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MAY 13 2014
DEPARTMENT OF
WATER RESOURCES

Attorneys for Tree Top Ranches, L.P.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT TO
APPROPRIATE WATER NOS. 63-33507
AND 63-33508

PROTESTANT'S LIST OF WITNESSES FOR
HEARING

COME NOW, Protestant Tree Top Ranches, L.P. ("Tree Top"), by and through its counsel of record, Moffatt, Thomas, Barrett, Rock & Fields, Chartered, and pursuant to Idaho Department of Water Resources' Scheduling Order, dated May 5, 2014, hereby submits the following list of witnesses who it may call to testify at hearing:

1. **Bill Mulder:** Mr. Mulder is the Property Manager of Tree Top. Mr. Mulder is familiar with Tree Top's ownership and use of the majority of McConnel Island, the flow regime of the Boise River around the island, and Tree Top's concerns regarding the health and integrity of the westerly (smaller) river channel in light of pending Application for Permit Nos. 63-33507 and 63-33508.

2. **Brett Seward:** Mr. Seward is the Ranch Manager of Tree Top's Parma Ranch. Mr. Seward is familiar with Tree Top's ownership and use of the majority of McConnel

Island, the flow regime of the Boise River around the island, and Tree Top's concerns regarding the health and integrity of the westerly (smaller) river channel in light of pending Application for Permit Nos. 63-33507 and 63-33508.

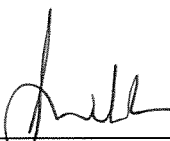
3. **Scott King**: Mr. King is a professional engineer who will testify regarding the merits of Application for Permit Nos. 63-33507 and 63-33508, including evaluation of the same under the statutory criteria provided in Idaho Code Section 42-203A(5). More specifically, Mr. King will testify regarding how the pending applications, if granted absent sufficient conditioning, threaten the integrity of the westerly Boise River channel flowing around McConnel Island, and the wildlife habitat the channel provides. Mr. King's testimony will include discussion of channel flow measurements relative to the mainstem river, the tributary nature of the Baldrige Meadows Drain, the natural origins of the subject river channel, the additional competition for water the applications represent, whether the applications can be supported by the existing water supply, whether the applications conflict with the local public interest, and whether the applications are contrary to the conservation of water resources.

Reservation of Rights

Tree Top hereby reserves the right to supplement this witness list. Further, Tree Top also reserves the right to call any witness named by the Applicant in this matter.

DATED this 12th day of May, 2014.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 

Andrew J. Waldera – Of the Firm
Attorneys for Tree Top Ranches, L.P.

CERTIFICATE OF SERVICE

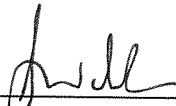
I HEREBY CERTIFY that on this 12th day of May, 2014, I caused the foregoing **PROTESTANT'S LIST OF WITNESSES FOR HEARING** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

- U.S. Mail, Postage Prepaid
- Hand Delivered
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