

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

\_\_\_\_\_  
**IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. 63-34348 )**

)  
**In the name of Elmore County, )  
Board of County Commissioners )**

)  
\_\_\_\_\_)

**RULE 30(b)(6) DEPOSITION  
OF  
RIVERSIDE IRRIGATION DISTRICT  
(REPRESENTATIVE VERNON E. CASE)**

...

**Spink Butler, LLP  
251 East Front Street, Suite 200  
Boise, Idaho  
Monday, August 27, 2018  
Beginning at 1:00 p.m.**



**QnA COURT REPORTING, LLC  
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**A P P E A R A N C E S**

**FOR ELMORE COUNTY,  
BOARD OF COUNTY COMMISSIONERS**

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CANYON COUNTY WATER COMPANY,  
EUREKA WATER COMPANY, FARMERS' COOPERATIVE  
DITCH COMPANY, MIDDLETON MILL DITCH COMPANY,  
MIDDLETON IRRIGATION ASSOCIATION, INC.,  
NAMPA & MERIDIAN IRRIGATION DISTRICT,  
NEW DRY CREEK DITCH COMPANY, PIONEER DITCH  
COMPANY, PIONEER IRRIGATION DISTRICT,  
SETTLERS IRRIGATION DISTRICT, SOUTH BOISE  
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**ALSO PRESENT:  
Mr. Andy Bishop, Watermaster  
Riverside Irrigation District  
Riverside Irrigation District**

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**FURTHER APPEARANCES**

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1 THIS RULE 30(b)(6) DEPOSITION OF RIVERSIDE IRRIGATION  
2 DISTRICT, REPRESENTATIVE VERNON E. CASE, was taken on  
3 behalf of Elmore County, Board of County Commissioners,  
4 the 27th day of August 2018 at Spink Butler, LLP, 251  
5 East Front Street, Suite 200, Boise, Idaho, before Lori  
6 A. Pulsifer, Court Reporter and Notary Public within and  
7 for the State of Idaho, to be used in an action pending  
8 before the Department of Water Resources of the State of  
9 Idaho, in the Matter of the Application for Permit No.  
10 63-34348.

11 The following testimony was adduced, to wit:

12 VERNON E. CASE,  
13 having been first duly sworn, testified as follows:

14 EXAMINATION

15 QUESTIONS BY MR. McGEE:

16 Q. Good afternoon, Mr. Case. My name is Matt  
17 McGee. I am an attorney for Elmore County Board of  
18 County Commissioners in the Matter of the Application  
19 for Permit No. 63-34348 for the Department of Water  
20 Resources.

21 Can you please state your name and spell your  
22 last name for the record?

23 A. Vernon E. Case. Case, C-a-s-e.

24 Q. Have you ever had your deposition taken before,  
25 Mr. Case?

26 A. Yes. I can't remember exactly what it was for.  
27 It was years ago. I think it had something to do with  
28 Lucky Peak Power Plant.

1 Q. I will just go over some rules real quick.  
2 Basically, because we are having this transcribed, no  
3 head shakes or nods. It has got to be an audible  
4 answer.

5 We will both do our best to not speak over the  
6 top of one another because that, obviously, does not  
7 work well on the record either.

8 If you need a break at any point, just say so.

9 I would ask that, in the event you do need a break, you  
10 just answer the question that is pending before we do  
11 that; and then we will go off the record.

12 What is your position with Riverside?

13 MR. BARKER: So before you get started,  
14 Counsel, one thing I do want to make clear is Mr. Case  
15 has been designated as a 30(b)(6) witness on behalf of  
16 Riverside Irrigation District, Ltd.

17 Mr. Case has positions with other entities,  
18 including the Boise Project Board of Control, Wilder  
19 Irrigation District. He is not speaking for those  
20 entities.

21 He is not speaking about his personal  
22 knowledge. He is speaking about the knowledge of  
23 Riverside Irrigation District in response to the  
24 30(b)(6) deposition notice.

