing up two or three times.15A. The only ones real close to me is16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig18is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19talking about?20dropped the tools, and oh, it was a mess. He20A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any22way.22significant increases or decreases in your water23Q. So how much did you pay to get this new24A. I did in the old well, yes.24Well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. I'm talking about your new well.	12	well.		
15up tearing the casing up two or three times.15A. The only ones real close to me is16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig18is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19talking about?20dropped the tools, and oh, it was a mess. He20A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any23Q. So how much did you pay to get this new23level; is that correct?24Well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. Fm talking about your new well.	13	They spent a year out there trying to	13	
16They had a 250,000 pound hydraulic jack in that16Legacy.17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig18is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and19talking about?20dropped the tools, and oh, it was a mess. He20A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any22way.22significant increases or decreases in your water23Q. So how much did you pay to get this new24A. I did in the old well, yes.24A. Oh, all and all, \$43,000 to the well25Q. I'm talking about your new well.	14	fix that thing, and couldn't do it. They ended	14	Q. Are there some big wells close to you?
16They had a 250,000 pound hydraulic jack in that thing, and ended up tearing the casing apart several times. They tried. It even tore his rig up two or three times. Broke the cables and 	15	up tearing the casing up two or three times.	15	A. The only ones real close to me is
17thing, and ended up tearing the casing apart17Q. Okay. So when you are saying somebody18several times. They tried. It even tore his rig18is going to be pumping a lot, that's what you are19up two or three times. Broke the cables and191820dropped the tools, and oh, it was a mess. He20A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any23Q. So how much did you pay to get this new22significant increases or decreases in your water24well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. I'm talking about your new well.	16	They had a 250,000 pound hydraulic jack in that	16	Legacy.
18 several times. They tried. It even tore his rig 18 is going to be pumping a lot, that's what you are 19 up two or three times. Broke the cables and 19 talking about? 20 dropped the tools, and oh, it was a mess. He 20 A. Yes. 21 gave it the old college try, let's put it that 21 Q. And you haven't experienced any 22 way. 22 significant increases or decreases in your water 23 Q. So bow much did you pay to get this new 23 level; is that correct? 24 Well drilled? 24 A. I did in the old well, yes. 25 A. Oh, all and all, \$43,000 to the well 25 Q. I'm talking about your new well.	17	thing, and ended up tearing the casing apart	17	
19up two or three times. Broke the cables and dropped the tools, and oh, it was a mess. He gave it the old college try, let's put it that19talking about?21gave it the old college try, let's put it that20A. Yes.22way.21Q. And you haven't experienced any23Q. So how much did you pay to get this new23level; is that correct?24well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. I'm talking about your new well.	18		18	is going to be pumping a lot, that's what you are
20dropped the tools, and oh, it was a mess. He20A. Yes.21gave it the old college try, let's put it that21Q. And you haven't experienced any22way.22significant increases or decreases in your water23Q. So how much did you pay to get this new23level; is that correct?24well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. Fm talking about your new well.	19		19	
21gave it the old college try, let's put it that21Q. And you haven't experienced any22way.22significant increases or decreases in your water23Q. So how much did you pay to get this new23level; is that correct?24well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. I'm talking about your new well.	20			
22way.22significant increases or decreases in your water23Q. So how much did you pay to get this new23level; is that correct?24well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. I'm talking about your new well.	21			
23Q. So how much did you pay to get this new23level; is that correct?24well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. I'm talking about your new well.	22	•		
24well drilled?24A. I did in the old well, yes.25A. Oh, all and all, \$43,000 to the well25Q. I'm talking about your new well.	23			
25 A. Oh, all and all, \$43,000 to the well 25 Q. I'm talking about your new well.	24		and the second second	
	25			

8 (Pages 29 to 32)

(208)345-8800 (fax)

