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DEPARTMENT OF
WATER RESOURCESWATER RESOURCES
WESTERN REGION

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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE APPLICATION
FOR TRANSFER NO. 84698 IN THE NAME
OF MARION OGLE

**SALUBRIA HOLDINGS LLC'S
DISCLOSURE OF EXPERT WITNESS**

Pursuant to the Hearing Officer's October 20, 2021 *Hearing Notice/Scheduling Order*, and in response to Interrogatory No. 4 of *Marion Ogle's First Set of Interrogatories and Requests for Production to Salubria Holdings LLC*, dated October 29, 2021, Protestant Salubria Holdings LLC ("Salubria"), through its attorneys Givens Pursley LLP, hereby discloses the following individuals who may be called as Salubria's expert witnesses at the hearing of this matter:

1. Scott King, P.E.
SPF Water Engineering, LLC
300 E. Mallard Dr., Suite 350
Boise, ID 83706

Mr. King's curriculum vitae is attached hereto.

Mr. King may testify to any factual or technical issues concerning Application for Transfer No. 84698 (the "Application") raised by the Idaho Department of Water Resources or any party.

Mr. King will offer opinions as to how the Application does not meet the criteria for approval set forth in Idaho Code § 42-222, and particularly how the Application will injure Salubria's water rights and constitute an enlargement of water right nos. 67-250 and 67-301.

Mr. King will rely on publically-available documents in the files of the watermaster and the Idaho Department of Water Resources, the eye witness testimony of other witnesses, and Mr. King's own knowledge of and experience with water right nos. 67-250 and 67-301 and with neighboring properties to both the current place of use of water right nos. 67-250 and 67-301 and the new proposed place of use under the Application.

Exhibits that may be used as a summary of or support for the opinions will be served in accordance with the October 20, 2021 *Hearing Notice/Scheduling Order*.

Mr. King has not authored any publications in the past ten years.

Mr. King is compensated at an hourly rate of \$140 for his testimony in this matter.

Over the last four years, Mr. King has testified in the following trials: *Genta v. Gould*, Bannock County (December 2015); *Friend v. Nettleton*, Elmore County (February 2016); and *Lundholm Enterprises v. Gunderson*, Jefferson County (November 2016). Mr. King has testified in the following depositions and administrative hearings: Transfer 80342 (Casa Del Norte), expert witness testimony in deposition and in an IDWR administrative hearing; Driscoll Family Trust, deposition (December 2019); Eckhardt protest against Double C & J Land Co.'s application for permit 67-15333, testimony at administrative hearing (November 2020); McConnell application for transfer no. 84441, testimony at administrative hearing (April 2021).

DATED as of November 19, 2021.

GIVENS PURSLEY LLP

/s/ Michael P. Lawrence

Michael P. Lawrence

Charlie S. Baser

Attorneys for Salubria Holdings LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 19th day of November, 2021, I served a true and correct copy of the above and foregoing document via the manner listed below to the following:

FILED

Nick Miller		U. S. Mail
Hearing Officer	X	Hand Delivered
Idaho Department of Water Resources		Overnight Mail
Idaho Water Center		Facsimile
322 W. Front Street	X	E-mail
Boise, ID 83702		
Email: nick.miller@idwr.idaho.gov		

SERVED

Dana Hofstetter		U. S. Mail
Hawley Troxell Ennis & Hawley	X	Hand Delivered
877 Main St., Ste. 1000		Overnight Mail
PO Box 1617		Facsimile
Boise, ID 83701-1617	X	E-mail
<i>Attorney for Marion Ogle</i>		

/s/ Michael P. Lawrence
Michael P. Lawrence

Education

M.S., Civil Engineering

University of Idaho, 2002

B.S., General Engineering

Idaho State University, 1990

Professional Certification

Professional Engineer

Idaho No. 7914, 1995

Oregon No. 84533PE, 2010

Certified Water Right Examiner

Idaho No. 133

Oregon No. 84533CWRE

Areas of Expertise

- Water rights
 - investigations and analysis
 - permits and transfers
 - marketing and acquisitions
- Expert witness services
- Water resource investigations
- Water well design
- Surface water modeling
- Gravity irrigation systems
- Stream flow measurement
- Pipe flow measurement
- Pumping efficiency evaluations

Experience Summary

Mr. King has over 30 years of professional and academic experience in water resources engineering. He is currently a Project Engineer with SPF Water Engineering, LLC and specializes in water right issues, water flow measurement, open-channel flow, pumping system design, water well design, and geographic information systems (GIS). Prior work includes 14 years experience in a broad variety of Idaho Department of Water Resources' (IDWR) programs including water rights adjudication, water rights administration, safety of dams, and energy efficiency.

