

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

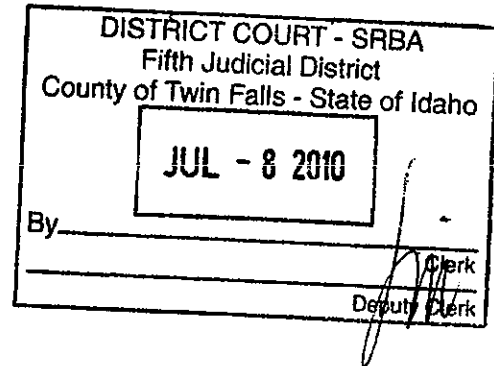
Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

July 7, 2010

Court Clerk Julie Murphy
Snake River Basin Adjudication Court
P.O. Box 2707
Twin Falls, Idaho 83303-2707



Re: SRBA Subcase Nos. 63-12, 63-13, 63-14, 63-15, 63-16, 63-308, 63-2103A, 63-2103B, 63-3603, 63-4037, 63-5067, 63-5195, 63-7595, 63-9758, 63-21875, 63-27649, 63-27671, 63-30006, 63-30007, 63-31050, 63-31051, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056, 63-31057, 63-31058, 63-31059, 63-31060, 63-31062, and 63-32895

June 18, 2010 Affidavit of Dana L. Hofstetter, Exhibit O

Dear Ms. Murphy:

It has come to my attention that certain pages from my June 18, 2010, Affidavit in the above-referenced matter were inadvertently omitted from the original complete Affidavit filed with Exhibits. Accordingly, I enclose new substitute pages. Please replace pages 1-38 of Exhibit O to my original June 18, 2010 Affidavit with the enclosed pages; the old pages 1-38 of Exhibit O may be discarded. Please let me know if you have any questions about this matter. I apologize for the inconvenience. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, L.L.C.

A handwritten signature of Dana L. Hofstetter in black ink.

Dana L. Hofstetter

Enclosures
3006.3/9392

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

In Re SRBA) Subcase Nos. 63-12, 63-13, 63-14,
Case 39576) 63-15, 63-16, 63-308, 63-2103A,
) 63-2103B, 63-3603, 63-4037,
) 63-5067, 63-5195, 63-7595, 63-9758,
) 63-21875, 63-27649, 63-276761,
) 63-30006, 63-30007, 63-31050,
) 63-31051, 63-31052, 63-31053,
) 63-31054, 63-31055, 63-31056,
) 63-31057, 63-31058, 63-31059,
) 63-31060, 63-31062, 63-32895

DEPOSITION OF EDWARD SQUIRES

June 15, 2010

REPORTED BY:

COLLEEN P. KLINE, CSR No. 345

Notary Public

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1 THE DEPOSITION OF EDWARD SQUIRES was
2 taken on behalf of the Edwards Family, LLC, at
3 the offices of M & M Court Reporting Service,
4 located 421 West Franklin Street, Boise, Idaho,
5 commencing at 9:35 a.m., on June 15, 2010, before
6 Colleen P. Kline, Certified Shorthand Reporter
7 and Notary Public within and for the State of
8 Idaho, in the above-entitled matter.

9 APPEARANCES:
10 For the Edwards Family, LLC:
11 Hofstetter Law Office, LLC
12 BY MS. DANA L. HOFSTETTER
13 608 West Franklin Street
14 Boise, Idaho 83702
15 For the Terteling Company, Incorporated:
16 Ringert Law
17 BY MR. CHARLES L. HONSINGER
18 455 S. 3rd
19 P.O. Box 2773
20 Boise, Idaho 83701-2773

21 ALSO PRESENT: Mr. Joe Terteling
22
23
24
25

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1	I N D E X	
2	TESTIMONY OF EDWARD SQUIRES	P.
3	Examination by Ms. Hofstetter	7
4		
5		

