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Department of Water Resources
Eastern Region

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*Attorneys for Nedra C. Torgesen and Soda
Creek 11-B (Brian Torgesen)*

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 79037 IN THE NAME OF P4
PRODUCTION, LLC

**PROTESTANTS NEDRA C. TORGESEN
AND SODA CREEK 11-B (BRIAN
TORGESEN) AMENDED WITNESS AND
EXHIBIT LIST**

Nedra C. Torgesen and Brian Torgesen, (hereinafter the "Protestants"), by and through their attorneys of record, Holden, Kidwell, Hahn & Crapo, P.L.L.C., pursuant to Hearing Officer Cefalo's *Notice of Hearing and Amended Disclosure Order* dated March 11, 2015, hereby submits *Protestants Nedra C. Torgesen and Brian Torgesen Amended Witness and Exhibit List* summarizing the witnesses that may testify at the hearing and the exhibits that may be offered as evidence at the hearing scheduled for the above matter on May 21-22, 2015. Copies of the exhibits have only been provided to the Applicant, as there are no remaining parties (protestants) to the above application, other than the Protestants.

WITNESSES

The following lay witnesses may be called by the Protestants to testify at the hearing:

1. Brian Torgesen
2. Nedra C. Torgesen

- 1 – PROTESTANTS NEDRA C. TORGESEN AND SODA CREEK 11-B (BRIAN TORGESEN) AMENDED
WITNESS AND EXHIBIT LIST

3. Any of the Applicant's witnesses
4. Any witnesses that may be necessary to lay foundation for documents contained in IDWR's files.

The following expert witnesses may be called by the Protestants to testify at the hearing:

1. Tom Wood, PhD, P.G., president and owner of Clearwater Geosciences, LLP.

EXHIBITS

The following exhibits were previously submitted and may be introduced at the hearing:

100. *Protest of Nedra C. Torgesen*
101. *Protest of Soda Creek 11-B (Brian Torgesen)*
102. *Letter from Chris Leatherman of P4 Production to Nedra Torgesen*, dated September 23, 2010
103. *Well Construction Search Results and Associated Well Logs* from Township 8S, Range 42E, Section 31
104. *Well Construction Search Results and Associated Well Logs* from Township 8S, Range 42E, Section 25
105. *Well Construction Search Results and Associated Well Logs* from Township 9S, Range 42E, Section 6
106. *IAS EnviroChem Water Quality Testing Results* prepared for Nedra Torgesen
107. *Administrator's Memorandum*, Transfer Processing No. 24
108. *Request for Extension of Time to Complete Transfer*, IDWR Form
109. List of Water Rights from on Soda Creek Obtained from IDWR Database
110. Aerial Map No. 1
111. Aerial Map No. 2
112. Aerial Map No. 3
113. Aerial Map No. 4

- 114. Aerial Map No. 5
- 115. Aerial Map No. 6
- 116. Aerial Map No. 7
- 117. Aerial Map No. 8

The following exhibits are now being submitted and may be introduced at the hearing:

- 118. Aerial Map No. 9 (Photograph Map).
- 119. Aerial Map No. 10 (Photograph Map over USGS).
- 120. Aerial Map No. 11 (Over P4 Map)
- 121. 2014 Report submitted to IDWR by Wade Olorenshaw (measurements of Soda Creek flows).
- 122. 2012 Report submitted to IDWR by Wade Olorenshaw (measurements of Soda Creek flows).
- 123. Watermaster's Report for 2014 for Water District 11-B.
- 124. *Stipulated Settlement Agreement.*

Photographs

- 1. Photo taken on Hooper Springs Trail Road; Mormon Springs area in the distance near rock outcropping.
- 2. Photo taken on Hooper Springs Trail Road; Mormon Springs area in the distance near rock outcropping.
- 3. Photo on Hooper Springs Trail looking south; Soda Creek Canal on the right, Soda Creek on the left.
- 4. Soda Creek Canal Diversion.
- 5. P4 pipe injecting water into Soda Creek.
- 6. Soda Creek channel and bridge at diversion; P4 facility in background.
- 7. Seep/spring along Hooper Springs Trail; P4 facility in background.
- 8. Same as 7.

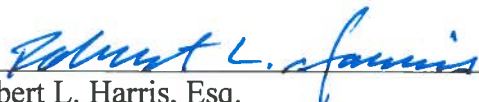
9. Hooper Springs canopy.
10. Hooper Springs water.
11. Soda Creek adjacent to Hooper Springs.
12. Soda Creek adjacent to Hooper Springs.
13. Hooper Springs looking east; P4 facility in the background.
14. Hooper Springs informational sign.
15. Close-up of map on Hooper Springs informational sign.
16. Close-up of picture on Hooper Springs informational sign.
17. Close-up of picture on Hooper Springs informational sign.
18. Close-up of picture on Hooper Springs informational sign.
19. Photograph taken on Torgesen 40-acre parcel north of Hooper Springs looking east; P4 facility in the background.
20. Photograph taken on Torgesen 40-acre parcel north of Hooper Springs looking west; Soda Creek down in the willows; P4 facility shown on the upper right.
21. Spring on Torgesen property flowing into Soda Creek.
22. Close-up of spring on Torgesen property flowing into Soda Creek.
23. Looking upstream on Soda Creek; spring on the left.
24. Spring on Torgesen property covered for protection (located east of Soda Creek).
25. Spring discharge flowing down to Soda Creek.
26. Old diversion on Soda Creek (looking downstream).
27. Picture on Torgesen property looking east; P4 facility in the background.
28. Picture looking southeast towards area of Mormon Spring.
29. Picture looking northeast at Soda Creek measuring weir.
30. Picture looking southwest at Soda Creek; P4 facility in the background.
31. Picture of measuring weir and staff gage.
32. Close-up of staff gage.
33. Soda Creek upstream of weir.
34. Another photograph of weir.
35. Picture of Five Mile Meadows from Presbyterian bird shelter, looking south-southeast; P4 facility on the right; Large substation on the left.

