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Attorneys for Kathleen Legg, the Legg Family Trust
and Randy and Kathryn Noah

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

**IN THE MATTER FOR APPLICATION
FOR PERMIT NO. 67-15261 IN THE
NAME OF THE DONALD F. DRISCOLL
FAMILY TRUST**

**KATHLEEN LEGG, THE LEGG
FAMILY TRUST AND RANDY AND
KATHRYN NOAH'S EXHIBIT LIST**

Pursuant to the Hearing Officer's Order Authorizing Discovery and Disclosure and Scheduling Order dated September 27, 2019, and the October 24, 2019, Notice of Status Conference and Notice of Hearing, the Estate of Kathleen Legg, the Legg Family Trust and Randy and Kathryn Noah (collectively "Legg/Noah"), by and through their attorney of record, hereby identify the following exhibits for hearing. Legg/Noah reserve the right to supplement this list with additional exhibits after full review of the other parties' exhibit and witness lists, and to offer exhibits not identified herein in rebuttal or impeachment or as otherwise required in the interest of justice.

KATHLEEN LEGG, THE LEGG FAMILY TRUST AND RANDY AND KATHRYN NOAH'S
EXHIBIT LIST - 1

56448.0001.12532433.1

NO.	DESCRIPTION	By Stip	Offered	Received	Refused	Reserve Ruling
201	Income history-2019-11-26-updated.xlsx (LN00003)					
202	4/1/2015 Invoice from Bauer Trucking to Delbert & Marion Ogle (LN00004)					
203	8/9/2015 Invoice from Bauer Trucking to Delbert & Marion Ogle (LN00005)					
204	Idaho Big Game 2019 & 2020 Seasons & Rules (LN00069-192)					
205	Idaho Migratory Game Bird 2019-2020 Seasons & Rules (LN00193-228)					
206	Idaho Upland Game, Turkey & Furbearer (LN00229-282)					
207	12/19/2017 IDWR Amended Application for Permit to Appropriate the public waters of the State of Idaho Ident. No. 67-15162 – Legg Family Trust (LN00283-285)					
208	Partial Decree Pursuant to I.R.C.P. 54(b) For Water Right 67-14643 (LN00286)					
209	Split history for Decreed Right 67-00282 (LN00287)					
210	IDWR Notice of Change in Water Right Ownership for Water Right No. A67-00282 (LN00288-294)					

NO.	DESCRIPTION	By Stip	Offered	Received	Refused	Reserve Ruling
211	Partial Decree Pursuant to I.R.C.P. 54(b) For Water Right 67-14642 (LN00295)					
212	IDWR Notice of Change in Water Right Ownership for Water Right Nos. 67-14642, 67-14644, 67-14646 (LN00296-299)					
213	Partial Decree Pursuant to I.R.C.P. 54(b) For Water Right 67-14645 (LN00300)					
214	Split history for Decreed Right 67-00281 (LN00301)					
215	Partial Decree Pursuant to I.R.C.P. 54(b) For Water Right 67-14644 (LN00302)					
216	IDWR Notice of Change in Water Right Ownership for Water Right No. 67-00281 (LN00303-307)					
217	Partial Decree Pursuant to I.R.C.P. 54(b) For Water Right 67-14647 (LN00308)					
218	Split history for Decreed Right 67-00298 (LN00309)					
219	IDWR Notice of Change in Water Right Ownership for Water Right No. 67-00298 (LN00310-314)					
220	Partial Decree Pursuant to I.R.C.P. 54(b) For Water Right 67-14646 (LN00315)					

