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DEPARTMENT OF
WATER RESOURCES

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Attorney for Allen Ranch LLP

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
PERMIT NO. 65-23493 IN THE NAME OF	)	APPLICANT'S DISCLOSURE OF
ALLEN RANCH LLP AND APPLICATION FOR	)	WITNESSES
TRANSFER NO. 78252 IN THE NAME OF	)	
ALLEN RANCH LLP	)	
_____	)	

COMES NOW ALLEN RANCH LLP and submits its witness list pursuant to the Department's Order dated October 3, 2013. Applicant reserves the right to call any rebuttal witnesses as may be necessary including any witnesses identified in this witness list or any witness identified in Applicant's responses to discovery by any protestant (see attached Response to Interrogatory No. 1 and 2).

WITNESSES

1. J.R. Allen
2. John Allen
3. Ron Shurtleff
4. Bill Leslie
5. John Kwader
6. Any Protestant

ORIGINAL

7. Any witness called by any Protestant.

Respectfully submitted this 26th day of November, 2013.

MOORE SMITH BUXTON & TURCKE, CHTD.

A handwritten signature in black ink, appearing to be "B. Smith", written over a horizontal line.

By:

Bruce M. Smith
Attorney for Allen Ranch LLP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26 day of November, 2013, I caused to be served a true and correct copy of the foregoing **APPLICANT'S DISCLOSURE OF WITNESSES** via prepaid, U.S. Mail, to the following:

Original to: (Via U.S. Mail)

Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Copies to: (Via First Class U.S. Mail and Email)

Email: john.westra@idwr.idaho.gov
John Westra
Regional Manager, Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Email: schess123@msn.com
West Mountain Water Association Inc.
c/o Sandra Chess
1200 Lizaso Avenue
Boise, ID 83709

Email: crismcclintick@yahoo.com
Randy and Cris McClintock
PO Box 7
Orvada, NV 89425

Email: ibcascade@hotmail.com
James T. Bunce
PO Box 890
Cascade, ID 83611

Email: schess123@msn.com
Sandra Chess
1200 Lizaso Avenue
Boise, ID 83709

Email: djividen@frontiernet.net
West Mountain Properties LLC
c/o Dwight Jividen
413 Cabarton Road
Cascade, ID 83611

Gary E. Henkel
9109 W. Burnett Drive
Boise, ID 83709



BRUCE M. SMITH

RESPONSE: Denied. The water will be put to a beneficial use and will not be wasted.

REQUEST FOR ADMISSION NO. 11: Please admit that Transfer No. 78252 is not in the local public interest as defined in section 42-202B, Idaho Code.

RESPONSE: Denied.

INTERROGATORIES

INTERROGATORY NO. 1: Please set forth the name, address, telephone number, and occupation of each and every individual known to you or your counsel who has knowledge of or who purports to have knowledge of any of the issues, facts or any of the occurrences which relate to the subject of this action.

ANSWER: Applicant restates its general objection and objects that the interrogatory is vague and ambiguous to the extent it asks the Applicant to speculate as to the Protestant's intent. Notwithstanding the objection, Applicant responses as follows:

- (1) J.R. Allen
- (2) Each Protestant as identified in his/her/its protest.
- (3) Staff of Idaho Department of Water Resources including:
 - a. John Westra
 - b. Steve Lester
 - c. Rob Whitney
 - d. Jeff Peppersack
 - e. Gary Spackman
 - f. Tim Luke
 - g. Ron Shurtleff
- (4) Sandra Chess' son, whose name is unknown.
- (5) Unidentified members of the Protestant.
- (6) Valley County Sheriff's Department.

a. Tom Cimbolek

(7) John Allen

(8) Dave Tuthill

(9) Bill Leslie

(10) John Kwader

(11) Jim Bunce

INTERROGATORY NO. 2: Please set forth the name, address, telephone number, and occupation of each person you may call as a witness at trial, and for each such witness, state the substance of his/her expected testimony.

ANSWER: Applicant restates its general objection.

(1) J.R. Allen

Mr. Allen will testify in support of the applications, the history and geography of the ranch, the use of water, the history of the diversion system including the upper point of diversion, the supply of water, and the elements and facts applicable to the applications. He will also testify as to Ms. Chess' and Mr. Bunce's interference with his use of water.

(2) John Allen

Mr. Allen will also support the application and testify as to the diversion, the use of water, efforts to identify the person(s) who damaged the irrigation system, irrigation of the ranch and livestock use.

(3) Sandra Chess

Ms. Chess can testify as to interference with the diversion and use of water by Applicant, her water right, her protest assertions, her communications with IDWR and other protestants, her son's assault on certain individuals, flows in Rock Creek, the Protestant's water right and diversion system.

(4) Dave Tuthill

Dr. Tuthill was administrator of the Payette Adjudication and former Director of IDWR. He can testify about historical documents establishing the upper point of diversion, adjudication procedures, and errors in the decree for 65-3111x.

(5) Ron Shurtleff

Mr. Shurtleff will testify about flows in Rock Creek, administration of water rights for Rock Creek, historical documents regarding Rock Creek diversions, discussions with Protestants.

(6) John Kwader.

Mr. Kwader will testify as to the historical location and existence of the upper point of diversion.

(7) Bill Leslie.

Mr. Leslie will testify as to the historical location and existence of the upper point of diversion.

Applicant also reserves the right to call any protestant and any witness for purposes of rebuttal.

INTERROGATORY NO. 3: Please identify each person whom you have consulted as an expert in connection with this litigation and please identify each person whom you may call as an expert witness at the trial of this action and state the subject matter on which such expert witness is expected to testify, the substance of the facts to which such expert witness is expected to testify and the substance of the opinions to which such expert witness is expected to testify as required by Rule 26(b)(4) of the applicable Rules of Civil Procedure together with all of the underlying facts and data as required by Rule 705 of the applicable Rules of Evidence.

ANSWER: Applicant restates its general objection and states that it has not consulted or identified any expert for trial.