36. Looking east from bird shelter at Five Mile Meadows.
37. Zoomed-in photograph of substation.
38. Gains from Five-Mile Meadows where Soda Creek crosses Government Dam Road; Photo is looking east and upstream on Soda Creek.
39. Culvert on west side of Government Dam Road; Flows are moving to the right (downstream).
40. Flows moving downstream at Government Dam Road crossing.
41. Photo of large substation near possible location of proposed North Wells.
42. Looking south at possible location of proposed North Wells; P4 facility in the background.
43. Looking southeast at possible location of proposed North Wells.
44. Looking west-southwest at substation.
45. Looking west-southwest as Soda Creek Reservoir.
46. Photograph looking east at Mormon Springs location (just south of P4 facility).
47. Another photo of Mormon Springs.
48. Another photo of Mormon Springs.
49. Photo of Mormon Springs building.
50. Photo of pipeline running from Mormon Springs.
51. Photo of southwestern edge of P4 facility; Believed to be electrical panel for TW-83.
52. Photo of another well, appears to be TW-80.
53. Another photo of what appears to be TW-83; Wellhead painted green is visible.
54. Another photo of TW-83.
55. Close-up of TW-83; Wellhead painted green is visible.
56. Photo of another well of what appears to be TW-58.
57. Photo of what appears to be TW-58; Wellhead painted green is visible.
58. Close up of what appears to be TW-58; Wellhead painted green is visible.
59. Photo of Soda Springs High School baseball field; Sawmill Spring was located behind the field (to the east of the field).
60. Photo of another spring in Soda Springs; Close to Torgesen's house.

The Protestants may have the mapping program used to generate the identified maps and photographs available and projected on a screen at the hearing to identify features discussed at the hearing.

The Protestants reserve the right to submit additional exhibits, such as those necessary for rebuttal of the Applicant's witnesses or exhibits, and to use any official documents that are included within IDWR's files.

Dated this 7th day of May, 2015.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the parties listed below by hand delivery, email, mail, or by facsimile, with the correct postage thereon, on this 7th day of May, 2015.

**DOCUMENT SERVED: PROTESTANTS NEDRA C. TORGESEN AND SODA CREEK
11-B (BRIAN TORGESEN) AMENDED WITNESS AND
EXHIBIT LIST**

ORIGINAL TO: James Cefalo
Idaho Department of Water Resources
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TRANSFER NO. 79037 IN THE NAME OF P4
PRODUCTION, LLC

**PROTESTANTS NEDRA C. TORGESEN
AND SODA CREEK 11-B (BRIAN
TORGESEN) WITNESS AND EXHIBIT
LIST**

Nedra C. Torgesen and Brian Torgesen, (hereinafter the "Protestants"), by and through their attorneys of record, Holden, Kidwell, Hahn & Crapo, PLLC, pursuant to Hearing Officer Cefalo's *Notice of Hearing and Disclosure Order* dated December 3, 2014, hereby submits *Protestants Nedra C. Torgesen and Brian Torgesen Witness and Exhibit List* summarizing the witnesses that may testify at the hearing and the exhibits that may be offered as evidence at the hearing scheduled for the above matter on January 6, 2015. Copies of the exhibits have only been provided to the Applicant, as there are no remaining protestants to the above application other than the Protestants'.

WITNESSES

The following lay witnesses may be called by the Applicant to testify at the hearing:

1. Nedra C. Torgesen
2. Brian Torgesen

- 1 - PROTESTANTS NEDRA C. TORGESEN AND SODA CREEK 11-B (BRIAN TORGESEN) WITNESS AND EXHIBIT LIST

3. Any of the Applicant's witnesses

The Protestants do not intend to call their own expert witness at the hearing.

EXHIBITS

The following exhibits may be introduced at the hearing:

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117. The Protestants may have the mapping program used to generate the above maps available and projected on a screen at the hearing to identify features discussed at the hearing.

The Applicant reserves the right to submit additional exhibits, such as those necessary for rebuttal of the Applicant's witnesses or exhibits, and to use any official documents that are included within IDWR's files.

Dated this 19th day of December, 2014.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the parties listed below by hand delivery, email, mail, or by facsimile, with the correct postage thereon, on this 19th day of December, 2014.

**DOCUMENT SERVED: PROTESTANTS NEDRA C. TORGESEN AND SODA CREEK
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ORIGINAL TO: James Cefalo
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