٦

1	A. The new well, 10.	1	wouldn't go either direction.
2	Q. Okay.	2	Q. So in your new well, what is your water
3	A. It went down pext an actual 35 feet,	3	level fluctuation?
4	and got below that other clay layer. And the	4	A. It fluctuates a foot or so right now.
5	water level seems to be fine there now. I just	5	But I only check it about once every three
6	hope that I don't have to drill it deeper again.	6	months. And I don't have any previous knowledge
7	At least I got a new one to deal with.	7	of somebody doing any testing close to it. I've
8	Q. But you have a new well? They drilled	8	got a gauge on it. And I'll go out and pump the
9	it, roughly, the same depth as the old well;	9	little tube full of air, and it will come up, and
10	correct?	10	give me the depth of the water.
11	A. It's a little deeper. We went on	11	And the City of Eagle was supposed to
12	through that clay layer of 315 feet down to the	12	be monitoring my well. And I have not seen
13	next clay layer, and then pulling out of that	13	anybody from the City of Eagle out there. I do
14	sand.	14	my own monitoring. About every three months I go
15	Q. Okay.	15	out and check it. I probably should put it on a
16	A. Pulling out of the sand that's below	16	computer, and just let it be continuous.
17	the 315 feet.	17	A
18		18	Q. What makes you say, the City of Eagle
18	Q. In Mr. Squires email to you today, be		was supposed to be monitoring it?
20	said, you hired a driller for advice that was	19 20	A. They were ordered to monitor it, so
1.1.1.1	contrary to the way we would have recommended you		Q. Do you know where that came from?
21	to proceed, so we didn't connect any work, and we	21	A. Yeah.
22	have no findings. What is Mr. Squires referring	22	Q. Where?
23	to there?	23	A. It came from the Legacy hearing.
24	A. I have no idea what he's talking about,	24	Q. So you think the City was ordered to
25	because he recommended me to get somebody in	25	come monitor your well?
L	Page 33		Page 35
1	there to flush that well. And that's why I	1	A. Yes.
2	brought Koontz in to flush that, and try to get	2	Q. Have you ever approached the City about
3	it cleared up. That's the 3,000, or whatever, I	3	this?
4	paid him.	4	A. No.
5	Q. Uh-huh.	S	Q. You were asked questions
6	A. And then when he finally give up, and	6	about basically, you were opposed to planning
7	couldn't do anything, or find anything, he tried	7	for future needs in water rights. I had it down
8	to pull the screens out, and couldn't do it with	8	here that you said, no; is that correct?
9	the hydraulic or with the rotor drill, and he	9	A. Well, I don't know anything about
		10	future needs. I don't think there is any future
10	just couldn't do it.	11	environmente environmente un constante de constante en en en en en enterne en enterne en enterne en enterne en
11 12	Q. Okay.		needs. But then whose future are we talking
	A. So then he suggested I get Phipps in	12	about? Mine. I only got probably ten years of
13	there, because he had a cable rig that would be	13	life left. You guys, you got 30 or 40 years
14	most likely the only one that would be able to	14	left, I mean.
15	jerk the screens out, and get that well cleared	15	Q. I hope so.
16	up.	16	A. Yeah, you hope so. You never know.
17	Q. Okay.	17	When you get into the kind of health I am, and
18	A. I mean, Ed Squires suggested I get	18	I'm 66 years old, you know, I'm on Social
19	somebody in there to flush the bottom of that	19	Security, retired. I can barely walk from here
20	well out, so it could be looked at. And that's	20	to the Capitol building.
21	when all the problems that's when we	21	Q. I was going to compliment you, you look
22	discovered all the problems that were in there.	22	like you are in pretty good health.
23	Q. Okay.	23	A. It looks that way on the outside.
24	A. That the sand was impacting the bottom	24	Q. I think we're talking about the City's
25	of it. We couldn't pull water through it. It	25	efforts to plan, is what we're talking about?
	Page 34		Page 36