6	E X H I B I T S	
7	DESCRIPTION	PAGE
8	A - Copy of Notice of Deposition Duces	7
9	Tecum	
10	B - Copy of Mr. Squires Curriculum Vitae	8
11	C - Copy of Order Denying Petitions for	27
12	Rehearing and Amended Final Memorandum	
13	Decision and Order	
14	D - Copy of Settlement Agreement	28
15	E - Copy of Excerpts of The Terteling	29
16	Company, Inc.'s Answers to Edwards	
17	Family, LLC'S First Set of	
18	Interrogatories and Requests for	
19	Production	
20	F - Copy of Excerpts of T-7, LLC's	29
21	Answers to Edwards Family, LLC's First	
22	Set of Interrogatories and Requests for	
23	Production	
24		
25		

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1 EDWARD SQUIRES,
2 first duly sworn to tell the truth relating to
3 said cause, testified as follows:
4 MS. HOFSTETTER: Before we went on
5 record, Mr. Honsinger explained that there were
6 certain things that he would like to put on the
7 record. So I'll give him that opportunity.
8 MR. HONSINGER: Okay. Ms. Hofstette
9 this witness, Mr. Squires, has not yet been
10 proffered as any expert witness. If you read our
11 discovery responses yesterday, which I know yo
12 may not have had a chance to do, you will notice
13 that he is a rebuttal expert witness.
14 We do not yet know what your experts,
15 if you even have an experts, opinions will be.
16 So to that extent Mr. Squires won't be testifying
17 about any opinions he may or may not hold unti
18 we know what your experts' opinions may be.
19 We did provide you with a copy of his
20 curriculum vitae, and we would certainly invite
21 you to question him in those matters, and in the
22 interest of saving time later. And Mr. Squires
23 also did some initial claim work for the
24 Tertelings, and you may also question him
25 regarding those matters.

1 But as far as the opinions he holds, he
2 doesn't know what opinions he may hold. We don't
3 anticipate calling him, unless you proffer an
4 expert witness. So I don't see that Mr. Squires'
5 testimony will give much to us today.

6 MS. HOFSTETTER: And I did have a
7 chance to scan the discovery that you served on
8 me yesterday. And I did notice that, you know,
9 it appeared to me that Mr. Squires had not yet
10 been asked to render any opinions in this case.
11 So I did take note of that.

12 And so I do think that accordingly, our
13 examination today will be fairly limited, and
14 maybe focus on his background and experience.
15 And then we may need to continue the deposition
16 in the event that he is called upon to offer
17 opinions in the case that he will be testifying
18 about in the future.

19 MR. HONSINGER: You may attempt to
20 continue the deposition. I will not agree, and
21 we may have to take that up with the court.

22 MS. HOFSTETTER: Okay. We can
23 certainly do that.

24 MR. HONSINGER: Okay. That's fine.

25 MS. HOFSTETTER: I think we recognize

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1 Rule 26(b)(4) applies to the deposition of an
2 expert witness.

3 MR. HONSINGER: Yes. As does
4 26(b)(4)(b).

5 MS. HOFSTETTER: As far as 26(b)(4)(b)
6 is a --

7 MR. HONSINGER: A witness not
8 anticipating to be called at trial. And we do
9 not yet know if this witness will be.

10 MS. HOFSTETTER: Yes, exactly. And so
11 I think we recognize that. And what I hear you
12 saying, and correct me if I'm wrong, is that at
13 this point in time, Mr. Squires has not been
14 asked by Terteling Company or T-7, LLC to render
15 any opinions -- is not expected to testify on
16 behalf of the T-7 or TTCL, The Terteling Company,
17 Incorporated, at trial.

18 MR. HONSINGER: That's correct.

19 MS. HOFSTETTER: Okay. So let's
20 proceed accordingly. And I have a few exhibits.

21 (Exhibit A marked.)

22 EXAMINATION

23 QUESTIONS BY MS. HOFSTETTER:

24 Q. Good morning, Mr. Squires.

25 A. Good morning.

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1 Q. I'm handing you what's been marked as
2 Exhibit A, and ask if you've seen this document
3 before? Have you seen this document before?

4 A. Just a moment, please. Yes, I have.

5 Q. Okay. First of all, I probably should
6 have you state your name and address for the
7 record. And your business address will be fine.

8 A. Okay. My name is Edward Squires. My
9 business address of Hydro Logic, Inc., and that's
10 three words. It is 1002 West Franklin Street,
11 Boise, Idaho 83702.