25 THE WITNESS: Or Water District 63.

1 MR. BARKER: Or Water District 63 or anybody  
2 else.

3 Q. BY MR. McGEE: What is your position with  
4 Riverside?

5 A. I'm a director. I am an elected director for  
6 them.

7 Q. What does that position entail?

8 A. Overseeing the finances and the decision and  
9 the operation of the irrigation district, under the  
10 guidance of the watermaster, which is Andy Bishop.

11 Q. When you say "watermaster," what do you mean?

12 A. He is the one that delivers, runs the budget,  
13 affixes the budgets with the help of the directors, and  
14 delivers the water.

15 Q. Can you just briefly describe the geography of  
16 the district?

17 A. Yes. The water comes out of the Boise River at  
18 Caldwell, runs down through the valley, past Greenleaf,  
19 on the south side of the river, over into Oregon, around  
20 the corner, big bend, back into Idaho, and dumps in the  
21 Snake River.

22 I guess the hand motions don't do a whole lot  
23 of good.

24 Q. Your counsel mentioned you have positions with  
25 various other entities. Can you just tell me about

1 those?

2 A. Do they pertain to this?

3 Q. Yes.

4 A. Well, I was a director for the Boise Project  
5 Board of Control for a little over thirty years. I have  
6 been on the advisory board for Water District 63 -- and  
7 I can't remember how long I have been on that -- for  
8 years, also.

9 I no longer sit on the Wilder Irrigation Board  
10 or the Boise Project Board of Control. I retired from  
11 that position.

12 Q. How long have you been a director for  
13 Riverside?

14 A. I don't know.

15 How long have you been on the board?

16 MR. BARKER: You don't get to ask questions.

17 THE WITNESS: I don't get to ask questions?

18 MR. BARKER: You only get to answer them.

19 THE WITNESS: I can't remember how long. Over  
20 ten years.

21 Q. BY MR. McGEE: Over ten years?

22 A. Yes.

23 Q. Are you a patron of the Riverside Irrigation  
24 District?

25 A. That's right. About half of my property is

1 under the Riverside Irrigation District.

2 **Q. What about the other half of your property?**

3 A. Boise Project Board of Control, Wilder

4 Irrigation District.

5 (Exhibit 17 was marked.)

6 **Q. BY MR. McGEE: Mr. Case, I have handed you what**

7 **has been marked as Exhibit 17, titled "Second Amended**

8 **Notice of Taking 30(b)(6) Deposition Duces Tecum of**

9 **Riverside Irrigation District."**

10 **Have you seen this document before?**

11 A. Yes.

12 **Q. Am I correct in understanding that Riverside**

13 **Irrigation District has identified you as the person**

14 **capable of speaking to issues identified in numbers one**

15 **through eleven of the second amended notice?**

16 A. Yes.

17 When you talk to me – I am hard of hearing –

18 if you would, please look at me. I would appreciate it.

19 **Q. Sure.**

20 **Well, why don't we start? Why don't you tell**

21 **me your understanding of the nature of Elmore County's**

22 **application in this case?**

23 A. They are wanting to divert water out of

24 Anderson Ranch, which doesn't fill very often, and

25 transfer it around the mountain to the Mountain Home

1 plain, or whatever that is over there that they want to

2 put it in, and store it in the Little Camas Reservoir.

3 **Q. Do you have any other understanding about the**

4 **application?**

5 A. Except for they are wanting to divert water out

6 of an already-allocated river.

7 **Q. And what do you mean when you say an**

8 **"already-allocated river"?**

9 A. It's totally allocated, unless it's under flood

10 control through the Department of Water Resources and

11 other water right holders, senior water right holders.

12 **Q. All right. You mentioned that Anderson Ranch**

13 **doesn't fill very often. Did I hear that right?**

14 A. That's right.

15 **Q. Do you have any idea how often Anderson Ranch**

16 **fills?**

17 A. The Department of Water Resources could answer

18 that question for you. It would be an assumption of

19 things I have heard in the past, and not since I have

20 been on the Riverside board.

21 **Q. So you don't know how often it fills?**

22 A. No. I might have heard before we protested

23 this, but I don't remember.

