

TESTIMONY LOG

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 76286 IN THE NAME OF
TELFORD LANDS

) HEARING
) May 26 and 27, 2011
) Conducted by James Cefalo
) Hearing Officer

May 26, 2011
~~TAPE NUMBER~~ _____

Started 10:23 A.M. #2

TAPE TO	LOCATION FROM	TESTIMONY DESCRIPTION
0000	02:59	James - introduction
03:00	1:00:43	Mike Telford takes stand, Rob Harris questioned
1:00:44	1:02:54	James - crosses - Telford
1:02:55	1:01:04	Jim Speck - crosses - Telford
1:11:05	1:11:24	Rob object - withdrawn
1:11:55	1:17:59	Speck continues w/ Telford
1:18:00	1:18:02	Break
1:18:04	1:23:32	Speck continues -
1:23:33	1:59:59	Jensen crosses Telford
2:00:00	2:05:59	Priority date issue - advancement
2:06:00	2:06:38	James - Questioning Telford
2:06:39	2:10:59	Rob follow-up - measurements
2:11:00	2:15:41	Speck follow-up -
2:15:42	2:19:11	James - / Rob - Referred to the first 10 exhibits
		Exhibits - Question about Jensen's map -
2:19:12	2:19:50	James - to Rob calls Brian Higgs
2:19:51	3:06:59	Harris - Questions Brian Higgs
3:07:00	3:07:39	Map issue - P26 exhibit
3:07:40	tape error	Harris continues w/ Higgs
0:00:00	0:30:39	Harris continues w/ Higgs pg 2
0:30:40	0:32:04	James questions Higgs
0:32:05	0:32:24	Rob - Report - Summarize
0:32:25	1:16:39	Speck crosses Higgs -
1:16:40	1:33:59	Break - Back on the record - confusion on legal on observation well
1:34:00	1:42:26	James questions Higgs

Started 1:35pm
track #4

TAPE TO	LOCATION FROM	TESTIMONY DESCRIPTION
5/26/11 4:35pm	1:42:27	1:43:37 Speck Crosses - Higgs
	1:43:38	1:54:47 Jensen Questions Higgs
	1:54:48	2:11:08 Harris - follow up on Higgs
	2:11:09	2:18:12 Speck - crosses Higgs
	2:18:13	2:19:42 James - Question Higgs - Table 3
	2:19:43	2:22:49 Kirby - Question Higgs
	2:22:50	2:23:34 James -
	2:23:35	2:29:37 Kirby - Statement
	2:29:38	2:41:16 James exhibits from Kirby
	2:41:17	2:43:09 Harris Responds to Jensen Photos
	2:43:10	2:43:31 Harris - Wm's Reports - Island Wells
	2:43:32	2:44:56 Jensen - Island Wells
	2:44:57	3:00:49 Harris crosses Jensen
	3:00:50	3:06:52 Speck crosses Jensen
	3:06:53	3:10:29 Rob. Re-Crosses Jensen
	3:10:30	— James - St
5/27/11 7:00 AM Track #1	000:00	0:17:12 James - turning it over to Jim Speck
		Questions Nate Carpenter
	0:17:13	0:19:49 James Questions Carpenter
	0:19:50	0:48:21 Rob Harris Questions Carpenter
	0:48:22	0:52:04 James Questions Carpenter
	0:52:05	55:10 Harris - Re crosses Carpenter
Track #2	0:00:00	0:04:55 Rob Continues - changed track
	004:56	0:11:38 KJ ~~Continues~~ Questions Carpenter
	0:11:39	0:23:22 Speck Recrosses Carpenter
	0:23:23	0:24:30 Harris Redirect Carpenter
	0:24:31	0:27:29 KJ Redirect Carpenter
	0:27:30	0:53:02 Speck calls Russell Babcock
	0:53:03	—→ track ends - Speck finished w/ Babcock
Track #3	0:00:00	0:13:29 Rob crosses - Babcock
	0:13:30	0:14:54 James crosses Babcock
	0:14:55	0:17:20 KJ questions Babcock

