

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32573 IN) VOLUME I
THE NAME OF M3 EAGLE, LLC) (Pages 1 through 226)
_____)

BEFORE
HEARING OFFICER: GARY SPACKMAN

Date: April 15, 2009 - 9:00 a.m.
Location: Idaho Department of Water Resources
 322 East Front Street
 Boise, Idaho

REPORTED BY:

SHERI LUDIKER FOOTE, CSR No. 90, RPR, CRR

Notary Public

1 APPEARANCES:
 2 For M3 Eagle, LLC:
 3 Givens Pursley, LLP
 4 BY MR. JEFFREY C. FEREDAY
 5 BY MR. MICHAEL P. LAWRENCE
 6 601 West Bannock Street
 7 P.O. Box 2720
 8 Boise, Idaho 83701-2720
 9 For North Ada County Groundwater Users
 10 Association:
 11 BY MR. JOHN THORNTON
 12 5264 North Sky High Lane
 13 Eagle, Idaho 83616
 14 For Eagle Pines Water Users Association and
 15 Individually:
 16 BY MR. ALAN SMITH
 17 3135 Osprey Road
 18 Eagle, Idaho 83616
 19 Appearing Individually:
 20 BY MR. NORMAN L. EDWARDS
 21 884 W. Beacon Light Road
 22 Eagle, Idaho 83616
 23
 24 ALSO PRESENT: Jerry Peterson and Jason Smith
 25

1 I N D E X
 2 PAGE
 3 Discussion Re: Preliminary Matters 4
 4 Tape Recording Initiated by IDWR 49
 5
 6
 7 W I T N E S S E S PAGE
 8 TESTIMONY OF WILLIAM I. BROWNLEE
 9 Direct Examination by Mr. Fereday 94
 10 Cross-Examination by Mr. Thornton 170
 11 Cross Examination by Mr. Alan Smith 196
 12
 13
 14 E X H I B I T S
 15 NO. MARKED ADMITTED
 16 1-44 52
 17 46-50 52
 18 54 153
 19 57 145
 20 58 143
 21 66 141
 22 200-255 52
 23
 24
 25

1 THE HEARING OFFICER: Okay, folks, it's
 2 9:00 or shortly after. Thanks for coming this
 3 morning. I hope you all found us okay. We had
 4 to rearrange yesterday the place for this
 5 hearing. We thought it would be upstairs, but
 6 there's some people in an adjoining conference
 7 room that are energy efficiency training and they
 8 had a big turbine blower in the room next door.
 9 And we thought also that our space was a little
 10 confined. So, we moved down here today.
 11 We'll be upstairs on the sixth floor
 12 tomorrow in the conference rooms there. So, when
 13 you come tomorrow, you take the elevators all of
 14 the way up to the sixth floor. So, I'm sorry for
 15 the inconvenience.
 16 I would like to thank Deborah Gibson,
 17 who is in the back and has been assisting with
 18 setup and the rearranging. So, I hope they're
 19 adequate for us today.
 20 Okay, this is the time and place for a
 21 hearing regarding a protest filed against
 22 Application to Appropriate Water No. 63-32573.
 23 My name is Gary Spackman. I've been asked by the
 24 Director to conduct this hearing today.
 25 Assisting me today is Jeff Peppersack.

1 He's on my right and he'll be running the
 2 recording equipment. And we are operating two
 3 recorders. And then I guess as a backup,
 4 Mr. Fereday, you've retained a Court Reporter
 5 too. I assume you've done that on your own
 6 volition.
 7 MR. FEREDAY: That's correct.
 8 THE HEARING OFFICER: Okay. And so, I
 9 think before we go on the record, maybe we ought
 10 to ensure that we have everybody's name for the
 11 Court Reporter. And she asked that. So, maybe
 12 at this point in time we could at least have the
 13 parties -- you have Jeff Peppersack and his name?
 14 THE COURT REPORTER: Yes.
 15 THE HEARING OFFICER: You know
 16 Mr. Fereday.
 17 MR. FEREDAY: Mr. Hearing Officer, I'm
 18 Jeff Fereday with the firm of Givens Pursley.
 19 With me today is my associate, Michael Lawrence.
 20 He will be conducting some of this hearing
 21 alongside me.
 22 To his left is Bill Brownlee, who is
 23 the managing director of M3 Eagle. Steve Holt is
 24 on his left and is one of our experts today. We
 25 also have Scott Wonders, one of our engineers,