NO.	DESCRIPTION	By Stip	Offered	Received	Refused	Reserve Ruling
221	Partial Decree Pursuant to I.R.C.P. 54(b) For Water Right 67-10208 (LN00316-321)					
222	5/25/1954 Judgment and Decree in Hubbard v. Butenschoen (LN00322-327)					
223	Partial Decree Pursuant to I.R.C.P. 54(b) For Water Right 67-00667 (LN00328)					
224	8/13/2018 IDWR Watermaster Recommendation Form – Application # 67-15261 (LN00329)					
225	Partial Decree Pursuant to I.R.C.P. 54(b) For Water Right 67-00250 (LN00330)					
226	Partial Decree Pursuant to I.R.C.P. 54(b) For Water Right 67-00301 (LN00331)					
227	10/15/2009 Order of Partial Decree for Water Right 67-02189 (LN00332-334)					
228	6/25/2018 IDWR Permit to Appropriate Water NO. 67-15162 (LN00335-337)					
229	1/16/1996 Legg Personal Representative's Deed (LN00338-339)					
230	1/26/2005 Warranty Deed Hubbard to Driscoll Family Trust (LN00340-342)					

NO.	DESCRIPTION	By Stip	Offered	Received	Refused	Reserve Ruling
231	5/24/2018 Warranty Deed Driscoll Family Trust to VXN 2018 LLC (LN00343-344)					
232	USGS Topo Map - Cambridge, ID 2017 (LN00352-355)					
233	Google Earth Aerial Photo – Hubbard Ditch (LN00356)					
234	12/16/2013 USDA Washington County, ID Hubbard Map (LN00357)					
235	7/26/2019 – Email from Ann Gladhart to Marion Ogle – Subject: Invoice 2019-114 from Gladhart Logging (LN00360-361 LN00358-359)					
236	Info: IDWR – SPF – Wilkerson (LN00366-368)					
237	Letter of Trusteeship-237422- The Legg Family Trust (LN00369)					
238	Letter of Conservatorship – Kathleen L. Legg (LN00370-371)					
239	Site Photographs Taken During Site Visit 11/12/2019 (LN00372, 374, 378, 383, 388, 393, 399, 400, 402, 405, 408, 410, 411, 416, 421, 427, 429, 433, 434, 435, 505, 507, 508, 516, 517, 518, 522, 524)					
240	5/21/2019 Shaw Photographs (LN00536-540)					

NO.	DESCRIPTION	By Stip	Offered	Received	Refused	Reserve Ruling
241	11/12/2019 Shaw Photographs (LN00545-560)					
242	Jensen Spring Creek Stream Stats 9-16-19.xlsx (LN00535)					
243	Aerial Photo – 2004 USDA Photo of the Area (LN00561)					
244	Aerial Photo – 2006 NAIP Photo of the Area (LN00562)					
245	Aerial Photo – 2009 NAIP Photo of the Area (LN00563)					
246	Aerial Photo – 2011 NAIP Photo of the Area (LN00564)					
247	Aerial Photo – 2013 NAIP Photo of the Area (LN00565)					
248	Aerial Photo – 2015 NAIP Photo of the Area (LN00566)					
249	Aerial Photo – 2017 NAIP Photo of the Area (LN00567)					
250	Legg Area Aerial - Aerial Photo showing Driscoll Dam and Pond, Jensen Spring Creek, Legg Spring Pond (LN00568)					
251	Streamstats Map - Topographic Map-Jensen Spring Creek Flowline Based on the NHD (LN00569)					
252	NHD 20190815 for Idaho State Territory FileGDB 10.1 Model Version 2.2.1 vector digital data (LN00570-587)					

NO.	DESCRIPTION	By Stip	Offered	Received	Refused	Reserve Ruling
253	Map Markup USGS Document (LN00589)					
254	USGS Data NHD_H_Idaho_State_GDB (LN00590)					
255	12/2/1985 Legg Family Trust Amendment 1985 (LN00772-786)					
256	Hubbard Permit Request – Application for Permit To Construct a Reservoir and Store and Appropriate The Public Waters of the State of Idaho – Application N. R27583 (LN00801-821)					
257	12/9/2019 David Shaw Expert Report (LN00822-833)					
258	12/16/2019 David Shaw Rebuttal Expert Report (LN00834-840)					
259	IDWR Pond Storage Calcs New Pond Only.xlsm (Driscoll USB Drive)					
260	IDWR Pond Storage Calcs Pond 1.xlsm (Driscoll USB Drive)					
261	IDWR Pond Storage Calcs Pond 2.xlsm (Driscoll USB Drive)					
262	IDWR Pond Storage Calcs Pond 3.xlsm (Driscoll USB Drive)					


