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Dean J. Miller (ISB #1968)
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Boise, Idaho 83702
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Attorneys for New York Irrigation District

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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Department of Water Resources
Adjudication Bureau

McDEVITT & MILLER, LLP

OCT 23 2007

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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

Case No. 39576

Sub Case No's.:

63-17246 A; 63-17243; 63-17246B;
63-31622; 63-08447; 63-09157; 63-31621

**NOTICE OF RETENTION OF EXPERT
WITNESS AND DISCLOSURE OF THE
SAME**

COMES NOW the New York Irrigation District, objector in each and all of the above entitled sub-cases and hereby gives notice to each and all of the water right claimants listed therein of the following:

The New York Irrigation District has retained Mr. Jason Thompson, E.I.T. whose C.V. is appended hereto and marked Exhibit A and made a part hereof as if set forth at length herein.

Mr. Thompson shall testify as to water flow or the absence thereof in each of the following drains and/or water ways:

Five Mile Creek, Ten Mile Creek, Eight Mile Creek.

Mr. Thompson shall testify as to the measurement of water flow of each of the a forenamed laterals, drains or waterways on specified dates and the conclusions he reached as a result thereof.

Mr. Terry M. Scanlan, P.E., P.G., has likewise been retained by the New York Irrigation District. Mr. Scanlan C.V. is appended hereto marked Exhibit B and made a part hereof as if set forth at length herein:

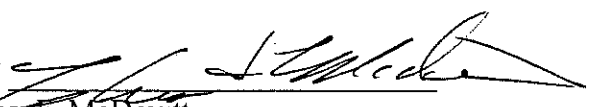
Mr. Scanlan shall testify as to water flow or the absence thereof in each of the following drains and/or water ways:

Five Mile Creek, Ten Mile Creek, Eight Mile Creek.

Mr. Scanlan shall testify as to the measurement of water flow and of each of the a forenamed laterals, drains or waterways on specified dates and the conclusions he reached as a result thereof.

Dated this 14 day of October, 2007

McDevitt & Miller LLP

BY 

Chas. F. McDevitt

Attorneys for New York Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October, 2007, I caused to be served, via email and telecopy, a true and correct copy of the foregoing document, upon:

Brighton Corp	Hand Delivered	☒
c/o Jay Walker & Pat Hurley	U.S. Mail	☒
12426 W. Explorer Dr. Ste 220	Fax	☐
Boise, ID 83713	Fed. Express	☐
	Email	☐
Marilyn & Stephen Grace	Hand Delivered	☒
c/o Michael P. Lawrence, Esq.	U.S. Mail	☒
P.O. Box 2720	Fax	☐
Boise, ID 83701	Fed. Express	☐
	Email	☐
Judy & Phillip DeAngeli	Hand Delivered	☒
3405 E. Zaldia Ln.	U.S. Mail	☒
Meridian, ID 83642	Fax	☐
	Fed. Express	☐
	Email	☐
Robert & Jennifer Kandler	Hand Delivered	☒
c/o Thomas B. Dominick	U.S. Mail	☒
Dominick Law Office	Fax	☐
1501 Tyrell Lane	Fed. Express	☐
Boise, ID 83706	Email	☐
Duane & Teri O'Reilly	Hand Delivered	☒
3825 Summerset Way	U.S. Mail	☒
Boise, ID 83709	Fax	☐
	Fed. Express	☐
	Email	☐
James Franklin Shoemaker	Hand Delivered	☒
3497 E. Zaldia Lane	U.S. Mail	☒
Meridian, ID 83642	Fax	☐
	Fed. Express	☐
	Email	☐

McDEVITT & MILLER LLP

BY Deborah Hurle, Legal Asst.