24 (Exhibit 18 was marked.)

25 **Q. BY MR. McGEE: Mr. Case, I have handed you what**

1 **has been identified as Exhibit 18. Can you tell me what**

2 **this is?**

3 A. This says, here:

4 "The Applicant has failed to demonstrate

5 that the unappropriated water supply is

6 sufficient for the diversion of water under

7 this application."

8 And that, I think, is what we have done.

9 **Q. So this is a Notice of Protest filed on behalf**

10 **of Riverside Irrigation District; correct?**

11 A. That's right.

12 **Q. And numbers one, two, and three are the bases**

13 **of your protest of the application; is that right?**

14 A. Yes.

15 **Q. What we are here for today is just to find out**

16 **a little bit more about those bases. Why don't we go**

17 **ahead and start with number one there? You read it just**

18 **now. Why don't you tell me a little bit more about what**

19 **that means?**

20 A. That means, unless there's flood water and

21 Anderson Ranch is going to fill and spill, it's going to

22 affect our water rights downstream, for Riverside

23 Irrigation District.

24 **Q. Does Riverside Irrigation District have storage**

25 **rights in Anderson Ranch?**

1 A. No.

2 **Q. Can you explain –**

3 A. We have – we have – oh, I'm sorry.

4 **Q. Why don't you –**

5 A. I will wait for your question.

6 **Q. Why don't you tell me what water rights**

7 **Riverside Irrigation District does have?**

8 A. Instream flow rights.

9 **Q. Do you have any storage rights?**

10 A. Yes.

11 **Q. In what reservoir?**

12 A. Arrowrock.

13 **Q. Arrowrock?**

14 A. They are traded with the Boise Project Board of

15 Control for flow rights from the drains.

16 **Q. Can you explain that?**

17 A. Well, we have traded the storage rights for a

18 controlled amount of water out of drains into our

19 Riverside Canal. We pick those up along the – off

20 drain, from Boise Project Board of Control ground, into

21 our canal system.

22 Any time those drains don't run enough water

23 for us, we can call the Boise Project Board of Control;

24 and they have to put more water into them to satisfy the

25 storage rights that we've traded for them.

1 **Q. So Riverside has traded all of its storage**  
 2 **rights to the Boise Project?**  
 3 A. Yes, I think so.  
 4 **Q. And, again, they are Arrowrock rights?**  
 5 A. That's right.  
 6 **Q. Can you explain to me your position that if**  
 7 **Anderson Ranch is not in flood release that Riverside**  
 8 **will be harmed or that Riverside's water rights will be**  
 9 **harmed?**  
 10 A. Yes. The water rights of the people that have  
 11 storage water, that store their water in Anderson  
 12 Ranch -- if they don't have a full supply of water, that  
 13 affects our water because the return flow to the river  
 14 isn't available to us.  
 15 Since we have a natural flow right and we are  
 16 on the bottom of the system, we need all of the water in  
 17 the river that we can get. That's our supply of water.  
 18 **Q. Have you done any studies or analyses to**  
 19 **demonstrate that Riverside Irrigation District will be**  
 20 **harmed by the application in question?**  
 21 A. We are a pretty active irrigation district, but  
 22 we've only protested this for -- what? -- the last year.  
 23 So, no, we haven't done any studies there. From past  
 24 experience -- we don't have to do studies -- we know  
 25 what happens in a short water year.

1 get them as well as they can.  
 2 **MR. McGEE:** Sure.  
 3 **MR. BARKER:** So Riverside is not relying upon  
 4 those delivery records to show harm because you guys  
 5 haven't diverted water yet.  
 6 **MR. McGEE:** Okay.  
 7 **MR. BARKER:** Right?  
 8 **MR. McGEE:** I don't --  
 9 **MR. BARKER:** Right? You haven't diverted water  
 10 yet; right? So you can't show diminishment of delivery  
 11 as a result of your diversion of water.  
 12 **MR. McGEE:** I was just asking -- he referred to  
 13 some personal records, and I was asking him if he  
 14 brought them. I was asking if we could have them, if  
 15 you have them. That's all.  
 16 **THE WITNESS:** Personal records are daily  
 17 diversion rates from the Department of Water Resources.  
 18 **Q. BY MR. McGEE:** So they are Department records?  
 19 A. That's right.  
 20 **Q. That is all I was clarifying.**  
 21 A. That's why I said the Department of Water  
 22 Resources is the one that delivers our water and  
 23 measures it.  
 24 **Q. No other documentation to demonstrate your**  
 25 **belief or to support your belief that you will be harmed**

