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Department of Water Resources
Eastern Region

Michael P. Lawrence, ISB #7288
Charlie S. Baser, ISB #10884
GIVENS PURSLEY LLP
601 W. Bannock St.
P.O. Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Fax: 208-388-1300
Attorneys for The Donald F. Driscoll Family Trust

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

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

**NOTICE OF SERVICE OF THE
DONALD F. DRISCOLL FAMILY
TRUST'S PROPOSED EXHIBITS AND
WITNESS LIST**

Pursuant to the Hearing Officer's September 27, 2019 *Order Authorizing Discovery and Disclosure and Scheduling Order*, Applicant the Donald F. Driscoll Family Trust ("Driscoll"), through its counsel Givens Pursley LLP, hereby gives notice that on January 17, 2020, it served on all parties copies of pre-numbered documents that Driscoll may offer as exhibits at hearing and a list of persons that Driscoll may call as witnesses at hearing.

A list of Driscoll's pre-numbered exhibits is included with this Notice of Service as Attachment A. In addition to the exhibits listed in Attachment A, Driscoll may offer as exhibits any other potential exhibits identified by any party or Idaho Department of Water Resources ("IDWR"), or offered or introduced at the hearing by any party or IDWR, or filed or lodged with IDWR in this matter (including without limitation any document posted on the IDWR website for this matter), or officially noticed by the presiding officer pursuant to IDWR Rule of Procedure 602, IDAPA 37.01.01.602. Driscoll reserves the right to withdraw, revise, or

supplement any of these exhibits and/or to submit further exhibits to conform to proof presented at the time of hearing. Further, Driscoll reserves the right to use enlargements of any exhibit (or portion thereof) for demonstrative purposes.

A list of persons that Driscoll may call as witnesses at hearing is attached as Attachment B. In addition to the persons listed in Attachment B, Driscoll may call as a witness any other person identified as a potential witness by any party or IDWR or called as a witness at the hearing by any party or IDWR without waiving any objection to such witnesses.

For impeachment, rebuttal, or cross-examination, or as otherwise may be permitted by the Hearing Officer or authorized under the IDWR Rules of Procedure, IDAPA 37.01.01, Driscoll reserves the right to call witnesses or offer exhibits in addition to those identified herein.

DATED this 17th day of January, 2020.

GIVENS PURSLEY LLP



By: Michael P. Lawrence

Attorneys for The Donald F. Driscoll Family Trust

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 17th day of January, 2020, I served a true and correct copy of the above and foregoing document via the manner listed below to the following:

DOCUMENT SERVED

Nick Miller
Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Email: nick.miller@idwr.idaho.gov

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

James Cefalo
Hearing Officer
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
Email: james.cefalo@idwr.idaho.gov

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Legg Family Trust
c/o Dana Hofstetter
Hawley Troxell Ennis & Hawley
877 Main St., Ste. 1000
PO Box 1617
Boise, ID 83701-1617
Email: DHofstetter@hawleytroxell.com

☐ U. S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Kathleen Legg and Legg Family Trust
c/o Dana Hofstetter
Hawley Troxell Ennis & Hawley
877 Main St., Ste. 1000
PO Box 1617
Boise, ID 83701-1617
Email: DHofstetter@hawleytroxell.com

☐ U. S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Randy and Kathryn Noah
c/o Dana Hofstetter
Hawley Troxell Ennis & Hawley
877 Main St., Ste. 1000
PO Box 1617
Boise, ID 83701-1617
Email: DHofstetter@hawleytroxell.com

☐ U. S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Karen and Keith Hood
PO Box 100
Cambridge, ID 83610-0100
Email: hobomom@yahoo.com

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail



Michael P. Lawrence

ATTACHMENT A

The following is a list of exhibits that Driscoll may offer at the hearing or otherwise may wish to make part of the record in the Idaho Department of Water Resources contested case proceeding entitled *IN THE MATTER OF THE APPLICATION FOR PERMIT NO. 67-15261 IN THE NAME OF THE DONALD F. DRISCOLL FAMILY TRUST*:

Exhibit No.	Document Description	Bates Nos.
1	SPF Expert Report 67-15261 dated 12/9/2019	0001 - 0101
2	SPF Expert Rebuttal Report 67-15261 dated 12/16/2019	0102 - 0106
3	Scott King Curriculum Vitae	0107 - 0110
4	Terry Scanlan Curriculum Vitae	0111 - 0114
5	Secesh Baseline Evaluation dated August 2009	0115 - 0232
6	Deed of Conservation Easement recorded 12/31/2007	0233 - 0266
7	Payette Land Trust Resolution #000100 dated 12/12/2019	0267
8	Payette Land Trust Resolution #0001002 dated 12/12/2019	0268
9	Watermaster Recommendation Form re Application 67-15261 dated 8/13/2018	0269
10	Warranty Deed for Driscoll Trust 1/26/2005	0270 – 0271
11	Warranty Deed for VXN dated 5/24/2018	0272 – 0273
12	SPF Map - Protest Review dated 12/18/2018	0274
13	SPF Map - Protest Review dated 6/19/2019	0275
14	SPF Map of Rush Creek diversions	0276
15	Pond 1 recalculated volumes dated 12/18/2019	0277 - 0278
16	Pond 3 recalculated volumes dated 12/18/2019	0279 - 0280
17	Photos - Upper pond	0281 - 0282
18	Photo - Lower pond (aerial)	0283
19	Photo - Lower pond (empty)	0284
20	Photo - Rush Creek diversion	0285
21	Photo - Rush Creek pipe	0286

22	NRCS Soil Survey - Driscoll Pond dated 1/19/2018	0287 - 0291
23	NRCS Custom Soil Report - Driscoll Pond dated 1/19/2018	0292 - 0310
24	ET Idaho Pdef - Grass Pasture and Open Water Shallow Systems	0311
25	67-2189 IDWR Backfile	0312 - 0374
26	67-15162 Application for Permit - IDWR file	0375 - 0391
27	67-15162 2d Legal Notice - IDWR file	0392 - 00398

Electronic copies of the listed Exhibits are included on the attached thumb drive.

ATTACHMENT B

The following is a list of witnesses that Driscoll may call as witnesses at hearing in the Idaho Department of Water Resources contested case proceeding entitled *IN THE MATTER OF THE APPLICATION FOR PERMIT NO. 67-15261 IN THE NAME OF THE DONALD F.*

DRISCOLL FAMILY TRUST:

1. Donald F. Driscoll
c/o Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
2. Vivian Driscoll
c/o Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
3. James Fronk
c/o Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
4. Craig Utter
c/o Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
5. Rick Fereday
c/o Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
6. Terry Scanlan
SPF Engineering, Inc.
300 East Mallard Drive, Suite 350
Boise, ID 83706

7. Scott King
SPF Engineering, Inc.
300 East Mallard Drive, Suite 350
Boise, ID 83706
8. Rob Whitney
Water Distribution Section Manager
Idaho Department of Water Resources
322 E Front St, Ste. 648
Boise, ID 83702
9. Brandi Horton-Bonner
Watermaster, Water District 67
2297 Snapp Lane
Midvale, Idaho 83645
10. Any other person identified as a potential witness by any party or the Idaho Department of Water Resources ("IDWR") or called as a witness at the hearing by any party or IDWR without waiving any objection to such witnesses.
11. Any individual with the personal knowledge necessary to lay the foundation for the admission into evidence of any documents.

The witnesses listed above may also testify in response or in rebuttal to evidence or testimony presented by other parties or IDWR.