Experience Summary

Education

M.S., Civil and Environmental Engineering

Utah State University

B.S., Biology

Boise State University

Professional Certification

Engineer-in-Training

Utah, 2002

Training

AutoCAD Level 1 Training

PacifiCAD, Inc., 2004

OSHA 40-Hour

2004

OSHA 8-Hour Refresher

2005

Relevant Experience

- Water rights investigation and interpretation
- Water rights amendments and transfers
- Application of geographic information systems (GIS)
- Water supply assessments
- Well site evaluations
- Well completion reports
- Monitoring of water quality, ground water levels, and streamflows
- Oversight of pump and well testing

Mr. Thompson is a Water Resources/Environmental Engineer with over 6 years of educational and professional experience relating to water resource engineering. Currently, Mr. Thompson is employed as an associate engineer (EIT) for SPF Water Engineering, LLC. His duties include investigating water rights, assisting in water supply assessments, preparing reports related to well engineering and construction, and various field work. Mr. Thompson is also a trained geographic information system (GIS) and CAD technician. Prior to working at SPF Water Engineering, Mr. Thompson worked as a consulting engineer specializing in NEPA studies related to water resources, water rights evaluations, surface hydrologic modeling, storm water detention pond design, mine tailings repository design, and natural channel design. He also has two years of experience performing field studies related to aquatic and riparian habitat assessment, botanical surveys, stream classification, hydrology, and surveying. His educational background is in environmental engineering with an emphasis in water/wastewater treatment, surface water quality, and natural systems engineering. He has also taken classes in groundwater, hydrology, hydrologic/hydraulic modeling, and watershed restoration. His undergraduate education focused on biology, with an emphasis in botany and microbiology.

SPF Water Engineering, LLC--Oct 2005 to present

Mr. Thompson is currently an associate engineer (EIT) for SPF Water Engineering, LLC. His duties include investigating existing water rights, facilitating water rights transfers, assisting in water supply assessments for proposed water systems, and preparing well site evaluations and well completion reports. Mr. Thompson also performs field work, including ground water quality sampling, ground water level monitoring, surface flow measurements, and the oversight of pump and well testing. Mr. Thompson also applies GIS technology to produce maps for various projects.

Science Applications International Corporation -- Feb 2004 to Oct 2005

At SAIC, Mr. Thompson wrote the water resources section in a NEPA study for a large highway project in Washington. He also performed several water rights evaluations for the state of Washington, identifying source waters for proposed ground water withdrawals. Mr. Thompson also conducted surface hydrologic modeling for several projects, including the design of two storm water detention ponds. As part of two large mine tailings removal projects, Mr. Thompson assisted in the design of on-site mine tailings repositories and a natural channel restoration design. As part of a water quality and storm water assessment at an abandoned industrial site, Mr. Thompson was responsible for assimilating and analyzing collected chemical sampling data. The data was incorporated into an

Access database for data retrieval and analysis, and a GIS framework was developed to visually display sampling locations and selected attributes.

Utah State University, Graduate Researcher – Jan 2002 to June 2002

As a graduate student working on his Master's thesis, Mr. Thompson developed an aquatic and riparian habitat assessment methodology for identifying degraded sections of the Santa Clara River in southwest Utah. The field work component of this project required identification and evaluation of mesohabitat types, the riparian community, instream cover components, channel bed substrate, and bank stability. Data analysis involved the development of a streamflow impairment procedure relating measured existing flow conditions with a theoretical flow representative of natural flow conditions as well as a methodology for assessing the potential deleterious effects of water temperature on the native fish community. This habitat assessment also required spatial analyses of different land use classifications within the Santa Clara River floodplain using GIS as well as aerial photograph interpretation.

Utah State University, Field Crew Member – July 2000 to Nov 2000

Mr. Thompson worked as a field crew member performing hydrologic, bathymetric, and water quality studies on the Nooksack River in northwest Washington. This field work involved establishing and downloading thermographs for water temperature monitoring, measuring discharge, operating a motorized inflatable boat and associated sonar equipment, taking water quality measurements using field kits, collecting invertebrate samples using different accepted techniques, and performing surveys using both a Total Station and survey-grade GPS equipment. Experience was also obtained on salmonid identification and habitat evaluation.

USDA Agricultural Research Service – May 1998 to Aug 1998

Mr. Thompson conducted a comprehensive literature review regarding riparian and stream restoration techniques for incorporation into a BLM Riparian Knowledgebase to assist land managers in performing applicable restoration efforts. He obtained a comprehensive knowledge of existing restoration techniques, including determination of appropriate methods taking into account site-specific characteristics and effective monitoring procedures.