1 **Q. Okay.**  
 2 A. Those records are available because our water  
 3 is measured by the watermaster, District 63, on  
 4 diversions.  
 5 **Q. So --**  
 6 A. If you've looked at the -- that goes into Water  
 7 District 63 stuff. That's not Riverside stuff. The  
 8 watermaster delivers our water. The Department of Water  
 9 Resources delivers our water.  
 10 **Q. So you are relying upon water delivery records**  
 11 **to demonstrate that Riverside would be harmed? Is that**  
 12 **fair?**  
 13 A. And our personal records.  
 14 **Q. Did you bring any of those records with you**  
 15 **here today?**  
 16 A. No.  
 17 **MR. McGEE:** Would we be able to get a copy of  
 18 those records, Counsel?  
 19 **MR. BARKER:** Well, I think the witness may be  
 20 misidentifying what the basis of the harm is. You can  
 21 have whatever irrigation delivery records you want.  
 22 Those are available from the Department of Water  
 23 Resources equally to you as they are to Riverside.  
 24 Riverside doesn't keep copies of the delivery  
 25 records from the Department of Water Resources. You can

1 **by the application in question?**  
 2 A. Right.  
 3 (Exhibit 3 was referenced.)  
 4 **Q. BY MR. McGEE:** Let's move on to number two  
 5 **here on the Notice of Protest. It states:**  
 6 "Applicant's application conflicts with the  
 7 requirements of Idaho Code 42-203A(5)."  
 8 I am going to hand you -- it has been  
 9 previously marked Exhibit 3 in prior depositions. We  
 10 don't have that original. I am just going to hand you a  
 11 copy. It is just a copy of the statute referenced here  
 12 in your Notice of Protest, and that might help us work  
 13 through the bases of your protest.  
 14 I am turning to the second page. That is where  
 15 you will find subsection (5). Does Riverside Irrigation  
 16 District intend to protest on the grounds that the  
 17 application in question will reduce the quantity of  
 18 water under existing water rights?  
 19 A. If they divert it any time besides during flood  
 20 control out of Anderson Ranch.  
 21 **Q. Okay.**  
 22 A. So that would be -- if you want a "yes" or a  
 23 "no" answer -- it will affect our water rights.  
 24 **Q. If it is only in flood control out of Anderson**  
 25 **Ranch, would it reduce the quantity of water under**

1 existing water rights?  
 2 A. No one in their right mind would resist  
 3 somebody taking water out of the river when it's under  
 4 flood control because it's going to benefit somebody --  
 5 **Q. Sure.**  
 6 A. -- the people that use it.  
 7 **Q. Subpart (b) here states that the director could**  
 8 **deny an application if he finds that the water supply**  
 9 **itself is insufficient for the purpose for which it is**  
 10 **sought to be appropriated.**  
 11 **Do you know the purpose for which Elmore County**  
 12 **seeks to appropriate the water in question?**  
 13 A. I haven't read it, but I've heard that it's for  
 14 groundwater recharge and irrigation. I haven't seen any  
 15 literature on it.  
 16 **Q. Is Riverside objecting on the grounds that the**  
 17 **water supply that Elmore County seeks to divert is**  
 18 **insufficient for that purpose?**  
 19 A. Yes, unless it's under flood control --  
 20 Anderson Ranch is under flood control.  
 21 **Q. Okay.**  
 22 A. The river is -- you know, like I say, it's got  
 23 to be filling and spilling before the water rights in  
 24 the river are satisfied.  
 25 **Q. So assuming that all water rights are being**