SPF Water Engineering, LLC – 2005 to present

Mr. King is currently a Project Engineer with SPF Water Engineering, LLC. SPF was founded in March 2004 to provide hydrologic characterization, water resource development, and public water system design and regulatory compliance. Mr. King provides consulting services on water rights issues, pump design, irrigation system evaluation, surface water hydrology, surface water modeling, and river hydraulics. His recent project experience includes the following:

- Extensive water right experience including
 - permit and transfer applications
 - mitigation plans
 - investigations and analysis
 - acquisitions and sales
 - beneficial use field examinations
 - adjudication claim preparation and support
- Expert witness services
- Gravity irrigation system design and analysis
- Stream flow measurement and monitoring
- Geographic Information System (GIS) mapping and analysis
- Conveyance capacity determinations for streams, culverts, and other open-channel systems
- Water well design including designs to municipal public drinking water supply standards
- Well capacity determination
- Pumping system design
- ***DHI, INC – 2004 to 2005***

Mr. King worked as a senior project engineer responsible for development of various surface water models. Project experience includes the following:

Modeling – MIKE 11. Developed hydrodynamic 1-D MIKE 11 model of the Little Claggett Creek storm water drainage system, a part of Marion County's East Salem Service District, Oregon. Produced flood maps for SCS Type 1A design storms and for the February 1996 flood event. This

model includes 8.5 km of streams in two branches, over 100 cross-sections extracted from a 2 ft vertical resolution DEM, and 23 culverts with corresponding broad-crested weirs representing roadways over culvert crossings. Inflow boundary conditions are represented by 21 catchments contributing point-source and distributed inflows simulated in MIKE 11's rainfall / runoff module.

Modeling – MIKE BASIN. Project lead on MIKE BASIN surface water distribution models developed for the Idaho Department of Water Resources. These models are used by IDWR for three primary purposes: flow enhancement tools to address flow-limited stream reaches; decision making tools to assist in selecting effective mitigation and restoration projects; and communication tools for educating decision makers and stimulating discussion among stakeholders. Developed systems include the Pahsimeroi River and East Fork Salmon River, and experiences with Lemhi River and Stanley Basin models. These models operate on a daily time step and represent the water distribution system within the basins including the stream networks, points of diversion, places of use, and locations of return flow. Time series information includes records of stream gaging, diversion measurements, precipitation, and evapotranspiration. Provided training to IDWR staff, contractors, and watermasters on the operation of MIKE BASIN through a series of hands-on sessions. Presented proposals to local waterusers and stakeholders for new model applications in Morgan Creek and Carmen Creek.

Modeling – Rainfall / Runoff. Developed lumped conceptual rain/snow/runoff models of the Stanley and East Fork Salmon River Basins for the Idaho Department of Water Resources using DHI's lumped conceptual rainfall/runoff module. The developed models are used to supply tributary inflow boundary conditions to the East Fork Salmon River and Stanley Basin MIKE BASIN models.

Developed rainfall/runoff models of 21 catchments supplying inflow boundary conditions for the Little Claggett Creek MIKE 11 model described above. Rainfall/runoff is simulated using DHI's URBAN module. Four storm events are modeled including the February 1996 observed event and SCS Type-1A 2-, 10-, and 50-year design storms.

Idaho Department of Water Resources – 1990 to 2004

During 14 years with the Idaho Department of Water Resources, Mr. King held four engineering positions and gained experience in a wide range of IDWR activities. These positions included Technical Engineer in the Adjudication Bureau, and Staff Engineer positions in the Water Distribution Section, in Western Region's Safety of Dams unit, and in the Energy Division. Relevant experience includes the following:

Program Management

Managed Western Region's Safety of Dams program. Inspected dams and made recommendations for maintenance and operation to improve safety and meet state standards. Issued storage certificates and authorizations to

fill.

Lead technical consultant in statewide water measurement program. Defined water measurement standards and implemented a program for measuring and reporting ground-water withdrawals. Coordinated field work performed by department staff and various measuring districts. Inspected contractor projects for adequacy and compliance with department standards. Designed and managed water measurement databases.