USDA Bureau of Land Management – May to Aug 1996, 1997

As a student intern for the Bureau of Land Management, Mr. Thompson conducted rare plant surveys in the Owyhee Desert of southwest Idaho. This work required plant identification, four-wheel drive vehicle operation, and a familiarity with the use of topographic maps. This internship also involved the classification of natural stream types using the Rosgen Classification utilizing the appropriate field techniques. This internship also provided Mr. Thompson with the opportunity to evaluate the functioning condition of riparian areas, taking into account vegetation structure, bank stability, and disturbance.

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M.S., Geological Engineering
University of Idaho

B.S., Geological Engineering
University of Idaho

Professional Certification

Professional Engineer
Idaho No. 6266, 1990

Professional Geologist
Idaho No. 646, 1989

Oregon No. G1311, 1992

Certified Water Right Examiner
Idaho No. 05-129

Areas of Expertise

- Design, installation, and testing of high-capacity wells for irrigation, municipal, and industrial water supply
- Groundwater development studies
- Water rights

Experience Summary

Mr. Scanlan has more than 20 years of professional experience in water supply consulting as an engineer and hydrogeologist. He has particular expertise in water rights, well and pump design, public water systems, pressurized irrigation, and other water resource issues.

Mr. Scanlan's work experience has focused on well design and construction, surface water and ground water pump systems, aquifer and well testing, water development studies, and water rights. He also has experience in geothermal resource development, mining-related environmental studies, ground water drainage investigations, soils investigations, geologic mapping, and wastewater land application projects. He has served as Chairman of the Idaho Board of Registration for Professional Geologists. Mr. Scanlan is a Certified Water Right Examiner in Idaho.

SPF Water Engineering, LLC—2004 to present

Mr. Scanlan is currently a Principal Engineer with SPF Water Engineering, LLC. SPF Water Engineering, LLC, was formed from Scanlan Engineering in March 2004 to provide a wider range of water resource engineering services. Since joining SPF, Mr. Scanlan has continued his practice of water resource consulting and engineering, with additional emphasis on development of community water systems for subdivisions and planned communities in southwest Idaho.

Scanlan Engineering—1994 to 2004

Mr. Scanlan formed Scanlan Engineering in 1994 to provide engineering and hydrogeologic consulting to public and private clients. Scanlan Engineering provided water resource consulting services to more than 200 separate clients, primarily in southwest Idaho. Local clients included the City of Boise (Public Works Department, Parks Department), Micron Technology, J.R. Simplot Company, Capitol Water Corporation, United Water Idaho, Inc., Meridian School District, City of Eagle, Sorrento Lactalis, City of Nampa, Boise State University, Ada County Highway District, and the Idaho Water Resources Research Institute. Mr. Scanlan has served as a subconsultant on water supply projects for numerous engineering firms in Idaho, most recently including Montgomery Watson Harza, Toothman-Orton Engineering Company, Entranco, Secesh Engineering, Materials Testing, Inc., and Civil Survey Consultants.

Montgomery Watson—1986 to 1993

Prior to forming Scanlan Engineering in 1994, Mr. Scanlan worked as a supervising hydrogeologist for Montgomery Watson in Boise, Idaho. He

managed and conducted investigations related to ground water development and ground water contamination at locations throughout the western United States.

U.S. Geological Survey--1984 to 1986

Mr. Scanlan was employed by the U.S. Geological Survey as a field assistant in the geologic division prior to joining Montgomery Watson in 1986. Responsibilities included geologic mapping, landslide hazard evaluation, and mineral potential studies. Mr. Scanlan worked on the Challis and Hailey 2° Quadrangle CUSMAP programs.

