

**DEPARTMENT OF
WATER RESOURCES**

statute to be included in a water right decree or 2) whether diversion volume is necessary for the definition, clarification or administration of the water right that is the subject of the subcase. He may also be called upon to testify regarding the calculation and measurement of natural flow.

Carter Fristchle
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098
Phone: (208) 287-4800
Fax: (208) 287-6700

Mr. Fristchle may be called upon to testify as an expert on questions of Department policy regarding Director's Reports and Recommendations, and whether diversion volume is 1) required by statute to be included in a water right decree or 2) whether diversion volume is necessary for the definition, clarification or administration of the water right that is the subject of the subcase.

Jeff Peppersack
322 East Front Street
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Phone: (208) 287-4800
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Mr. Peppersack may be called upon to testify as an expert on questions of Department policy regarding Director's Reports and Recommendations, and whether diversion volume is 1) required by statute to be included in a water right decree or 2) whether diversion volume is necessary for the definition, clarification or administration of the water right that is the subject of the subcase.

FACT WITNESSES

Paul Wackenhut
Idaho Fish and Game Regional Habitat Manager
1345 Barton Rd.
Pocatello, ID 83204
Phone: (208) 232-4703
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Mr. Wackenhut may be called to testify as to the season of use.

The State does not consider questions relating to the meaning and effect of the Fort Hall Consent Decree to be within the scope of this Court's jurisdiction. However, should such questions be raised at trial, the State would likely call the following fact witness:

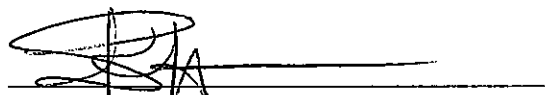
David B. Shaw
ERO Resources Corporation
Consultants in Natural Resources and the Environment
3314 Grace Street | Boise, ID 83703
208.373.7983

Mr. Shaw may be called upon to testify as a fact witness regarding the negotiation of the Fort Hall Agreement, the original estimates of annual diversion volume of non-Indian water users on the Blackfoot River, the current annual diversion volume from non-Indian water users in the Blackfoot River Basin, and the Blackfoot River Management Plan.

EXHIBITS

The State does not consider questions relating to the meaning and effect of the Fort Hall Consent Decree to be within the scope of this Court's jurisdiction. However, should such questions be raised at trial, the State reserves the right to submit additional exhibits to the Court.

Dated this 16th day of November 2010.


SHASTA KILMINSTER-HADLEY
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on this 16th day of November 2010, I caused to be served copies of the **STATE OF IDAHO'S PRE-TRIAL DISCLOSURES** to the persons listed below and via the method indicated:

Copies via U.S. Mail, First Class Postage Prepaid to:

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