Water Rights

Reviewed complex water right claims and prepared water right recommendations for the Director's Report to the Snake River Basin Adjudication court. Provided technical analysis and recommendations for nonstandard water right claims, such as claims for diversion rates exceeding the standard allocation, and for claims to the use of water outside of the standard seasons of use.

Provided training and direction to new employees, water districts, water measurement districts, groundwater districts, and private consultants on water rights, water measurement programs, and adjudication procedures.

Worked with water users and their legal representatives on various water right enforcement issues, including excessive and illegal water diversions.

Experienced with all aspects of IDWR regional office operations including water rights, transfers, well drilling, adjudication, water district operation, violations, enforcement, and customer complaints.

Irrigation and Pumping Systems

Performed pumping system evaluations including determinations of municipal, industrial, and agricultural pumping plant efficiencies and recommended measures for improved efficiency and reduced operating costs. Provided recommendations and designs for conversions to low-pressure irrigation systems for reduced operating costs and improved yields.

Technical Expert to Snake River Basin Adjudication (SRBA) Court

Provided technical engineering support to department staff in the ongoing SRBA.

Designated as department expert to the SRBA court regarding irrigation requirements, evapotranspiration, and crop water requirements. and how this information is utilized for preparing recommendations.

Public Relations

Presentations at public meetings to explain laws and regulations relating to water measurement and water appropriation.

Provided conflict resolution support for several water related disputes.

Trained IDWR employees, state Watermasters and Hydrographers, contractors, and consultants on water measurement standards, equipment, practices, and procedures through regular training sessions and individual assistance.

Guest lecturer in 1996 and 1998 for College of Southern Idaho's Water Measurement course, and in 1998 for Boise State University's Water Measurement lab.

Presented *Selection and Installation of Pipe Flow Water Measurement Devices* at the 1997 Idaho Irrigation Equipment Show and Exhibition, Shilo Inn, Idaho Falls, January 8-9.

Technical

Developed and proposed to department administration and to the general public technically sound methods of using power records for estimation of pumped water diversions.

Determined acceptability and provided professional opinions for numerous non-standard water measurement methods and devices proposed to IDWR by engineering consultants and water users.

Determined conveyance capacity of pumps, diversions, pipelines, open channels, turbines, etc.

Led IDWR efforts to utilize global positioning systems (GPS). Developed standards for use, trained staff and consultants, and integrated GPS data collection into GIS work.

Report Development

Authored various reports including annual reports of ground water diversions, reports to individual water users, flowmeter accuracy reports, and various other reports relating to water measurement.

Co-author of *Eastern Snake Plain Aquifer Water Measurement Program, A Summary of Measurement Activity & Results from Basin 36 Project Area, 1995-1996 and a Review of Program Expansion in 1997*, IDWR, May 1998.

University of Idaho – 1999 to 2002

Masters of Science in Civil Engineering Thesis: The Effective Discharge Concept in Gravel Bed Stream Restoration: The Twelve Mile Reach of the Salmon River at Challis, Idaho.

Determined channel effective discharge based on sediment transport measurements and flow records. Compared effective discharge to bankfull discharge and stated implications of findings in regards to channel restoration. Completed hydraulic, hydrologic, and geomorphologic characteristics of the study reach. Presented findings and recommendations to technical groups and local property owners.

Developed hydrodynamic pseudo 2-D MIKE 11 model of the Twelve Mile Reach, Salmon River, near Challis, ID. Produced animated flood maps of primary flooding events from 1974 (100-yr), 1996, and 1997. This model includes 27-km of mainstem river including braided sections and split flows. Over-bank discharge into Hannah Slough and across One-Mile Island is represented by link-channels. The model includes 68 surveyed cross-sections and utilizes a 2-ft interval contour map for flood mapping.

Expert Witness and Litigation Experience

February 5, 2008

Idaho Ground Water Appropriators, Inc in Surface Water Coalition Administrative Hearing. Co-authored technical report on behalf of Idaho Ground Water Appropriators and provided expert witness testimony in District Court.

January 14, 2009

Southfork Landing / Eagle Springs Ranch / Barnes Ventures Inc, Garden Valley, ID. Provided expert witness testimony in administrative hearings to contested water right applications.

January 27, 2009

Black Rock Utilities, Coeur d'Alene, ID. Provided expert witness services including hearing testimony in contested application for permit.

October 14, 2009

Jerry Tluczek, Melba, ID. Provided expert witness services in administrative hearing for contested water right transfer.