12 Q. Okay.

13 A. Just down the street as it turns out.

14 Q. Yes, a good street.

15 A. As yours.

16 Q. Yes, it is.

17 Okay. So you said you had seen the
18 Exhibit A before. Is this the Deposition Notice
19 pursuant to you appearing here today?

20 A. Yes.

21 Q. And have you brought any documents with
22 you? Beginning on page 2 of Exhibit A, there is
23 a production request. Have you brought any
24 documents with you today in connection with that
25 production request?

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1 A. No, I haven't.

2 Q. Okay. Could you state what profession
3 you are in?

4 A. I am a geologist, a Registered
5 Professional Geologist in the State of Idaho.
6 And my main area of expertise and practice is in
7 the practice of hydrogeology.

8 Q. And could you explain what hydrogeology
9 is?

10 A. It is the study, evaluation, and
11 interpretation of ground water.

12 Q. And would that include geothermal
13 ground water?

14 A. All ground water.
15 (Exhibit B marked.)

16 Q. (BY MS. HOFSTETTER) Okay. And in the
17 discovery I was served with yesterday, I did
18 obtain copies of your curriculum vitae. So if
19 you can just confirm that Exhibit B is a
20 complete, and accurate, up-to-date description of
21 your educational background and professional
22 experience. And, perhaps, you know, we don't
23 need to go into a detailed discussion about that.

24 A. Yes, it is.

25 Q. Okay. And it's up to date?

1 A. Yes.

2 Q. Okay. Have you testified as an expert
3 at any trials within the last four years?

4 A. And I assume that the administrative
5 hearings are trials, or, no?

6 Q. Yes, let's consider administrative as
7 well as court --

8 A. Yes.

9 Q. -- hearings, and trials?

10 A. Yes, I have.

11 Q. Okay. Could you identify the cases
12 that you did so?

13 A. I will try to remember. The most
14 recent one was the M 3 Eagle matter before the
15 Department of Water Resources.

16 Q. And would that be the Idaho Department
17 of Water Resources?

18 A. Yes.

19 Q. Any others within the last four years?

20 A. You know, I'm certain that there is.
21 It will take me a minute to remember them,
22 probably, if you want me to.

23 Q. Okay. Yes.

24 A. I believe the Ringle matter in Round
25 Valley was within the last four years. I can't

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1 recall exactly the dates, but another
2 administrative water right hearing before the
3 Department. I have also -- oh, and it means
4 testifying, not just being in an administrative
5 hearing --

6 Q. Right.

7 A. -- providing the expert.

8 Q. Right. Actually, testifying, or also
9 providing a written affidavit of your testimony;
10 so either testifying in person, or providing a
11 written affidavit?

12 A. You know, I can't. I'm just drawing a
13 blank.

14 Q. Okay. So let's discuss briefly of who
15 you were representing in the M 3 Eagle
16 proceeding, and who you were working on behalf
17 of, and the nature of your involvement in that
18 proceeding.

19 A. I was working on behalf of M 3 Eagle,
20 LLC an Eagle limited liability company. A
21 developer of a 6,000 unit planned community
22 development in the foothills north of Eagle. And
23 my company did the hydrogeologic evaluations for
24 that project, and it included the
25 characterization of ground water availability.

1 It involved drilling a number of test drillings,
2 reporting upon a number of exploratory test
3 wells, conducting several aquifer tests.

4 We did geochemistry studies, geologic
5 mapping. And we constructed a numerical grou
6 water model for the north Ada County area in th
7 study. And I was the lead investigator in that
8 project.

9 Q. Okay. And I believe you mentioned that
10 you were the one who testified at the hearing as
11 to those matters?

12 A. I was one of the experts, yes.

13 Q. One of the experts on behalf of M 3?

14 A. Yes.

15 Q. Okay. And this proceeding was in the
16 context of an application for a new water right?

17 A. Yes, it was.

18 Q. Okay. Could you briefly describe the
19 Ringle matter, and what function you served in
20 that proceeding?

21 A. The Ringle matter was another ground
22 water application in Round Valley, Idaho.

23 Q. And where is that? Roughly, where is
24 that? What county is that located?

25 A. That is in Payette County, I believe.

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1 And it was a contested water right application
2 that also involved hydrogeologic
3 characterization, and expert testimony on the
4 availability of ground water.

