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Attorneys for City of Mountain Home

**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.

)
) **Subcases 63-33734A, and 63-33734B; 63-**
) **303, 63-3613, 63-3614 and 63-3618; and**
) **63-33732, 63-33733, 63-33734, 63-33737 and**
) **63-33738**

)
)
)
)
)
) **DECLARATION OF TERRY SCANLAN**

TERRY SCANLAN, under penalty of perjury, hereby declares and states as follows:

1. I am a licensed professional engineer and licensed professional geologist in the state of Idaho, and am an employee at the engineering firm SPF Water Engineering, LLC. Attached hereto as Exhibit A is a true and correct copy of my resume.
2. On November 14-15, 2018, I testified under oath as an expert in the matter of the Application for Permit No. 63-34348 in the name of Elmore County, in a hearing before the Idaho Department of Water Resources. If finally approved and developed for licensure, such Permit would divert flood flows from the South Fork Boise River at Anderson Ranch Reservoir and ultimately convey water, in part, to groundwater recharge sites near the City of Mountain Home.
3. Before providing such testimony, and at the request of the Board of County Commissioners for Elmore County, I conducted extensive research and analysis concerning ground water conditions in Elmore County, and in particular, in and around the City of Mountain Home. I, and my firm, authored a report concerning such research and analysis. A true and correct copy of the report, titled Elmore County Water Supply Alternatives, can be reviewed at <https://idwr.idaho.gov/files/iwrb/2017/20170228-Elmore-County-Water-Supply-Report.pdf>.
4. I estimate that, as a result of groundwater pumping, the total annual volume depletion of the aquifer on the Mountain Home Plateau, which includes the City of Mountain Home and vicinity, the Cinder Cone Butte vicinity, and the Mountain Home Air Force Base and vicinity, is approximately 43,300 AF/yr. The basis for such estimate is set forth in the above-referenced report.
5. It is my opinion that aquifer recharge conducted at the sites identified in the above-referenced Application for Permit will begin to offset the pumping deficit on the

Mountain Home Plateau, most immediately in the aquifer underlying the City of Mountain Home and vicinity.

6. I have reviewed the Motion to Decree Water Right submitted by the State of Idaho in the above-captioned proceedings, including the proposed decreed water rights.

7. In the absence of a Director's Report, I was unable to determine with any technical certainty the basis for historical beneficial use of the volumetric quantity set forth in either proposed right number 63-33734A or 63-33734B, nor was the basis of the priority date for either proposed right explained. Nor was it clear to me how various proposed conditions and qualifications will be interpreted by the Department in its administration of the rights.

8. The City of Mountain Home has decreed water rights to pump groundwater from the aquifer. Depending upon how the Department interprets and administers the proposed decreed water rights identified above, it is possible that the ability to divert otherwise unappropriated water from the South Fork Boise River for aquifer recharge in the City of Mountain Home (whether pursuant to development of the above-reference Permit or otherwise) will be impaired, injuring such water rights.

I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 14th day of April 2019.


Terry M. Scanlan

CERTIFICATE OF MAILING

I certify that on April 15, 2019, I mailed the original and copies of these Motions to Dismiss, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

☒ HAND DELIVERY

2. One copy to the claimant of the water right at the following address:

David W. Gehlert
United States of America Acting through
Bureau of Reclamation
Regional Director PN Code -3100
1150 N. Curtis Rd, Ste 100
Boise, ID 83706-1234FN Code-3100

☒ U.S. Mail, postage prepaid

David W. Gehlert
Environment & Natural Resources
U.S. Department of Justice
999 18th St.
South Terrace Ste 370
Denver, CO 80294

☒ U.S. Mail, postage prepaid

3. Copies to:

Director of IDWER
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, postage prepaid

Chief, Natural Resources Division
Office of Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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