November 2 & 3, 2009

United States of America vs. Cory Ledea King. Provided technical support for federal sentencing hearing on behalf of the Double C Farms and Cory King.

January 12, 16, 2011

Elmore County P&Z Hearings on Mayfield Townsite. Provided expert witness testimony to the Planning and Zoning Commissioners in support of water availability for a planned community.

May 3, 10, 12, 2011

Elmore County Commissioners Hearing on Mayfield Townsite. Provided expert witness testimony to the County Commissioners in support of water availability for a planned community.

March 23-25, 2011

Preston-Whitney Irrigation Company Water Right Transfer Application Hearing, Preston, ID. Provided expert witness services including investigation and administrative hearing testimony in opposition to the Irrigation Company's proposed transfer.

May 10, 2011

Dwayne Lingle v. TO Engineers. Testified in Civil Court as a witness regarding adequacy of irrigation water for subdivision development.

December 15, 2011

Mann Farms, Inc. (Darin and Kent Mann) application to Canyon County P&Z. Provided expert witness testimony to the Planning

and Zoning Commissioners on Mann Farms' proposed Conditional Use Permit for CAFO.

September 17, 2014

American Falls Aberdeen Ground Water District et. al. Water Right Permit Application No. 36-16976. Provided expert witness testimony in an administrative hearing in support of the Ground Water Districts' "Bridge Diversion" application for permit in response to the "Rangen Call."

October 29, 2014

Deposition in support of Friend in Friend v. Nettleton, Elmore County District Court.

December 18, 2014

North Snake Ground Water District et. al. Water Right Transfer No. 79560. Provided expert witness testimony in an administrative hearing in support of the Ground Water Districts' application for transfer changing the place of use of 10 cfs from the SeaPac Magic Springs hatchery facility to Rangen, Inc.'s hatchery, and purpose of use from Fish Propagation to Mitigation/Fish Propagation.

February 5, 2015

North Snake Ground Water District et. al. Water Right Permit Application No. 36-17011. Provided expert witness testimony in an administrative hearing in support of an application to divert water from Sandy Ponds for Irrigation, Mitigation, and Ground Water Recharge.

December 17, 2015.

Genta v. Gould, Bannock County (Pocatello), ID. Provided expert witness testimony for defendant Robert Gould in District Court regarding a ditch dispute. Case No. CV-2014-0001943-OC.

January 27, February 3, 2016

Friend v. Nettleton, Elmore County (Mountain Home), ID. Provided expert witness testimony in support of the plaintiff Friend in District Court regarding wetland dewatering.

April 27, 2016

Declaration in support of defendant Robert Gould in Genta v. Gould on Case No. CV-14-1943-OC in the District Court of the Sixth Judicial District of the State of Idaho, Bannock County. Declaration provided opinion on ditch reconstruction.

November 28, 2016

Lundholm Enterprises v. Gunderson, Jefferson County (Rigby), ID. Provided expert witness testimony in District Court regarding a ditch removal dispute.

October 8, 2018

Deposition in support of applicant Casa Del Norte in IDWR administrative hearing on Water Right Transfer No. 81800. Deposition provided at Parsons Behle & Latimer, Boise, Idaho.

June 6, 2019

Declaration in support of E. Bruce Stanger, Michael R. Stanger, and Kimberly S. Kvamme, d/b/a Sometimes a Great Notion Land and Cattle Company v. Walker Land & Cattle, LLC., and Vista Valley Ag, Inc, Bonneville County, ID. Declaration provided opinion on aerial imagery interpretation, irrigated and non-irrigated fields, and risk of water right forfeiture due to non-use.

June 11, 2019

Declaration in support of plaintiff Leland and Louise Davis v. Sandra Hansen, Douglas Hansen, and Nicholas and Deborah Wiebe, Washington County, ID. Declaration provided support of a temporary restraining order and preliminary injunction regarding defendant's irrigation practices and flooding on plaintiff's property.

September 24 & 27, 2019

Expert witness testimony at IDWR administrative hearing in support of applicant Casa Del Norte on Amended Water Right Transfer No. 80342. Boise, Idaho.

December 19, 2019

Deposition in support of applicant Driscoll Family Trust on Water Right Application No. 67-15261. Deposition provided at Hawley Troxel, Boise, Idaho.

February 25 & 26, 2020

Expert witness testimony at IDWR administrative hearing in support of applicant Casa Del Norte on Amended Water Right Transfer No. 81800. Boise, Idaho.