5 I also remember now that I was also an
6 expert witness, and I believe again, this was in
7 the last four years, maybe it hasn't been, but
8 also in the Tamarack Resort matter.

9 Q. Okay.

10 A. I have also been -- I was also involved
11 in a Teton -- recently in a Teton valley water
12 right contested application; Ruskin Vest versus
13 Boyd Smith, a surface water ground water
14 application in the Teton valley this last winter.

15 Q. Okay. Well, let me know when they con
16 to mind. I'll write them, and we'll get to them.

17 But let's just finish up on the Round
18 Valley real quickly. Was that another
19 subdivision development project, or was it some
20 other kind of project?

21 A. No, it was in a ground water
22 development project for irrigation.

23 Q. Okay. And again, did you testify at
24 the hearing in that matter?

25 A. I attended, I think, it was a

1 pre-hearing conference. And I can't remember now
2 if it went all the way to hearing. I know I
3 testified at a -- well, it must have been
4 since -- you know, I can't remember if it was a
5 hearing or a pre-hearing conference.

6 Q. Okay. But you were involved either
7 way?

8 A. I was involved, and I was asked my
9 opinion, and I did give my opinions.

10 Q. Okay. And who were you representing in
11 that proceeding?

12 A. Mr. Dave Ringle.

13 Q. And was he the applicant?

14 A. Yes, he was.

15 Q. Okay.

16 A. I have also just recalled that I'm
17 currently an expert witness in a contested water
18 rights matter south of Boise. And it is the
19 Tyson Fine Foods application. And I am the
20 expert witness for the State of Idaho, the Idaho
21 Department of Corrections. And that is an
22 ongoing matter that has had, I think, three
23 pre-hearing conferences now. And there has not
24 been a hearing.

25 I'm also an expert witness at the

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1 current time for Pacific West Land in the east
2 Boise area, in the matter of the Intermountain
3 water and sewer application. And I'm also an
4 expert witness for Micron Technology at the
5 current time for Patriot -- what is it -- I
6 can't -- I can't think of the exact name of the
7 applicant. But I am an expert for the
8 protestant, which is Micron Technology.

9 Q. So let's briefly discuss the Tamarack
10 Resort work. Were you representing Tamarack?

11 A. Yes, I was.

12 Q. And what was the nature of the
13 proceeding that you were involved in?

14 A. It was a large reasonably anticipated
15 future needs water right application for
16 municipal use for a large community, the Tamarack
17 Resort. And it involved, again, characterizing
18 the subsurface geology, and showing the
19 sustainability and availability of ground water
20 for that use.

21 Q. Okay. So did you testify at the
22 hearing in the matter?

23 A. Yes, at the pre-hearing conferences and
24 at the hearing. And I was also involved with the
25 development of that application. As I am in most

1 of the applications that I'm involved with.

2 Q. Okay.

3 A. I also recognize now that I -- it just
4 slipped my mind, again. But another application
5 that I'm currently involved with.

6 Q. Okay. Was the Tamarack project, was
7 that a ground water project?

8 A. Ground water and surface water project.

9 Q. Okay.

10 A. I was also involved in the contested
11 hearing in the Ola, Idaho area just a couple of
12 years ago, and I represented Jack Mooers,
13 M-o-o-e-r-s, at the Eagle Peak Ranch in a
14 protested hearing, and he was the applicant. And
15 that had at least two pre-hearing conferences.
16 And I don't think it went all the way to hearing.
17 But I did provide expert opinion, and also
18 monitoring, and interpretation of ground and
19 surface water.

20 Q. Okay. So could you just briefly in a
21 couple of sentences maybe explain the nature of
22 the Teton Valley application, and who you
23 represented, and what you did?

24 A. Yeah, I represented the Sundowner
25 Ranch, LLC, owned by Ruskin A. Vest, V-e-s-t. He

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1 was a protestant against the Teton Ranch, which
2 was applying for surface water from South Leigh
3 Creek. That's spelled, L-e-i-g-h. And it was
4 also a ground water storage and withdrawal
5 application.

