

Roster of Attendance

Contested Case: Application for Transfer 84441
Applicant: Bruce and Glenda McConnell
Date/Time: April 21, 2021
Location: IDFG Office – Salmon, Idaho
IDWR Representatives: James Cefalo (hearing officer), Cindy Yenter

Parties, Attorneys, Consultants

Name	Representing	Role
Chris Bromley	McConnell	attorney
Scott King	McConnell	expert - consultant
Bruce - Glenda McConnell	Self	applicant
Rob ~~Whittaker~~ Harris	Whittaker	attorney
Bryce Cantow	Whittaker	expert - consultant
Jordan Whittaker	Self	protestant
James Whittaker	Self	protestant
Kip Manwaring	Tomchak	attorney
Dave Tomchak ^{& Laura}	Self	protestant
Shanna Foster (Smith)	Self ^{Smith} 2P Ranch	protestant
~~Steve Johnson~~ Steve Johnson	Self	protestant

Johnson (arrived ~~10:40~~) (10:40)

Others in Attendance

Name	Affiliation
Cindy Yenter	WD170, IDWR ~~Bromley~~ Bromley - witness
Candice McHugh (telephon)	Chris Bromley
Susan Whittaker	TwoDot Ranch (arrived after lunch)
Mervett Udy	WD74Z
Larry Borstelman	Whittaker - witness

Roster of Attendance

Contested Case: Application for Transfer 84441
Applicant: Bruce and Glenda McConnell
Date/Time: April 22, 2021
Location: IDFG Office – Salmon, Idaho
IDWR Representatives: James Cefalo (hearing officer), Cindy Yenter

Parties, Attorneys, Consultants

Name	Representing	Role
Chris Bromley	McConnell	attorney
Scott King	McConnell	expert - consultant
Bruce-Glenda McConnell	Self	applicant
Rob Harris	Whittaker	attorney
Bryce Cantow	Whittaker	expert - consultant
Jordan Whittaker	Two-Dot Ranch	protestant
James Whittaker	Self	protestant
Steven Johnson	Self	protestant
Shanna Foster (Smith)	Self - 2P Smith Ranch	protestant
Kip Manwaring	Tomchak	attorney
Dave-Laura Tomchak	Self	~~protestant~~ protestant

Others in Attendance

[illegible]

Witness List

Contested Case: Application for Transfer 84441
Applicant: Bruce and Glenda McConnell
Date/Time: April 21-22, 2021
Location: IDFG Office – Salmon, Idaho
Hearing Officer: James Cefalo

WITNESS	CALLED BY	DATE / TIME
Bruce McConnell	Bromley	4/21 10:42
Scott King	Bromley	4/21 13:13
Cindy Yenter	Bromley	4/21 15:14
Merritt Udy	Harris	4/21 16:52
Jordan Whittaker	Harris	4/21 17:18
Larry Borstelman	Harris	4/21 18:49
James Whittaker	Harris	4/21 19:11
Bryce Contour	Harris	4/22 08:40
Shenna Foster	Self - Smith 2P Ranch	4/22 10:48
David A. Tomchak (SR)	Manwaring	4/22 11:05
David R. Tomchak	Manwaring	4/22 11:17
Steven Johnson	Self -	4/22 12:53
Scott King	~~Self~~ Bromley	4/22 13:29

Exhibit List

Contested Case: Application for Transfer 84441
Applicant: Bruce and Glenda McConnell
Date/Time: April 21-22, 2021 10:00 AM
Location: IDFG Office – Salmon, Idaho
Hearing Officer: James Cefalo

No.	Description	Offered?	Objection?	Admitted?
1	Scott King Expert Report	Y		Y
2	Scott King Resume			
3	7/28/20 Emails about Lee Creek Administration			
4	8/6/20 Letter from Cindy Yenter to McConnell			
5	8/6/20 Letter from Cindy Yenter to Watermaster			
6	Transfer Approval 84367			
7	Evaluation Memo for Transfer 83467			
8	Application for Transfer 84441			
9	Partial Decrees for McConnell Water Rights			
10	11/24/20 Watermaster Comments for App 84441			
11	1983 Lemhi Decree for Water Right 74-157			
12	SRBA Claim for Water Right 74-157			
13	2004 Notice of Error for Water Right 74-157			
14	SRBA Partial Decree for Water Right 74-157			
15	Application for Transfer 84508			
16	McConnell Protest to Application 84508			

No.	<i>McConnell</i> Description	Offered?	Objection?	Admitted?
17	11/24/20 Watermaster Comments for App 84508	Y		Y
18	Withdrawal of Application 84508			X
19	IDWR Acknowledgement of App 84508 Withdrawal			
20	6/23/20 Letter from Cindy Yenter to Whittaker			
21	Text to McConnell	No		No
22	1993 Warranty Deed (Horton to McConnell)	Y		Y
23	Title Insurance for Bruce and Glenda McConnell	Y		Y
24	USGS Quadrangle Map	Y		X
	<i>Whittaker</i>			
151	Injury Analysis for App 84441 by Bryce Contor	Y	Y	Y
152	Contor Report: Observation of East Springs		Y	X
153	Contor Report: Observation of Lee Creek, Kauer Ditch and West Springs		Y	X
154	1954 Engineer Map			Y
155	1954 Engineer Map – Legend			
156	Whittaker v. Kauer, 78 Idaho 94, 298 P.2d 745 (1956)			
157	Whittaker v. Kauer Decree			
158	8/6/20 Letter from Cindy Yenter to Watermaster ** Duplicate of Exhibit 5 **			
159	Photographs of Whittaker Diversions			
160	<i>Photo</i>			
161	<i>Photo</i>			

No.	<i>Tom Clark</i> Description	Offered?	Objection?	Admitted?
301	Photo of Whittaker Weir	X		X
302	Photo of Whittaker Headgate			
303	Photo of Ditch <i>on Ericson property</i>			
304	Photo of Land <i>u/ McConnell old headgate</i>			
305	Photo of Ditch <i>on upper ditch @ flume</i>			
306	Photo of Ditch <i>upper flume (McC)</i>			
307	Photo of Ditch <i>lower flume "</i>			
308	Photo of Ditch <i>upper diversion dam</i>			
309	Photo of Ditch <i>lower diversion dam</i> <i>and Johnson?</i>			
310	Photo of Ditch <i>lower diversion</i>			
311	Photo of Ditch <i>see 309</i>			
312	Photo of Ditch <i>McConnell</i> <i>flow upper ditch</i>			