1 served, you know, and Anderson Ranch is full --  
 2 A. And spilling.  
 3 **Q. -- and spilling --**  
 4 A. (Nods head affirmatively.)  
 5 **Q. -- does Riverside have an objection on the**  
 6 **grounds that the water being diverted, the water**  
 7 **itself -- and I will represent to you that it is 200 cfs**  
 8 **with a 10,000 acre-foot limit -- that that water supply**  
 9 **is insufficient for the recharge and irrigation purposes**  
 10 **for which it is sought?**  
 11 A. I am having a hard time following your  
 12 conversation there. Run that by me again.  
 13 **Q. This one is always kind of tough.**  
 14 **Is the basis of Riverside Irrigation District's**  
 15 **protest the impact it is going to have on Riverside, or**  
 16 **does Riverside have concerns that the diversion of water**  
 17 **itself is not going to work for Elmore County?**  
 18 A. I don't know what works for Elmore County. If  
 19 you are diverting water out of Anderson Ranch, or the  
 20 South Fork of the Boise River, and it is not under flood  
 21 control, you are going to be harming the people below  
 22 Anderson Ranch.  
 23 **Q. We will move along to subpart (c) here. This**  
 24 **provides that the director can deny an application:**  
 25 **"...where it appears to the satisfaction of**

1 the director that such application is not made  
 2 in good faith, is made for delivery or  
 3 speculative purposes..."  
 4 **Is this among the bases for Riverside**  
 5 **Irrigation District's protest in this case?**  
 6 A. You said (c)?  
 7 **Q. Subpart (c), yes.**  
 8 A. Okay. Right there. All right. Let me read  
 9 it.  
 10 Now ask your question again.  
 11 **Q. Is this particular item -- is Elmore County's**  
 12 **good faith in making the application --**  
 13 A. Frivolous?  
 14 **Q. -- a basis for Riverside's protest here?**  
 15 A. I don't think so, if I'm understanding the  
 16 question.  
 17 **Q. Let's move on to subpart (d).**  
 18 A. Did you say (d) or (e)?  
 19 **Q. Subpart (d).**  
 20 A. Subpart (d). Okay.  
 21 **Q. Go right ahead and read it. I will read it out**  
 22 **loud for the record. This provides that the director**  
 23 **could deny an application if he finds:**  
 24 **"That the applicant has not sufficient**  
 25 **financial resources with which to complete the**

1 work involved therein..."  
 2 **Is Riverside Irrigation District protesting**  
 3 **this application on that basis?**  
 4 A. I have no idea what Elmore County's finances  
 5 are. I couldn't answer that question.  
 6 **Q. So that is not the basis of Riverside's protest**  
 7 **of the application?**  
 8 **MR. BARKER:** Objection. Misstates the  
 9 witness's prior testimony.  
 10 **Q. BY MR. MCGEE: Is subpart (d) the basis of**  
 11 **Riverside Irrigation District's protest of the**  
 12 **application?**  
 13 A. I have no idea what Elmore -- what your  
 14 finances are. I can't tell. You know, I would say no.  
 15 I don't think we've seen any of your records from Elmore  
 16 County in our office.  
 17 **Q. Why don't we move on to subpart (e)? This**  
 18 **basically says that the director can deny an application**  
 19 **if he finds:**  
 20 **"...that it will conflict with the local**  
 21 **public interest as defined in section 42-202B,**  
 22 **Idaho Code..."**  
 23 **I have a copy of that Code. It hasn't been**  
 24 **marked as an exhibit, and I don't think we need to.**  
 25 **Along the same lines as all of these other**

1 questions, I am interested in whether Riverside is  
2 objecting on that basis and your description of that  
3 objection.

4 Just for your information, "public interest" is  
5 defined at subsection (3) there.

6 A. I would say, there again, our board discussed  
7 the process of this water being transferred out of  
8 Anderson Ranch.

9 As long as Anderson Ranch is under flood  
10 control, we would have no problem with you diverting  
11 that water from Anderson Ranch, as long as it was under  
12 flood control, because it would spill.