Relevant Water Supply Project Experience

- Ground water development projects at more than 100 sites in Idaho for public and private water utilities, subdivisions, schools, and industries, including production well and pump design, aquifer pumping tests, exploration drilling programs, and ground water development studies.
- Design, construction monitoring, and testing of four 1,000- to 1,200-foot, high-capacity, industrial water supply wells and pump systems for Micron Technology in Boise, Idaho.
- Lead consultant to Micron Technology for the Boise River water supply and aquifer recharge project. Mr. Scanlan provided consulting services involving water rights, a nominal 25,000-gpm pump station, 3 miles of 24-inch and 30-inch pipeline, an ultra-filtration membrane water treatment system, and a nominal 4-MGD injection well for recharge purposes.
- Irrigation well and pump system design, surface water pump system design, construction monitoring, and well testing at municipal parks in Boise, Idaho. These projects included work on approximately 80 well and pump systems, including design and construction of more than 20 well or surface water pumping systems.
- Design, permitting, and construction inspection of well pump systems and well houses for Capitol Water Corporation in Boise, Idaho. Mr. Scanlan also provided consulting services related to ASR and water rights.
- Design, construction, and testing of salt water production wells for large-scale aquarium projects in Guam and Taiwan.
- Evaluation of ground water potential for snowmaking supplies at Sun Valley and Bogus Basin ski areas and design and testing of the water supply well for the snowmaking system at Sun Valley.
- Evaluation and testing of infiltration galleries and Ranney Collectors at Sequim, Washington (horizontal gallery, Dungeness River), Irrigon, Oregon (four Ranney Collectors, Columbia River), and Boise, Idaho (three Ranney Collectors, Boise River).
- Ground water development studies, well construction, and aquifer testing for fish hatchery projects in the Columbia, Umatilla,

Walla Walla, Imnaha, and Grand Ronde river basins of Oregon for the Bonneville Power Administration. These projects included test well drilling and aquifer tests at ten locations, with well construction in alluvial and basalt aquifers.

- Production well design and testing at the Upper Pahsimeroi Fish Hatchery for Idaho Power Company.
- Design of the domestic supply, mine-pit dewatering, and industrial supply wells for the Beartrack mining project at Leesburg, Idaho.
- Resident geologist during drilling and completion of a 3,015-foot water supply well at Wright, Wyoming.
- Water master plan for the 3600-acre City of Boise Twentymile South Farm. The master plan included reconfiguration of water rights, development of additional irrigated lands, design of two large-capacity irrigation wells, and design of a 500-hp variable deep well turbine pump system.

Relevant Water Rights Experience

- Preparation of hundreds of water right applications (transfers, amendments, permits, claims) for public and private clients in Idaho. Since 2004, Mr. Scanlan and SPF staff have been involved in more than 150 projects involving water rights for more than 100 different clients.
- Evaluation of surface water and ground water interactions, well interference, irrigation development, and consumptive water use related to water right transfers in the Boise Valley, Wood River Valley, Mud Lake, Magic Valley, Big Lost River, and Little Lost River areas of Idaho.
- Evaluation and measurement of flow from springs involved in water right disputes along the Snake River near Twin Falls, Idaho.
- Investigations related to Snake River Basin Adjudication claims, including calculation of irrigation requirements and seepage losses, measurement of irrigation diversion rates, and determination of historically irrigated areas.
- Expert witness testimony regarding water use, well interference, and the interaction of surface water and ground water for numerous clients in southern and central Idaho.
- Evaluation of irrigation diversions, natural flow, return flow, and storage accounting on the Payette River system for the Payette Water Users Association.
- Evaluation of Federal and Tribal in-stream flow and spring claims in the Snake and Salmon River Basins.
- Preparation of mitigation plans to allow ground water diversions for irrigation and industrial use in moratorium areas or ground water management areas in the Boise and Snake River Basins.

Relevant Geothermal Resource Development Experience

- Construction monitoring for drilling and hydraulic fracturing of a 2,300-foot geothermal injection well for the Veterans Administration Medical Center in Boise, Idaho.
- Project manager for detailed study of the Boise Front Geothermal Aquifer for the city of Boise and Boise Warm Springs Water District. The study included computer modeling of hydraulic and thermal impacts of increased geothermal fluid production and spent fluid injection. Mr. Scanlan served as project manager for design, construction, and testing of a 3,200-foot geothermal injection well for the city.
- Aquifer testing and high-capacity variable-speed pump system design for deep geothermal space-heating wells at the College of Southern Idaho.
- Geothermal aquifer investigations, well testing, production well and pump design, and water level monitoring for J.R. Simplot Company at aquaculture facilities in Caldwell and Grand View, Idaho.

Professional Affiliations

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