NO.	DESCRIPTION	By Stip	Offered	Received	Refused	Reserve Ruling
263	August, 2009 Baseline Resource Evaluation Driscoll Ranch Preserve Washington County, Idaho (Driscoll - 000003-120)					
264	5/8/2015 Statement from James Fronk to Don Driscoll – Re: Driscoll Ranch / Job No. 002 (Driscoll - 000261-262)					
265	11/1/2015 Statement from James Fronk to Don Driscoll – Re: Driscoll Ranch / Job No. 002 (Driscoll - 000263-264)					
266	11/8/2016 Statement from James Fronk Consulting, LLC to Don Driscoll – Re: Driscoll Ranch / Job No. 002 (Driscoll - 000265)					
267	1/16/2018 Email from James Fronk to Terry Scanlan – Subject: Driscoll Water Right Info (Driscoll - 000276)					
268	4/13/2018 Email from Lori Graves to James Fronk – Subject: Revised Driscoll Application (Driscoll - 000284)					
269	IDWR DRAFT Application for Permit to Appropriate the public waters of the State of Idaho (Driscoll - 000302-308)					
270	Plat – Hubbard Reservoir Site Off Stream Rush Creek Sec. 26,T.15N., R.3W (Driscoll - 000316)					

NO.	DESCRIPTION	By Stip	Offered	Received	Refused	Reserve Ruling
271	11/12/2018 Aerial Photo – Driscoll Ponds [Exhibit 1] (Driscoll - 000323)					
272	11/12/2018 Aerial Photo – Driscoll Ponds [Exhibit 2] (Driscoll - 000324)					
273	11/26/2018 Topographic Map – Driscoll Ponds [Exhibit 3] (Driscoll - 000325)					
274	11/30/2018 Aerial Photo – 67- 15261 Don Driscoll [Exhibit 1] (Driscoll - 000455)					
275	6/19/2019 Aerial Photo – Driscoll Pond [Protest Review] (Driscoll - 000494)					
276	Map (Driscoll - 000502)					
277	Map (Driscoll - 000503)					
278	Map (Driscoll - 000509)					
279	9/12/2009 PLT Stewardship Visit – Driscoll Ranch (Driscoll - 000664)					
280	10/29/2010 PLT Stewardship Visit – Driscoll Ranch (Driscoll - 000665)					
281	8/15/2011 PLT Stewardship Visit – Driscoll Ranch (Driscoll - 000666)					
282	8/31/2012 PLT Stewardship Visit – Driscoll Ranch (Driscoll - 000667)					

NO.	DESCRIPTION	By Stip	Offered	Received	Refused	Reserve Ruling
283	9/23/2013 PLT Stewardship Visit – Driscoll Ranch (Driscoll - 000668)					
284	9/1/2018 PLT Stewardship Visit – Driscoll Conservation Easement (Driscoll - 000669-674)					
285	9/13/2019 PLT Stewardship Visit – Driscoll Conservation Easement (Driscoll - 000675-681)					
286	Bylaws of Payette Land Trust, Inc. (Bylaws Amended January 23 2018) (Driscoll - 000682-692)					
287	11/22/1993 Articles of Incorporation of Payette Land Trust, Inc. (Driscoll - 000693-697)					
288	12/12/2019 Payette Land Trust Board Resolution #000100 (Driscoll - 000698)					
289	12/12/2019 Payette Land Trust Board Resolution #0001002 (Driscoll - 000700)					
290	7/23/1949 Department of Reclamation Documents (Fronk Documents)					
291	1949 Design Criteria for Earth Fill Irrigation / Water Storage Dams in Idaho (Fronk Documents)					

Dated: January 17, 2020

HAWLEY TROXELL ENNIS & HAWLEY LLP

By 
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Trust and Randy and Kathryn Noah

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of January, 2020, I caused to be served a true copy of the foregoing KATHLEEN LEGG, THE LEGG FAMILY TRUST AND RANDY AND KATHRYN NOAH'S EXHIBIT LIST and exhibits by the pre-paid method indicated below, and addressed to each of the following:

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