Friday
5/27/11.
Track
#3

Track
#4

Track #5

Track #6

Track #7

Track #8

TAPE TO	LOCATION FROM	TESTIMONY DESCRIPTION
0:17:25	0:20:48	Speck Re-direct Babcock
0:20:49	0:22:21	Harris " "
0:22:22	0:22:59	KJ " "
0:23:00	→	James Ceftlo -
000:00	0:00:17	James swears in Tom Wood
0:00:18		Speck Questioned Wood
		Tom Wood explains his Report & Test.
0:50:00		James - give example of storativity
0:56:45		Tom Wood - Back to model.
0		Cross exam by R Harris
15:00		Discussion of "injury"
26:00		Long-term recharge of the aquifer
30:00		Hydrograph analysis
46:00		Stopped track
0		Crosswaathe Report
12:00		Pump test data
20:00		Model boundaries
26:00		Ended track
0		ESPAM Model submitted with transfer
6:00		Transmissivity
8:00		Length of Imigation Season
0		Exhibit 14 - Order from contested case
		★ Exclude appendix exhibits from evidence
15:00		City of Arco Case
		City of Arco notes not offered/accepted ^{into} evidence
32:00		End of track

	TAPE	LOCATION	TESTIMONY DESCRIPTION
	TO	FROM	
Track#9	0		Tom wood rebuttal testimony (response)
	9:00		Exhibit 31 offered into evidence
	23:00		R Harriss cross-exam of TWood Rebuttal
	30:00		More impact to the cube
	39:00		total impact in drought years
	45:00		Questions from K Jensen
	47:00		Questions from J Speck
Track#10			
			*Exhibits P 22, 23, 27 not offered
	0		Higgs rebuttal testimony - analysis of Ex 17
	20:00		other concerns with TWood report
	28:00		Defense of his model - unmet conditions
	35:00		Cross exam by J Speck
Track#11	39:00		End of track
	0		Cross exam by J Speck

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Date: May 27, 2010

Presiding Officer: James Cefalo

Assisted by: Sharla Cox

SCANNED
JUL 01 2011

NAME	ADDRESS, CITY, ZIP PHONE NUMBER	EMAIL ADDRESS	REPRESENTING
Jeffrey K. Allen	3275 N 3350 W MURR ID 83255 P.O. Box 155 Arco, ID 83213 554-8953	jka888@gmail.com	Self
Mark Telford	P.O. Box 511 Arco ID 83213		
Brittany Higgins		6330 W. 33 rd S. Idaho Falls, ID 83402	
Margaret Balcock	3428 W 3420 N		
Donald Balcock	3428 W 3420 N 554-2821		
Russell Balcock	3428 W 3120 N MORA, ID 83255 5542811		

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[illegible]

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NAME	ADDRESS, CITY, ZIP PHONE NUMBER	EMAIL ADDRESS	REPRESENTING
Kim W. Backlund			
Nathan Carpenter			
Shannon Telford	Same as Mike		
Mike Telford			
Crystal Carpenter			
Wade + LeAnne Madboubs			

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NAME	ADDRESS, CITY, ZIP PHONE NUMBER	EMAIL ADDRESS	REPRESENTING
Jason Higgins			
Brian D. King			
Bob Johnson			
Jim Spock			
Tom Wood			
Kirby Jensen			

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NAME	ADDRESS, CITY, ZIP PHONE NUMBER	EMAIL ADDRESS	REPRESENTING
Mitchell Sorensen	3871 West 2500 North Moorc, Idaho 83255 (208) 597-3271		Potential Witness
Wade & LeAnne Waddoups	3097 N. 3350 W. Moorc, ID 83255 208-554-3000		
Ralph Parfimeron	2253 N 3100 W Moorc, Idaho 83213 208-557-3161		
Russell Babcock	3428 West 3120 North Moorc, ID 83255 208 554-2871		
Crystal Carpenter	2559 W 5th Moory Moorc, Idaho 83255 208-554-2523		

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NAME	ADDRESS, CITY, ZIP PHONE NUMBER	EMAIL ADDRESS	REPRESENTING
Mike Telford	1450 Coast Hwy 24 Tahoe ID 83347 431-5957	tel@dsunvalleyseed@gmail.com	Self
Bar Harris	1800 Brunswick Dr. Idaho Falls, ID 83401	harris@hotalenlegal.com	Talpaud County, etc
Jim Speck	Bar #7 Ketchum ID 83344	jim@speckandassociates.com	Mike Carpenter et al
Tom Wood	1818 E 49th S Idaho Falls, ID 83404	thomsw@comcast.net	Mike Carpenter et al
Kinky Jensen	2781 N 33rd St Moose ID 83255	Kinky@comcast.net	SOA
Kim W. Baldwin	3400 W 310th N MOORE, ID 83255	baldwin@adl.com	Self