1	A. Yeah. Well, I have no idea what their	1	Q. And I'm going off recollection. But as
2	plans are.	2	I recall from the previous hearing when we talked
3	Q. But you think it's a good thing to	3	about this, you had not had to do anything to
4	plan?	4	that well in the years that you were using it;
5	A. The which now?	5	correct?
6	Q. You think it is a positive thing to	6	A. I had no, I hadn't done a thing to
7	plan?	7	it.
8	A. Oh, yes, it is a positive thing to	8	Q. So you hadn't done any repairs, any
9	plan.	9	maintenance, anything?
10	Q. Okay. So when you found this	10	A. No.
11	three-eighths inch hole in your screen that	11	Q. Okay.
12	allowed sand to come in, who found that?	12	A. Well, I had replaced a pump once when
13	A. Dennis Phipps. When we finally got	13	it burned out, but that was no big deal. I mean,
14	part of the screen jerked out, we couldn't get	14	that's ordinary. That's what happens with a well
15	the whole screen, but he got six or eight feet of	15	pump. After 20 years, they wear out. I replaced
16	it.	16	the pump once, but it was replaced at the same
17	Q. So you actually had a hole in the	17	depth.
18	screen that allowed the sand to come in?	18	Q. Explain to me your
19	A. Yeah, that's not a problem. As long as	19	A. It was working.
20	you are only taking water one way through the	20	Q. You are saying the hole in the screen
21	sand. I mean, how do you clean a fish tank?	21	was not a problem; correct?
22	Sand filters, and you pump water through the	22	A. Yeab, I don't see that there is any
23	sand.	23	problem with it. Anybody that's familiar with
24	Q. And do you remember at what level in	24	how water flows through sand, and screens, and
25	the screen, what foot level that that	25	what have you, would probably verify the same
	Page 37		Page 39
1	along the late in the late work	-	
1 2	three-eighths inch hole was?	1	thing.
			• Collectory and the help in the second
	A. It was right at the well.	2	Q. So in your view, the hole in the screen
3	Q. What depth?	3	wasn't any kind of problem with the functioning
3 4	Q. What depth?A. It's, approximately, 316 feet maybe. I	3 4	wasn't any kind of problem with the functioning of the well?
3 4 5	Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you	3 4 5	wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm
3 4 5 6	Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's	3 4 5 6	wasn't any kind of problem with the functioning of the well?A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that
3 4 5 6 7	Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's	3 4 5 6 7	wasn't any kind of problem with the functioning of the well?A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well.
3 4 5 6 7 8	Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it	3 4 5 6 7 8	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels
3 4 5 6 7 8 9	Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was	3 4 5 6 7 8 9	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years?
3 4 5 6 7 8 9 10	Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there	3 4 5 6 7 8 9 10	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it
3 4 5 6 7 8 9 10 11	Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years,	3 4 5 6 7 8 9 10 11	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always
3 4 5 6 7 8 9 10 11 12	Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it.	3 4 5 6 7 8 9 10 11 12	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so
3 4 5 6 7 8 9 10 11 12 13	Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316	3 4 5 6 7 8 9 10 11 12 13	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the
3 4 5 6 7 8 9 10 11 12 13 14	Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it?	3 4 5 6 7 8 9 10 11 12 13 14	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs
3 4 5 6 7 8 9 10 11 12 13 14 15	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped 	3 4 5 6 7 8 9 10 11 12 13 14 15	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired?
3 4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped down well, not 316 feet, because my pump was 	3 4 5 6 7 8 9 10 11 12 13 14 15 16	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired? A. Only if there is a problem with them.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped down well, not 316 feet, because my pump was at 220 feet. And that's as far as it could pump 	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired? A. Only if there is a problem with them. Q. Okay.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped down well, not 316 feet, because my pump was at 220 feet. And that's as far as it could pump the water. There just wasn't any water coming 	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired? A. Only if there is a problem with them. Q. Okay. A. I mean, you know, you've got to replace
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped down well, not 316 feet, because my pump was at 220 feet. And that's as far as it could pump the water. There just wasn't any water coming in. 	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired? A. Only if there is a problem with them. Q. Okay. A. I mean, you know, you've got to replace a pump once in a while. You have to replace a
