

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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MAY 22 2009

DEPARTMENT OF
WATER RESOURCES

May 22, 2009

Boise
Idaho Falls
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Andrew J. Waldera
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Benjamin C. Ritchie
Rebecca A. Rainey
Matthew J. McGee

Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

Clerk of the Court
Snake River Basin Adjudication District Court
PO Box 2707
Twin Falls, ID 83303-2707

Re: SRBA Subcase Nos. 63-04534B, 63-04641A, 63-04641B and 63-21530
MTBR&F File No. 22567.0000

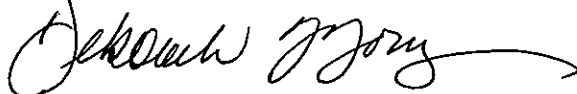
Dear Clerk:

Please find enclosed the following document for filing with the Court:

1. Tree Top Ranches, L.P.'s Witness Disclosure

Please conform the copy that is also enclosed and return it in the envelope provide. Thank you for your attention.

Very truly yours,



Deborah L. Long
Administrative Assistant to
Andrew J. Waldera

/dl

Enclosures

cc: Dana L. Hofstetter
Director
Tree Top Ranches, L.P.

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MAY 27 2009

DEPARTMENT OF
WATER RESOURCES

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Attorneys for Tree Top Ranches, L.P.

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

Subcase Nos. 63-04534B 63-04641A
63-04641B 63-21530

**TREE TOP RANCHES, L.P.'S WITNESS
DISCLOSURE**

COMES NOW Tree Top Ranches, L.P. ("Tree Top"), by and through undersigned counsel of record and pursuant to Idaho Rule of Civil Procedure 16(e)(6)(J) and the Court's Trial Scheduling Order ("Order"), filed February 11, 2009, and hereby makes the following witness disclosures.

A. PRELIMINARY NOTE

Tree Top makes these witness disclosures in each of the above captioned subcases which are presently set for the same July 9-10, 2009 trial setting. While it is not likely that all of

the following witness will be called to testify in each of the above-references subcases, some combination of the following witnesses will be called to testify in each of the above-referenced subcases.

B. EXPERT WITNESSES

Scott King; SPF Water Engineering, LLC; 300 East Mallard Drive, Suite 350, Boise, Idaho 83706. Mr. King is a professional engineer expected to testify regarding Tree Top's Parma Ranch field irrigation requirements and place of use matters. A copy of Mr. King's Curriculum Vitae is attached hereto. Also attached hereto are: (1) Memorandum from Marci S. Pape to Dave Tuthill, regarding the Diversion Rate Analysis for the Haas Ditch Company water right nos. 63-00172B and 63-00202B, and the Diversion Rate Analysis itself, prepared by Marci S. Pape, dated January 29, 2006; (2) Soil Analysis for Water Right Nos. 63-04641A and 63-04641B prepared by Terry Scanlan, dated September 15, 2008; and (3) the Irrigation Requirement Analysis prepared by Marci S. Pape regarding water right nos. 63-04641A and 63-04641B, dated May 20, 2009.

Terry Scanlan; SPF Water Engineering, LLC; 300 East Mallard Drive, Suite 350, Boise, Idaho 83706. Mr. Scanlan is a professional engineer and hydrogeologist expected to testify regarding Tree Top's Parma Ranch field irrigation requirements and place of use matters. A copy of Mr. Scanlan's Curriculum Vitae is attached hereto. Like Mr. King, Mr. Scanlan's testimony will refer to the documents attached hereto.

Marci S. Pape; SPF Water Engineering, LLC; 300 East Mallard Drive, Suite 350, Boise, Idaho 83706. Ms. Pape is a professional engineer expected to testify regarding Tree Top's Parma Ranch field irrigation requirements and place of use matters. A copy of Ms. Pape's

Curriculum Vitae is attached hereto. Like Mr. King and Mr. Scanlan, Ms. Pape's testimony will refer to the documents attached hereto.