6 Q. And was this another administrative
7 proceeding before the Idaho Department of Water
8 Resources?

9 A. It was.

10 Q. And did you provide either written or
11 oral testimony in the case?

12 A. I provided -- I did not appear at the
13 pre-conference hearing, and it did not go to
14 hearing. There were, I think, three
15 pre-conference hearings, and I provided -- I
16 evaluated the ground water model, and the
17 application for the protestant, and
18 provided -- and provided my interpretation, and
19 my expert opinion of the effects of the proposed
20 diversions, and worked closely with the attorneys
21 on settlement conditions, which ultimately
22 prevailed.

23 Q. Okay. Now, could you briefly explain
24 your role and the nature of the Tyson Fine Foods
25 matter?

1 A. Yes, I have been retained by the Idaho
2 Department of Corrections to evaluate an
3 application for ground water withdrawals close to
4 the Idaho State Correctional Facility south of
5 Boise. And I evaluated the available monitoring
6 data, aquifer test data, and for the potential
7 effects of that diversion on my client's water
8 rights.

9 Q. Okay.

10 A. I also recall now, and again, I'm not
11 sure this was within the last four years. It was
12 probably close. But I was also an expert for a
13 number of cities. For the City of Caldwell, and
14 the City of Meridian in the IMAP application by
15 United Water Idaho. And I worked on that. There
16 were at least two, maybe three pre-hearing
17 conferences. And I represented the cities, who
18 were the protestants, in United Water Idaho's
19 Municipal Application Package for a future needs
20 water right.

21 Q. Okay. Well, you know, just so for the
22 interest of time --

23 A. Yes.

24 Q. -- we probably should limit today to
25 this question, to just what you've actually

Page 18

1 testified in, and not necessarily the pre-hearing
2 conference.

3 A. Okay.

4 Q. Because that's normally not an official
5 hearing. It's more of a settlement-type meeting.
6 So if you could try to focus on the ones that I
7 recognize that you have vast experience in this
8 area. I just want to focus on the ones in the
9 last four years that you actually provided
10 written or oral testimony to.

11 A. I understand.

12 Q. Okay. So the next one that you
13 mentioned, the next one was Pacific West Land
14 Intermountain. Did you provide testimony either
15 written or oral in that case?

16 A. No. In fact, the hearing has not been
17 set yet.

18 Q. Okay. So is it your understanding,
19 you've been hired to provide testimony --

20 A. Yes.

21 Q. -- in the case?

22 A. Yes, I have.

23 Q. And you've mentioned that Micron -- you
24 represent Micron, or work for Micron in
25 connection with a protest. And it sounds like

1 that has not gone to hearing yet either?

2 A. That is correct.

3 Q. So you may testify to that, but you
4 haven't yet testified?

5 A. That is correct.

6 Q. And with regard to the Jack Mooers
7 Eagle Peak Ranch matter, have you testified at
8 that yet, or you may testify, or is that
9 concluded at this point?

10 A. As my memory serves me, I don't think
11 we went to a formal hearing. I know that I did
12 offer comments, and provide an overview of my
13 findings. And I think it was a pre-hearing.

14 Q. Okay. And if you think of any others,
15 let me know as we go along. I mean, I know you
16 are involved in a lot of things, and it's hard to
17 keep track of them all.

18 And with regard to a deposition.
19 Within the last four years, have you participated
20 in any other depositions besides today's?

21 A. I can't recall right now.

22 Q. Okay. So it's possible. Have you
23 participated in depositions before?

24 A. Yes, I have.

25 Q. And was that in your expert capacity?

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1 A. Yes.

2 Q. And could you approximate about how
3 many times you've participated, you've been the
4 witness in an expert deposition?

5 A. I would say, a half a dozen.

6 Q. Okay. Thank you. And I presume that
7 would always be in some sort of a water-related
8 matter?

9 A. Yes.

10 Q. Okay. If we could turn back to Exhibit
11 B, your curriculum vitae. And I would just like
12 to confirm for the record, so that we don't need
13 to, you know, discuss further your educational
14 background, or your professional experience.