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped down well, not 316 feet, because my pump was at 220 feet. And that's as far as it could pump the water. There just wasn't any water coming in. You could run it once a day for three 	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired? A. Only if there is a problem with them. Q. Okay. A. I mean, you know, you've got to replace a pipe once in a while. You have to replace a pipe once in a while.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped down well, not 316 feet, because my pump was at 220 feet. And that's as far as it could pump the water. There just wasn't any water coming in. You could run it once a day for three minutes. That's how much water was coming in my 	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired? A. Only if there is a problem with them. Q. Okay. A. I mean, you know, you've got to replace a pump once in a while. You have to replace a pipe once in a while. Because commonly right above the pump, at about three inches above the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the bead piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped down well, not 316 feet, because my pump was at 220 feet. And that's as far as it could pump the water. There just wasn't any water coming in. You could run it once a day for three minutes. That's how much water was coming in my well. So you could pump about 90 gallons of 	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired? A. Only if there is a problem with them. Q. Okay. A. I mean, you know, you've got to replace a pipe once in a while. Because commonly right above the pump, at about three inches above the pump, you get electrolysis in the pipe, and it
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped down well, not 316 feet, because my pump was at 220 feet. And that's as far as it could pump the water. There just wasn't any water coming in. You could run it once a day for three minutes. That's how much water was coming in my well. So you could pump about 90 gallons of water. That was the extent of the well. That's 	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22 23	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired? A. Only if there is a problem with them. Q. Okay. A. I mean, you know, you've got to replace a pipe once in a while. You have to replace a pipe once in a while. Because commonly right above the pump, at about three inches above the pump, you get electrolysis in the pipe, and it will blow a hole out. That was the main reason
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped down well, not 316 feet, because my pump was at 220 feet. And that's as far as it could pump the water. There just wasn't any water coming in. You could run it once a day for three minutes. That's how much water was coming in my well. So you could pump about 90 gallons of water. That was the extent of the well. That's not even 	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 22 23 24	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired? A. Only if there is a problem with them. Q. Okay. A. I mean, you know, you've got to replace a pipe once in a while. You have to replace a pipe once in a while. Because commonly right above the pump, at about three inches above the pump, you get electrolysis in the pipe, and it will blow a hole out. That was the main reason why I had to replace the pump, because it had
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. What depth? A. It's, approximately, 316 feet maybe. I don't know exactly how deep it was. I mean, you know, the screen section is put together. It's got a tail piece and a head piece. And then it's shoved down the well, and then sealed in. And it was right at the well where the head piece was welded to the screen. It had probably been there forever. And I had used the well for 20 years, and never had a problem with it. Q. But your water level didn't drop to 316 feet; did it? A. Yes, it would. It dropped down well, not 316 feet, because my pump was at 220 feet. And that's as far as it could pump the water. There just wasn't any water coming in. You could run it once a day for three minutes. That's how much water was coming in my well. So you could pump about 90 gallons of water. That was the extent of the well. That's 	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22 23	 wasn't any kind of problem with the functioning of the well? A. It hadn't been for 20 years, that I'm aware of, and that I've been pumping out of that well. Q. Do you think your water levels fluctuated over those years; those 20 years? A. They didn't appear to. I mean, it wasn't I wasn't monitoring it. But I always had water, so Q. Do you think, maybe, sometimes just the 20- or 30-year-old well needs to be fixed, needs to be repaired? A. Only if there is a problem with them. Q. Okay. A. I mean, you know, you've got to replace a pipe once in a while. You have to replace a pipe once in a while. Because commonly right above the pump, at about three inches above the pump, you get electrolysis in the pipe, and it will blow a hole out. That was the main reason