13 Q. So in response -- I guess I will ask it a  
14 different way. Does Riverside -- I understand  
15 Riverside's position as to spilling from Anderson Ranch.

16 Other than that basis for the protest, is  
17 Riverside taking the position or objecting on the  
18 grounds that the application will conflict with the  
19 local public interest, as defined in that statute?

20 MR. BARKER: So I am going to object to the  
21 form of the question. It assumes that his explanation  
22 is something different than local public interest. He  
23 has already explained the reason for their objection.

24 If it fits in the statutory framework, it does.  
25 If it doesn't, it doesn't. It is a legal conclusion for

1 (f) of Exhibit 3 there? I am going back. This states  
2 that the director can deny an application if it is:

3 "...contrary to conservation of water  
4 resources within the state of Idaho..."

5 A. That's the Director's job.

6 Q. So as far as Riverside is concerned, that is up  
7 to the Director?

8 A. (Nods head affirmatively.)

9 Q. Riverside is not taking a position on that  
10 issue?

11 A. Yep.

12 Q. Now, subsection (g) relates to adverse effects  
13 on:

14 "...the local economy of the watershed or  
15 local area within which the source of water for  
16 the proposed use originates, in the case where  
17 the place of use is outside of the watershed or  
18 local area where the source of water  
19 originates."

20 That is, obviously, the case here?

21 A. (Nods head affirmatively.)

22 Q. Is Riverside Irrigation District objecting  
23 purely on the grounds that Elmore County seeks to divert  
24 water from Basin 63 to Basin 61?

25 MR. BARKER: I am going to object to the form

1 the Director.

2 Q. BY MR. McGEE: Do you have an answer?

3 A. You know, the Director knows that it's fully  
4 adjudicated already -- the river -- unless it's under  
5 flood control. He has to make his decisions, as far as  
6 I'm concerned, to make the right decision, whether  
7 it's -- who gets the water.

8 There is no extra water in the Boise River  
9 unless it's in flood control. It's totally adjudicated,  
10 and it has been since the early '60s -- late '60s --  
11 except for flood control.

12 Q. And correct me if I am misunderstanding or  
13 misstating what you have already said. Riverside -- if  
14 water is being diverted by Elmore County in flood  
15 control, and only in flood control, I guess, from  
16 Anderson Ranch --

17 A. Right.

18 Q. -- and I believe that is what you are talking  
19 about now --

20 A. (Nods head affirmatively.)

21 Q. -- Riverside doesn't have any other objections?  
22 Is that my understanding?

23 A. As long as the Director okays it, we would  
24 probably be all right with it.

25 Q. Why don't we go ahead and move on to subpart

1 of the question. He has already identified the grounds.

2 You can answer the question, if you would  
3 like -- I mean, if you can, Vern.

4 THE WITNESS: Like I said, for years, there has  
5 been no out-of-basin transfers of water. That's what I  
6 am going to say. We're an adjudicated river. So why  
7 start transferring out of basin?

8 If that's what the Director wants to do, well,  
9 it's up to the Director. We don't have any say on it.

10 Q. BY MR. McGEE: I don't think I have too much  
11 more, but I do kind of want to return and see if I can  
12 understand a little bit better your position on the fact  
13 that Anderson Ranch needs to be spilling in order for  
14 Riverside's water rights to not be harmed by this  
15 application.

16 Can you explain that for me?

17 A. Yes. We're on the bottom of the river. If  
18 there is no return flow, we don't get our water. We  
19 have an old river flow right. If the river isn't  
20 flowing, there's no water in it for us to use.

21 So if you're diverting water and it hasn't  
22 filled and spilled, you've diverted some of our water.  
23 That's what the problem is.

24 Q. Does Riverside Irrigation District have any  
25 relationship with Cat Creek Energy, LLC?

1 A. No.

2 **Q. Is Riverside Irrigation District aware of the**

3 **proposed pump storage project of Cat Creek Energy, LLC?**

4 A. Hearsay. We've heard of it. Do we know

5 anything about it? No.