15 Is this Exhibit B a good reflection of
16 your education background and your professional
17 experience?

18 A. Yes.

19 Q. And in the registration section on page
20 1, does that include your professional
21 registrations?

22 A. Yes, I have Certificate 968. I'm also
23 a Registered Professional Geologist in the state
24 of Arizona.

25 Q. Okay. The Arizona registration is not

1 on this?

2 A. That is correct. I just received that,
3 and I actually don't know the number, but...

4 Q. Okay. Any other certifications,
5 registrations that are not on this list here?

6 A. No.

7 Q. Okay. And I believe at the end, I
8 saw -- and turning to page 5, approximately,
9 there is a list of your employments. Is this a
10 complete list of your employment history, your
11 professional employment history?

12 A. Yes.

13 Q. Okay. And then the publications that
14 begins right below that, and continues on for
15 about two pages. Is this an all inclusive list
16 of all your professional publications?

17 A. No, it's just a representative list.
18 And it's not just publications, but also reports.
19 Because I think of publications as things that
20 were actually peer reviewed. And so, obviously,
21 in my career I would bore you to death with a
22 list of professional reports. But it's intended
23 of an indication of the type of work that I
24 engage in.

25 Q. Okay.

Page 22

1 A. I would also mention, that the reason
2 that my Arizona licensure is not on here, is that
3 I received the formal number on the 22nd of this
4 month. So it's that recent.

5 Q. Okay. Well, congratulations.

6 A. Thank you.

7 Q. So do you also do some work in Arizona?

8 A. I do.

9 MR. HONSINGER: You mean the 22nd of
10 last month?

11 THE WITNESS: The 22nd of this month.
12 I've been approved. But the official -- my
13 official number comes out the 22nd of this month.

14 Q. (BY MS. HOFSTETTER) Okay. So you are
15 not really legal in Arizona until the 22nd of
16 this month?

17 A. I guess that's correct. I've been
18 approved by the board, but I don't get my stamp
19 until the 22nd.

20 Q. Okay. If I could, I would like to turn
21 your attention to the last page of the Exhibit B.
22 And I note near the bottom of the list of your
23 reports and publications, analysis of historical
24 and current water level production data from the
25 Boise geothermal system. Could you briefly

1 describe in a few sentences, the nature of that
2 work, and who you were performing that work for?

3 A. Sure. At the time, I was a student at
4 Boise State University. And one of my professor
5 mentors was conducting research on the Boise area
6 geothermal system, and that's Dr. Charles Waag,
7 W-a-a-g, and Dr. Spencer H. Wood of Boise State
8 University. And I was employed by them to
9 monitor water levels in the geothermal system, to
10 enter the data, and plot the water level data.

11 And I was involved in this abstract with a number
12 of other faculty and students.

13 Q. And the Boise geothermal system, would
14 that include the Stewart Gulch Geothermal
15 Aquifer?

16 A. In that publication, it does not.

17 Q. If we could, I would like to turn to
18 page 2 of Exhibit B in the category of
19 "Geothermal."

20 A. Uh-huh.

21 Q. Item No. 2, do you see that water level
22 monitoring of the Terteling Ranch and Floral
23 Nursery geothermal wells 1993 to the present.
24 Could you briefly describe the nature of that
25 work?

Page 24

1 A. Yes, I've been employed by the
2 Terteling Company, Incorporated to monitor
3 geothermal water levels in their 36 Street
4 property, and also geothermal wells on their
5 ranch in Stewart Gulch, since 1993. And those
6 water levels are reported quarterly to the
7 Department of Water Resources.

8 Q. Okay. And so have you been doing this
9 work continuously from 1993 to the present?

10 A. Yes.

11 Q. And could you name some of the names,
12 just to give us the reference point, either the
13 water right numbers, or the names for the
14 geothermal wells on the Terteling Ranch that you
15 monitor?

16 A. On the Terteling Ranch, we monitor the
17 Terteling pool. We monitor the Terteling wind
18 soak well. We monitor the motorcycle hot well.
19 And you are interested in only geothermal,
20 correct?

21 Q. Correct.

22 A. We also monitor the Terteling springs
23 well. And I believe that is -- those are the low
24 geothermal wells on the Terteling Ranch.