1	common. That happens all the time.	1	Mr. Meissner testified today, he has no
2	So when the $-$ okay. We found that.	2	information relevant to the three areas of
3	We're going to have to replace a couple lengths	3	inquiry pursuant to the director's orders.
4	of pipe. And this pump, it's a three horse, but	4	You would agree with us, that he's
5	it's not pumping like it should. And I do -	5	being called to testify to things that are
6	Q. So here's \$43,000, that you are saying	6	inconsistent and contradictory to the order;
7	that the City damaged - that was the damage you	7	correct?
8	incurred. You actually upgraded your system;	8	MR. ALAN SMITH: Am I being
9	correct?	9	cross-examined now?
10	A. Not really. I mean, I've got a	10	MR. SMITH: No. I'm just wondering why
11	workable system –	11	you would call a witness who has testified he has
12	Q. But it	12	nothing to offer with regard to the order in the
13	A again.	13	areas of testimony that will be allowed.
14	Q. Let me ask it this way: You found	14	MR. ALAN SMITH: He will be called as a
15	problems with your old pump, so you put a new	15	witness. And we'll let Mr. Spackman rule on
16	pump in?	16	whether he's going to allow him to testify or
17	A. Yeah, that was 12, 15 years ago.	17	not. I've already answered that.
18	Q. I thought you put in a new pump as part	18	MR. SMITH: Well, we agree that the
19	of this \$43,000?	19	testimony is not
20	A. Yeah, I did. Because the old pump	20	MR. ALAN SMITH: I don't agree, no. I
21	wouldn't fit in a new casing. I had to go to a	21	think, I'm like Mr. Moyle, I think that pre-trial
22	smaller casing.	22	order is broad enough to cover a lot of areas.
23	MR. SMITH: I don't think I have any	23	MR. SMITH: Thank you. I don't think
24	further questions. Thank you very much.	24	we need to have this on the record. But I do
25	THE WITNESS: Okay. Page 41	25	have a couple of more questions for Mr. Meissner. Page 43
<u> </u>			
1	MR. FEREDAY: I have just a comment.	1	MR. SMITH: Okay.
2	And that is just to note, that I have, for the	2	FURTHER EXAMINATION
3	record, made my objection on the whole issue of	3	QUESTIONS BY MR. ALAN SMITH:
4	pumps, and wells, and water supply, and so forth.	4	Q. If your static level remained at 58
5	And that will be a continuing objection. And if	5	feet since you re-did the well, has Legacy been
6	you testify, you will probably hear that again if	6	pumping occasionally?
7	you choose to testify.	7	A. They pump occasionally, but for brief
8	MR. SMITH: I have one, while we're on	8	periods of time, and I'm not sure.
9	the record. Judge Smith, in light of	9	Q. Is that amount of pumping, a lot
10	Mr. Meissner's testimony, is it still your intent	10	different than they were earlier?
11	to call him as a witness?	11	A. The most I have seen them pump is,
12	MR. ALAN SMITH: I plan to.	12	like, six to eight hours at a time.
13	MR. SMITH: And what is your basis for	13	Q. And what were they pumping before, when
14	calling him as a witness?	14	you were having that impact?
15	MR. ALAN SMITH: We're presenting	15	A. There was a couple of times where they
16	evidence as to actual damage and not potential	16	pumped for a week straight, and that severely
17	damage, which is all that pre-trial order	17	impacted me.
18	covered, potential damage. And these people have	18	MR. FEREDAY: Again, I'll interpose my
19	been actually damaged, Mr. Moyle and	19	same objection.
20	Mr. Meissner, both.	20	MR. ALAN SMITH: I have no other
21	And it will depend on what Mr. Spackman	21	questions.
22	rules on it. If he doesn't let us call them,	22	MR. FEREDAY: No further questions.
23 24	then they won't be called as witnesses. But we	23	MR. SMITH: No further questions.
1.4	Recently and a formula to the state of the s	04	
	may make an offer of proof for the record.	24	(Deposition concluded at 11:59 a.m.)
25	Recently and a formula to the state of the s	24 25	(Deposition concluded at 11:59 a.m.) (Signature waived.) Page 44

11 (Pages 41 to 44)

Γ

1	REPORTER'S CERTIFICATE	
2	I, COLLEEN P. ZEIMANTZ, CSR No. 345,	
3	Certified Shorthand Reporter, certify:	
4	That the foregoing proceedings were taken	
5	before me at the time and place therein set	
6	forth, at which time the witness was put under	
7	oath by me;	
8	That the testimony and all objections made	
9	were recorded stenographically by me and	
10	transcribed by me or under my direction;	
11	That the foregoing is a true and correct	
12	record of all testimony given, to the best of my	
13	ability;	
14	I further certify that I am not a relative	
15	or employee of any attorney or party, nor am I	
16 17	financially interested in the action.	
18	IN WITNESS WHEREOF, I set my hand and seal this 13th day of October, 2011.	
19		
20		
21	COLLEEN P. ZEIMANTZ, CSR 345	
22	Notary Public	
23	P.O. Box 2636	
24	Boise, Idaho 83701-2636	
25	My commission expires September 7, 2017.	
	Page 45	