C. IDWR WITNESSES

Vicki L. Music; Idaho Department of Water Resources ("IDWR") Western Region Office; 2735 Airport Way, Boise, Idaho 83705. Ms. Music is an IDWR Senior Water Resource Agent familiar with the water rights at issue, and the corresponding Director's Reports issued therefor.

Dan Nelson; IDWR State Office, 322 East Front Street, P.O. Box 83720, Boise, Idaho 83720. Mr. Nelson is an IDWR Water Resource Agent familiar with the location of Sand Hollow Creek and whether the creek is tributary to either the Snake or the Boise River.

Andrea Courtney; IDWR State Office, 322 East Front Street, P.O. Box 83720, Boise, Idaho 83720. Ms. Courtney is a Deputy Attorney General assigned to the IDWR. Ms. Courtney is familiar with the water rights at issue as she is the deputy attorney general assigned to these subcases.

Lori Graves; SPF Water Engineering, LLC; 300 East Mallard Drive, Suite 350, Boise, Idaho 83706. Though Ms. Graves is currently employed by SPF, Ms. Graves was previously an IDWR Water Resource Agent formerly assigned to processing the claims, investigations, and recommendations of the water rights at issue.

Sandy Hemenway; IDWR Western Region Office; 2735 Airport Way, Boise, Idaho 83705. Upon information and belief, Ms. Hemenway is currently employed by IDWR as a beneficial use claim Field Examiner. Ms. Hemenway is familiar with the water rights at issue as she performed the Tree Top Parma Ranch beneficial use field examination on March 18 and 29, 2006.

D. LAY WITNESSES

Larry Williams; c/o Moffatt Thomas Barrett Rock & Fields, Chtd., P.O. Box 829, Boise, Idaho 83701. Mr. Williams is a partner in Tree Top Ranches, L.P. Mr. Williams has knowledge of, and is qualified to testify regarding the water rights at issue, their place of use, as well as regarding Tree Top's Parma Ranch operations.

Bill Mulder; c/o Moffatt Thomas Barrett Rock & Fields, Chtd., P.O. Box 829, Boise, Idaho 83701. Mr. Mulder is the Property Manager for Tree Top. Mr. Mulder has knowledge of, and is qualified to testify regarding the water rights at issue, their place of use, as well as regarding Tree Top's Parma Ranch operations.

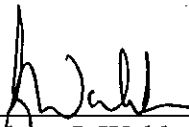
Kelly Yore; c/o Moffatt Thomas Barrett Rock & Fields, Chtd., P.O. Box 829, Boise, Idaho 83701. Mr. Yore is a former Ranch Manager of Tree Top Parma Ranch (from 2004 - 2007). Mr. Yore has knowledge of, and is qualified to testify regarding the water rights at issue, their place of use, as well as regarding Tree Top's Parma Ranch operations.

Bill Seward; c/o Moffatt Thomas Barrett Rock & Fields, Chtd., P.O. Box 829, Boise, Idaho 83701. Mr. Seward is the current Ranch Manager of Tree Top Parma Ranch (from 2007 – present). Mr. Seward has knowledge of, and is qualified to testify regarding the water rights at issue, their place of use, as well as regarding Tree Top's Parma Ranch operations.

In addition to the above named witnesses, Tree Top reserves the right to call any witnesses disclosed by the Respondent, Greg Obendorf. Further, Tree Top reserves the right to supplement this disclosure for rebuttal/impeachment witness purposes pursuant to the Court's February 11, 2009 Order.

DATED this 22nd day of May, 2009,

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Andrew J. Waldera – Of the Firm
Attorneys for Tree Top Ranches, L.P.

CERTIFICATE OF SERVICE

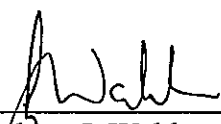
I HEREBY CERTIFY that on this 22nd day of May, 2009, I
caused a true and correct copy of the foregoing **TREE TOP RANCHES, L.P.'S WITNESS
DISCLOSURE** to be served by the method indicated below, and addressed to the following:

Dana L. Hofstetter
608 W. Franklin
Boise, ID 83702
Fax: 424-8774

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
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Andrew J. Waldera