25 Q. And by Terteling Ranch, does Terteling

1 Ranch include both the property owned by the
2 Terteling Company, Incorporated, and T-7?
3 A. Yes.
4 Q. Can you identify the wells on the
5 Floral Nursery property that you monitor?
6 A. Yes, we monitor the Silkey well, also
7 known as the shed well. We monitor the Tiegs
8 well, T-i-e-g-s, also known as the triangle well,
9 and we monitor the office well.
10 Q. Okay. And Item No. 3 on page 2 of
11 Exhibit B, BSWWD, stands for Boise Warm Springs
12 Water District; is that correct?
13 A. Yes.
14 Q. And what is UWID stand for?
15 A. United Water Idaho.
16 Q. Okay. And Item No. 3, it looks like
17 that work is performed for a number of different
18 clients; is that correct?
19 A. Yes.
20 Q. Now, item No. 6 on the next page,
21 under, geothermal evaluation historical weir flow
22 data and geothermal water use of the Floral
23 Nursery 1921 to 2002, and I'm assuming that you
24 weren't there in 1921. But did you review
25 historic records?

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1 A. From between those dates, yes.
2 Q. And was that in connection with a
3 proceeding or --
4 A. It was in connection with a low
5 temperature geothermal transfer proceeding. And
6 I represented the Terteling Company,
7 Incorporated.
8 Q. And do you remember the transfer number
9 on that proceeding?
10 A. I don't.
11 Q. And would that transfer proceeding also
12 be the same transfer proceeding that's referenced
13 in item No. 9 below that?
14 A. Yes.
15 Q. And item No. 11, was the Terteling
16 Company your client for item No. 11 below that?
17 A. Yes.
18 Q. Going back to item No. 2 on the
19 preceding page. When did you begin monitoring
20 the Floral Nursery geothermal wells. Because I
21 believe in 1993, the Terteling Company did not
22 own that property. So would you have started
23 monitoring the Floral Nursery wells after 1993
24 when the Terteling Company purchased the
25 property, or were you already monitoring prior to

1 their purchase?
2 A. I did a fair number of measurements,
3 and monitoring, and aquifer test measurements
4 the Floral wells, still in the employ of the
5 Terteling Company, when it was owned by Dar
6 and the Floral Company, before the purchase.
7 Q. So were you involved in any capacity in
8 the water call proceedings during the beginning
9 of the late '80s and continuing to the 1990s?
10 A. I was.
11 Q. And who were you working for in that
12 proceeding?
13 A. I represented the Terteling Company,
14 Incorporated.
15 Q. But that would have been before they
16 purchased the Floral property; is that correct?
17 A. That's correct.
18 (Exhibit C marked.)
19 Q. (BY MS. HOFSTETTER) I'm going to
20 you Exhibit C. And just ask if you've seen this
21 document before?
22 A. Yes, I have.
23 Q. Do you remember when you first saw th
24 document?
25 A. Well, I was involved on behalf of the

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1 Terteling Company when this matter came befo
2 the Department of Water Resources.
3 Q. And so on page 5 of Exhibit C, where
4 you see a list of the water right owners
5 involved. Would you have been involved on be
6 in connection with the Terteling Company on th
7 two water rights listed under as owned by J. A.
8 Terteling?
9 A. Yes.
10 (Exhibit D marked.)
11 Q. (BY MS. HOFSTETTER) Okay. I'm go
12 to hand you what's been marked as Exhibit D. I
13 ask you, have you seen this document before?
14 A. I have.
15 Q. And do you recall when you first saw
16 this document?
17 A. I believe it was during the
18 administrative hearing proceedings and settleme
19 discussions between Edwards Greenhouses, and
20 Terteling Company, Incorporated, related to the
21 transfer that we spoke about earlier.
22 Q. Okay. And were you advising the
23 Terteling Company in that proceeding?
24 A. Yes. And by the way, it was transfer
25 No. 68558.

