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Attorneys for IDWR

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase Nos. 34-00363,
	)	34-00364, 34-00760,
	)	34-00764, 34-10166,
	)	34-10167, 34-12401
	)	and 34-12402
	)	
Case No. 39576	)	INITIAL DISCLOSURE
	)	FOR MANDATORY SETTLEMENT
	)	CONFERENCES

DESCRIPTIVE SUMMARY

This is the initial disclosure for water right numbers 34-00363, 34-00364, 34-00760, 34-00764, 34-10166, 34-10167, 34-12401 and 34-12402, claimed by Herb Whitworth.

INITIAL DISCLOSURE

1. *The full name, title, work or home address and telephone of:*
 - (a) *Each person known to have discoverable information about matters relevant to the subcase and a statement of the substance of that person's expected testimony;*

Ernest Carlson: Idaho Department of Water Resources,
900 N. Skyline, Idaho Falls, ID 83402. (208) 525-7161.

David B. Shaw, Donald V. Shaff, Carter Fritschle: Idaho Department
of Water Resources, 1301 N. Orchard, Boise, ID 83706. (208) 327-
7900.

One or more of the individuals listed above may be called to
testify about adjudication procedures, including the examination

and recommendation of the claim; and/or procedures of the department relating to development and administration of water rights.

Dave Carlson: Idaho Department of Water Resources,
900 N. Skyline, Idaho Falls, ID 83402. (208) 525-7161.

May be called for testimony regarding examination and recommendation of the claim.

The names of additional individuals who may have information about matters relevant to this subcase may appear in some of the documents provided in section 2. of this disclosure. These names are not listed above since IDWR does not intend to call these individuals as witnesses and, therefore, IDWR has no knowledge of any expected testimony.

- (b) *Each person who is expected to be called as an expert witness at trial and the subject matter on which the expert is expected to testify and a statement of the substance of the facts, data and opinions, including the basis for those opinions, to which the expert is expected to testify.*

IDWR does not know at this time whether it will call any expert witnesses to testify in this matter. However, it reserves the right to move to qualify any of the persons listed in subsection (a) above as experts in various aspects of water right adjudication and/or administration should IDWR determine that such is necessary and appropriate at trial, and to call other or additional expert witnesses if circumstances warrant.

- 2. *A copy of all unprivileged documents in the party's custody or control supporting the positions the disclosing party has taken or is reasonably likely to take in the case.*

Copies of the adjudication claim files are attached. Applicable oversized maps and overlays and aerial photos are not readily copyable and are therefore not attached. These documents are available for review at the following location:

Idaho Department of Water Resources,
900 N. Skyline, Idaho Falls, ID 83402. (208) 525-7161.

The decree issued in *Utah Construction Co. v. Abbott, Equity No. 222*, (D.E.Id., 1923), is widely available and copying the decree would be overly burdensome. This document is available for review at the following locations:

Idaho Department of Water Resources,
900 N. Skyline, Idaho Falls, ID 83402. (208) 525-7161.

SRBA District Court, 253 Third Ave. North, Twin Falls, ID 83303.

3. *Appropriate identification of each exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer, if needed.*

TO BE OFFERED IF NEEDED:

Adjudication claim files.

Utah Construction Co. decree

Maps and overlays, aerial photos.

4. *The subcase number of any water right that the party feels should be included in the settlement conference. A statement supporting this request must be included.*

Water right nos. 34-00755, 34-00757, 34-00758, 34-00766, 34-10164 and 34-10165, are used on all or some of the places of use listed in the above captioned water rights. The United States has made the same objection to all of these water rights, and changes in one of the rights is likely to require changes in the other rights; they should therefore be included in the settlement

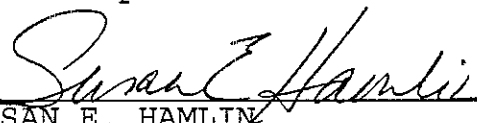
conference for complete resolution of this matter. The other rights include recommendations pursuant to the presumption/accomplished transfer statutes, the constitutionality of which is currently designated as Basin Wide Issue No. 4. However, the matters raised by the United States' objections are sufficiently distinct that they could proceed to settlement independent of Basin Wide Issue # 4.

5. As this subcase progresses, IDWR may become aware of additional relevant information and, accordingly, it reserves the right to supplement this disclosure statement as necessary.

Dated this 11th day of January, 1995.



A. LYNNE KROGH
Deputy Attorney General
Idaho Department of Water Resources



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Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I hereby certify that on the following date I served true and correct copies of the following document(s) on the person(s) listed below, by mailing in the U.S. Mail, first class, with the correct postage affixed thereto.

Mail Date: 01/11/1995

Water Right Number: 34-00363

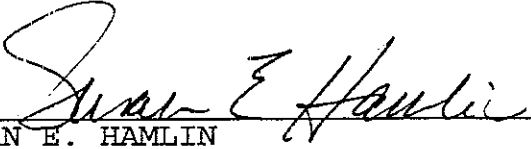
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☐ STANDARD FORM 5

Person(s) Served:

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STAR RT
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TERRANCE DOLAN, MASTER
STATE OF IDAHO
DISTRICT COURT
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Mail Date: 01/11/1995

Water Right Number: 34-00364

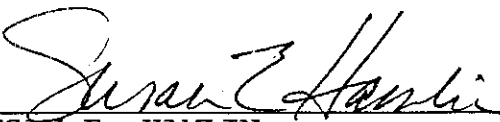
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Mail Date: 01/11/1995

Water Right Number: 34-00760

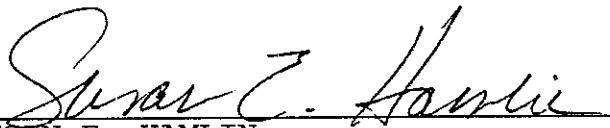
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Water Right Number: 34-00764

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Mail Date: 01/11/1995

Water Right Number: 34-10166

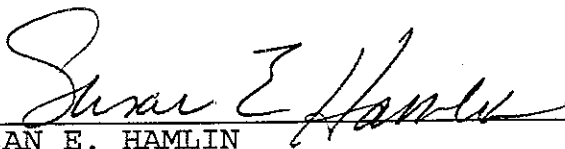
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Mail Date: 01/11/1995

Water Right Number: 34-10167

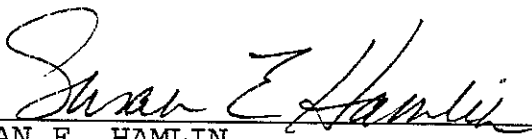
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Mail Date: 01/11/1995

Water Right Number: 34-12401

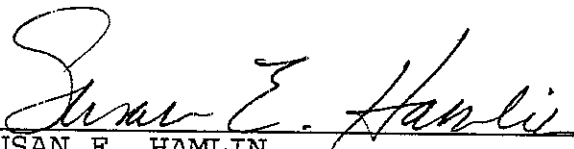
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Mail Date: 01/11/1995

Water Right Number: 34-12402

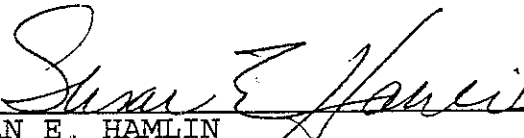
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