May 1, 2020

Expert witness report in support of Eckhardt's protest against Double C & J Land Co's application for permit 67-15333.

November 5 & 6, 2020

Expert witness testimony at IDWR administrative hearing in support of Eckhardt protest against Double C & J Land Co's application for permit 67-15333.

March 26, 2021

Expert witness report in support of McConnell application for water right transfer no. 84441.

April 21 & 22, 2021

Expert witness testimony at IDWR administrative hearing in support of McConnell application for water right transfer no. 84441.

July 20, 2021

Expert witness report in support of Hiawatha Canal Company protest against Eccles Flying Hat Ranch, LLC application for water right transfer no. 83485.

October 8, 2021

Expert witness report in support of Reese application for water right permit 75-15017 and notice of violation case no. E2021-2740.

Publications

Idaho Department of Water Resources May 1998. Eastern Snake Plain Aquifer Water Measurement Program: A Summary of Measurement Activity & Results from Basin 36 Project Area, 1995-1996, and a Review of Program Expansion in 1997. Co-authors Luke, King, Scholer, and Hodges.

King, 2002. The Effective Discharge Concept in Gravel-Bed Stream Restoration: The Twelve Mile Reach of the Salmon River at Challis, Idaho. Masters of Science with a major in Civil Engineering Thesis Project.

Presentations

September 13, 2012

Water Right Transfers. HalfMoon LLC Idaho Water Laws and Regulations seminar, Boise, Idaho. Presented on Idaho's water right transfer process.

September 24 & 25, 2012

Use of Remote Imaging to Assess Water Right Compliance and Historical Water Use. Law Seminars International, Water Law in Idaho, Boise, Idaho. Presented on availability and usage of remote imagery to identify irrigation patterns to determine compliance and historical water use.

March 29, 2013

Water Rights Due Diligence and Valuation in the Agricultural Context. Idaho State Bar Real Property Section, Sun Valley, Idaho. Presented on researching and valuing agricultural water rights.

November 15, 2013

Hydrology for Attorneys. Idaho State Bar Water Law Section, Boise, Idaho. Presented on surface water hydrology, hydrologic cycle, basin characteristics, runoff models, stream channel characteristics, data availability, flow measurement techniques, irrigation systems, crop water use, and aerial photograph interpretation to identify historic irrigation patterns.

December 4, 2013

Technical Aspects of Transfers and Changes. Lorman Educational Services seminar, Boise, Idaho. Presented on identifying water rights for purchase, contracts for sale and purchase, water right transfer process, and mitigation options.

April 30, 2015

Idaho's Water Right Mitigation Program: Creative Approaches for Municipal Water Providers. American Water Works Association, Pacific Northwest Section, Water in Action Conference, Bellevue, Washington. Presented on water right mitigation options available to Idaho municipal providers, major delivery calls, municipal curtailment, and municipal consumptive use.

July 28 & 29, 2014

Surface Water Hydrology. Law Seminars International, Eighth Annual Idaho Water Law Conference, Water Law in North Idaho, Coeur d'Alene, Idaho. Presented on surface water hydrology, the hydrologic cycle, basin characteristics, runoff models, stream channel characteristics, data availability, and flow measurement.

February 9, 2017

Hydrology for Attorneys. Idaho State Bar Water Law Section, Boise, Idaho. Presented on irrigation systems, crop water use, and aerial photograph interpretation to identify historic irrigation patterns.

December 14, 2017

Planning, Organizing and Implementing New Irrigation Projects. Treasure Valley Irrigation Conference, Ontario, Oregon. Presented on the water right appropriation process and availability of new water right appropriations in Idaho and Oregon.

April 27, 2018

Water Banking in Idaho: A Tool for Water Suppliers. American Water Works Association, Pacific Northwest Section, 2018 Annual Conference, Tacoma, Washington. Presented on Idaho water rights and Idaho's Water Supply Bank and rental pools as options for meeting municipal water supply needs.

May 16, 2018

Water Rights 101 & 102, American Water Works Association, Pacific Northwest Section, Southwest Idaho Subsection, Idaho Power, Boise, Idaho. Presented on water right processes in Idaho.

November 2017, 2018, 2019, 2020 & 2021

Water Rights 101. Knipe Land Company, Western Land Symposium, Boise, Idaho. Presented on Idaho and Oregon water right processes and status of new appropriations.