Page 6

1 Dr. John Church, and Mr. Ed Squires is in the
2 back as well. These individuals all will be
3 playing a role in this hearing.
4 THE HEARING OFFICER: Okay.
5 MR. FEREDAY: And we'll have others in
6 subsequent days.
7 THE HEARING OFFICER: All right. And
8 Mr. Thornton?
9 MR. THORNTON: Yeah, I'm John Thornton
10 with North Ada County Groundwater Users
11 Association and today helping me out is Jerry
12 Peterson.
13 THE HEARING OFFICER: Okay. It's been
14 a long road to get to this point. Mr. Thornton,
15 you have a couple of comments?
16 MR. THORNTON: For Alan's name --
17 THE HEARING OFFICER: Oh, I'm sorry.
18 Mr. Smith? I have other protestants here today.
19 Why don't you identify yourself for the Reporter.
20 MR. ALAN SMITH: Alan Smith, spokesman
21 for Eagle Pines and myself. My son Jason Smith
22 is next to me. And Norman Edwards, also a member
23 of Eagle Pines and on the board of directors to
24 the far right.
25 THE HEARING OFFICER: Okay. And let's

Page 7

1 see, have we identified everybody now? Let's go
2 through the list. So, we have M3 Eagle
3 represented. We have North Ada County
4 Groundwater Users Association represented. We
5 have Alan Smith and the -- and give us the name
6 again. It's Pines?
7 MR. ALAN SMITH: Eagle Pines.
8 THE HEARING OFFICER: Eagle Pines.
9 MR. ALAN SMITH: Eagle Pines Water
10 Users Association.
11 THE HEARING OFFICER: And then Alan
12 Smith, you're representing yourself?
13 MR. ALAN SMITH: Correct.
14 THE HEARING OFFICER: And by the way, I
15 just show a single protest. I don't show an
16 individual one for your son; is that correct?
17 MR. ALAN SMITH: No, he's just
18 appearing as a family member, which I understood
19 was authorized under the order.
20 THE HEARING OFFICER: So, he's not
21 appearing separately as a party, though?
22 MR. ALAN SMITH: No.
23 THE HEARING OFFICER: And then Bill
24 Lawton, is he here today?
25 MR. ALAN SMITH: No.

Page 8

1 THE HEARING OFFICER: Pardon me?
2 MR. ALAN SMITH: Bill Lawton is not
3 able to be here today.
4 THE HEARING OFFICER: Okay. And then
5 Norm Edwards?
6 MR. ALAN SMITH: Norm Edwards on the
7 far end.
8 THE HEARING OFFICER: All right, I will
9 tell everyone and reveal, and I didn't have an
10 opportunity to send this out, I wasn't sure that
11 it was sent to the parties. There were some
12 things that came in late last week. I received
13 some correspondence from Bill Lawton. He
14 indicated to me that he would not be able to
15 attend all of the hearing. And I didn't have a
16 chance to work through a response. I was hoping
17 Mr. Lawton would be here today. I think he has
18 an obligation to be here as a party and to work
19 through this.
20 And so, my intention is even though he
21 sent me a letter and said, "I can't attend all of
22 it. I'd like to know when I can be here to
23 testify," if he's not here to participate as a
24 party throughout the duration of the hearing, my
25 intention would be to send a notice of default to