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Jeff Allen	3075N 3350 W. Moore ID 83255 P.O. Box 155 Arco ID. 83213 554,8953	Jka888@gmail.com	S/L
Nathan Carpenter	2959 4593 Moore Idaho 83255 P.O. Box 307 Arco Idaho 83213		
Avoid Wheeler	3246 W 3120 North Moore Id 83211		
Mark Telford	P.O. Box 511 Arco ID 83213		
Jaxon Higgs	6330 W. 33 rd S. Idaho Falls, ID 83402 208-604-1281	jaxon@waterwellconsultants.com	Telford
Brian Higgs	Sauve	Brian@ "	Telford

HEARING EXHIBIT LIST

IN THE MATTER OF APPLICATION FOR
TRANSFER NO 76286, IN THE NAME OF
TELFORD LANDS, LLC

)
) **May 26 and 27, 2011**
) **Hearing Officer: James Cefalo**

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF EVIDENCE	
		INTRODUCED	ADMITTED
A1	Amended Application for Transfer	Y	Y
A2	Water Rights Summary Sheet	Y	Y
A3	Map of Telford Lands PODs/POU	Y	Y
A4	Map of Telford Lands PODs	Y	Y
A5	Approved Transfer 74921	Y	Y
A6	Summary of Well Measurements	Y	Y
A7	Timberdome Canal Company Records	Y	Y
A8	WD 34 Records for Babcock Well	Y	Y
A9	Map of Protestants Wells	Y	Y
A10	Map of Ideal Location for Proposed Well	Y	Y
A11	Brian Higgs Report	Y	Y
A12	Copy of Idaho Code 42-226	Y	Y
A13	Page from Water Distribution Rules - Water District 34	Y	Y
A14	IDWR Preliminary Order – Transfers 5659, 5661, and 5660 (Attachments were excluded from record)	Y	Y
A15	Notes from Pre-hearing Conference Transfer 72488 (Feb 14, 2007)	N	N
A16	Higgs Comments on Dr. Wood's Report	Y	Y
A17	Graphic Display of Data Collected by Dr. Wood	Y	Y

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF EVIDENCE	
		INTRODUCED	ADMITTED
Jensen 1	Timberdome Canal Record 7/21/2010	Y	Y
Jensen 2	Large photo of push-pin map	Y	Y
Jensen 3	SRBA Order for certain Basin 34 rights	Y	Y
Jensen 4 (part 1)	Photos of various wells (#1 - #17)	Y	Y
Jensen 4 (part 2)	Photos of Sorenson Well	Y	No
Jensen 5	WMIS Records A0000484 and A0007516	Y	Y
P1	Map of Existing Wells	Y	Y
P2	Water Right 34-14168 (Carpenter Irrig.)	Y	Y
P3	Water Right 34-14170 (Carpenter Irrig.)	Y	Y
P4	Water Right 34-10134 (Carpenter Dom.)	Y	Y
P5	Drilling Permit / Well Drillers Report 2002 Carpenter Domestic Well	Y	Y
P6	2003 Invoice / Performance Graph Carpenter Irrigation Well	Y	Y
P7	Nathan Carpenter Protest	Y	Y
P8	Water Right 34-2330A (Babcock Irrig.)	Y	Y
P9	Water Right 34-12377 (Babcock Irrig.)	Y	Y
P10	Water Right 34-10404 (Babcock Dom.)	Y	Y
P11	Water Right 34-10405 (Babcock Stock)	Y	Y
P12	1988 Well Driller's Report (Babcock Dom.)	Y	Y
P13	1969 Well Driller's Report (Babcock Stock)	Y	Y
P14	1990 Well Driller's Report (Babcock Stock)	Y	Y

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF	EVIDENCE
		INTRODUCED	ADMITTED
P15	1999 Well Use Agreement between Babcock and Cannon Shelley Properties	Y	Y
P16	Russell Babcock Protest	Y	Y
P17	Reuben Babcock Protest	Y	Y
P18	Said, Stevens, Sehlke Water Budget	Y	Y
P19	Bassick and Jones 1992 Report (enlarged copy included in the record)	Y	Y
P20	CV for Dr. Thomas Wood	Y	Y
P21	Report prepared by Dr. Wood	Y	Y
P22	Water Right 34-2330B (Telford Lands)	No	No
P23	Water Right 34-12376 (Telford Lands)	No	No
P24	Transfer Approval 71254	Y	Y
P25	IDWR Preliminary Order – Transfer 71254	Y	Y
P26	Brian Higgs September 2010 Letter	Y	Y
P27	Stipulated Settlement Agreement	No	No
P28	WD 34 Records for Babcock Well (same as Exhibit A8)	Y	Y
P29	Dr. Wood's Response to the Higgs Expert Report	Y	Y
P30	Revised Figures A2-1 and A2-2 for the Wood Report	Y	Y
P31	Comparison of Pumping to BLR Flow	Y	Y