6 **Q. So Riverside does not taking any position as to**

7 **that proposed project?**

8 A. If they come up for a license, we will protest

9 it if they're not diverting water when it's filling and

10 spilling.

11 **Q. So same general objection that you have to this**

12 **application?**

13 A. That's right. If I had it my way, they

14 wouldn't even be issuing any spring rights for people

15 building houses, to use for their domestic water in the

16 upper basin.

17 If they want to drill a well, like everybody

18 else drills a well, fine. If they're diverting live

19 water, it's the water that people have built the

20 reservoir for and the people that irrigate with it

21 downstream.

22 **Q. Has Riverside Irrigation District been involved**

23 **in any water delivery calls in the last fifteen years?**

24 A. No.

25 **Q. Has Riverside Irrigation District been harmed**

1 **by upstream junior diversions?**

2 A. Have we had to call on the watermaster to shut

3 water off of the junior right holders in some areas?

4 Not in the last fifteen years. I have seen it since

5 I've been on the board.

6 **Q. Can you tell me about that?**

7 A. There's nothing to say. When people are using

8 unallocated water, well, they've got to shut it off.

9 **Q. Do you recall who it was?**

10 A. No, I can't.

11 **Q. You don't know any specifics?**

12 A. No. That's the Department of Water Resources.

13 **Q. Has Riverside Irrigation District had any**

14 **issues or problems with the administration of water**

15 **rights in Basin 63?**

16 A. No.

17 **Q. Does Riverside Irrigation District have**

18 **confidence that the Basin 63 watermaster could**

19 **administer the applied-for water right in accordance**

20 **with the prior appropriation doctrine?**

21 A. Ask me that question again.

22 **Q. Well, why don't we start with this: Are you**

23 **familiar with the prior appropriation doctrine?**

24 A. Yes.

25 **Q. What is your understanding of the prior**

1 **appropriation doctrine?**

2 A. First in right, first in time.

3 **Q. Okay.**

4 A. First in time, first in right. If you've got

5 the water right, it goes down, in order.

6 **Q. And is it your understanding that the Basin 63**

7 **watermaster is responsible for the administration of**

8 **water rights in Basin 63, in accordance with that**

9 **doctrine?**

10 A. Yes.

11 **Q. Do you have any reason to believe that the**

12 **Basin 63 watermaster could not administer water rights**

13 **in accordance with the prior appropriation doctrine,**

14 **should the applied-for water right license be granted?**

15 A. If it's out of flood control, I don't think he

16 would do it. If it's in flood control, he could

17 probably administer it, just like the Director would.

18 **Q. All right.**

19 A. He might give you a water right for it.

20 **Q. That would be his job, to tell them when to**

21 **turn it off –**

22 A. Yeah.

23 **Q. – when it is not in flood control?**

24 A. Right. Yeah. When flood control has ceased

25 out of Anderson, the water right would be over with.

1 That's what – the irrigation districts below would have

2 a say about it.

3 **MR. McGEE:** This has been the quickest one yet.

4 I don't think I have any more questions.

5 Anybody here?

6 **MR. FARRIS:** No.

7 **MR. BARKER:** No questions here.

8 **MS. GERMAINE:** No questions from the City.

9 **MS. KELLNER:** (Shakes head negatively.)

10 **MR. McGEE:** Thank you.

11 (The foregoing deposition concluded at 1:35 p.m.)

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**C E R T I F I C A T E**

**I, LORI A. PULSIFER, Certified Shorthand Reporter, do hereby certify that:**

**The foregoing proceedings were taken before me, at which time the witness was placed under oath;**

**The testimony and all objections made were recorded stenographically by me and were thereafter transcribed by me;**

**The foregoing is a true and correct record, to the best of my skill and ability; and**

**I am not a relative or an employee of any attorney, nor am I financially interested in the action.**

**I have hereunto set my hand and seal this 3rd day September 2018.**



**LORI A. PULSIFER, CSR, RDR, CRR, CRC  
Idaho CSR No. 354 . Notary Public**

**\*My commission expires 11.20.2020**

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