1 Q. Okay. And you see that on?
 2 A. I see that on here.
 3 MS. HOFSTETTER: I think we can go off
 4 the record for a minute.
 5 (A recess was had.)
 6 (Exhibits E and F marked.)
 7 MS. HOFSTETTER: We'll go back on the
 8 record.
 9 Q. (BY MS. HOFSTETTER) First of all, I'll
 10 ask Mr. Squires. During the break, did any other
 11 proceedings come to mind in which you've
 12 testified in the last four years, that you didn't
 13 mention earlier?
 14 A. Yes.
 15 Q. Okay.
 16 A. I can think of two additional ones.
 17 Q. Okay. Could you explain what those
 18 were about?
 19 A. One was I represented Naylor Farms, and
 20 I'm trying to think of the county in northern
 21 Idaho; Moscow. And right now I'm drawing a blank
 22 on the county. But I represented Naylor Farms in
 23 a contested water right application against the
 24 City of Moscow, the City of Pullman, and some
 25 other local activist groups.

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1 And I also represented Idaho Power
 2 Company in a contested water rights hearing,
 3 where I testified in the Pissimeroy Valley,
 4 having to do with a fish hatchery development up
 5 there.
 6 Q. Okay. Any others that you recall at
 7 this point?
 8 A. No.
 9 Q. Okay. So the Naylor Farms was the
 10 applicant in the proceeding?
 11 A. Yes.
 12 Q. And was it a ground water --
 13 A. Ground water.
 14 Q. -- application?
 15 A. Uh-huh.
 16 Q. And do you know the approximate year
 17 which you testified?
 18 A. I would say, 2007.
 19 Q. Okay. And that was before the Idaho
 20 Department of Water Resources?
 21 A. That's correct.
 22 Q. And the Idaho Power proceeding, who was
 23 the applicant in that proceeding; do you recall?
 24 A. Idaho Power Company.
 25 Q. And was it a water right application?

1 A. It was.
 2 Q. And did you offer testimony in that?
 3 A. Yes.
 4 Q. And that was before the Idaho
 5 Department of Water Resources?
 6 A. Yes.
 7 Q. Was that a ground water application?
 8 A. Yes.
 9 MS. HOFSTETTER: Okay. Thank you,
 10 Mr. Squires.
 11 Before we go off the record for today,
 12 I've spoken with Mr. Honsinger about marking as
 13 Exhibits E and F, excerpts from the discovery
 14 responses that T-7, LLC, and the Terteling
 15 Company, Inc. served yesterday. And the excerpts
 16 relate to the expert witness issue that we
 17 discussed earlier.
 18 And indicate further, that Mr. Squires
 19 is not expected to testify at the trial in this
 20 matter, unless he is needed as a rebuttal
 21 witness. Is that correct, Mr. Honsinger?
 22 MR. HONSINGER: That's correct at this
 23 time. I might also offer that the discovery
 24 deadline has not yet passed, but I don't
 25 anticipate changing these discovery responses,

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1 although we may.
 2 MS. HOFSTETTER: Okay. And what's been
 3 marked Exhibits E and F are true and correct
 4 excerpts of the discovery responses you served
 5 yesterday?
 6 MR. HONSINGER: I'm not a witness in
 7 this matter. I want to make that clear. But so
 8 my answer is not under oath, in other words.
 9 But, yes, to the best of my knowledge, yes,
 10 that's correct.
 11 MS. HOFSTETTER: Thank you.
 12 And as indicated earlier, Edwards
 13 Family, LLC continues this right to continue this
 14 deposition of Mr. Squires if he is identified as
 15 a rebuttal, or otherwise expert witness to
 16 testify at trial.
 17 MR. HONSINGER: And the Terteling
 18 Company, Inc. and T-7, LLC reserve the right to
 19 contest that continuance. But we can discuss
 20 that at another time.
 21 MS. HOFSTETTER: Thank you. We can go
 22 off the record. Thank you.
 23 (Deposition concluded at 10:38 a.m.)
 24 (Signature requested.)
 25

REPORTER'S CERTIFICATE

I, COLLEEN P. KLINE, 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 16th day of June, 2010.

Colleen P. Kline

COLLEEN P. KLINE, CSR

Notary Public

P.O. Box 2636

Boise, Idaho 83701-2636

My commission expires September 17, 2011



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