Page 9

1 him. I can't have somebody that is acting as a
2 full party and not participating in the
3 proceeding. So, my intent would be to send him a
4 notice of default if he doesn't appear, or if he
5 does appear, to tell him that his ability to
6 participate in the hearing is limited because of
7 his non-participation through the entire hearing.
8 So, if any of you have an opportunity
9 to get in touch with him, I would suggest that
10 you forward that information.
11 MR. ALAN SMITH: I will so advise him,
12 Mr. Spackman. And we may still call him as a
13 witness, but I'll advise him that he's --
14 THE HEARING OFFICER: That would be
15 acceptable. Okay, any other parties that I've
16 missed? Are you aware of any, Mr. Fereday?
17 MR. FEREDAY: No.
18 THE HEARING OFFICER: Mr. Thornton?
19 MR. THORNTON: David Head will be in
20 attendance. I think you understand we're trying
21 to cover the gaps. So, he will be in later
22 today. So --
23 THE HEARING OFFICER: Okay. And I
24 don't know what that means in terms of "covering
25 the gaps."

1 MR. THORNTON: Well, that's what we
2 talked about where we were both representing
3 NACGUA just because of the full-time occupations
4 and commitments we have. So, at least one of us
5 will be here all of the time and it may vary as
6 to who. Right now my intention is to be here
7 full time and David will try to be here full time
8 as much as he can. Today he will be limited.

9 THE HEARING OFFICER: Well, it raises
10 some concerns for me about continuity in the
11 hearing. In other words, if there's evidence
12 presented, you're here, and then there are
13 questions or there's cross-examination
14 subsequently, I don't know how Mr. Head can
15 adequately cross-examine a witness or really
16 follow the train of thought that we're going
17 through in the hearing if the two of you are
18 trading off.

19 MR. THORNTON: And that's
20 understandable. So, I will be here all of the
21 time. I just want to make sure that it's
22 acceptable that David, when he is here, we will
23 be working together, but I will make sure that I
24 am here for the continuity all of the time.

25 THE HEARING OFFICER: Okay, and we'll

1 work through the details.

2 MR. THORNTON: Okay.

3 THE HEARING OFFICER: All right, I have
4 a couple of pending motions that came in or
5 petitions. One is a petition for review of a
6 December 1, 2008, order that I signed. That
7 petition came in late last week. There was a
8 response to it.

9 I have spent -- and by the way, I just
10 looked, before coming down here I looked and saw
11 that there was a fax that came through this
12 morning shortly after 8:00. It came in from
13 David Head.

14 Mr. Fereday, I don't know that you've
15 even seen that fax or whether it was sent to you.
16 I didn't get far enough through it. It
17 apparently had to do with this particular
18 petition.

19 This petition apparently raises some
20 concern about the use of depositions. As I spent
21 quite a bit of time in this particular petition,
22 and I spent more time than I wanted to, I guess I
23 fail to comprehend the importance or significance
24 of this petition. And I think the early filing
25 didn't set forth the argument that I needed to

1 understand the concern.

2 Now, Mr. Head's correspondence this
3 morning at least raised some issue about use of
4 these depositions that were taken of the various
5 parties that were subsumed into the protest of
6 North Ada County Groundwater Users Association.
7 And I still fail to understand the significance.

8 The depositions cannot be used directly
9 as evidence unless the parties stipulate to the
10 use of that deposition. So, the deposition would
11 only be used for purposes of impeachment. If a
12 witness is called and then from -- and then
13 doesn't testify as previously, given sworn
14 testimony that came out.

15 So, I don't understand the
16 significance. And unless there's some early
17 argument given to me, I have an order denying
18 that particular petition. So -- Mr. Thornton?

19 MR. THORNTON: I don't think I could
20 articulate it any better than what was written in
21 our basis for that.

22 THE HEARING OFFICER: Okay.

23 MR. THORNTON: Our main concern was we
24 were put together as a group, North Ada County
25 Groundwater Users Association, and we were the

1 representatives of that. And the depositions
2 were for individuals as NACFA. None of us were
3 deposed as -- I mean of NACGUA. None of us were
4 deposed as NACGUA folks, we were deposed as
5 individuals.

6 And at that time we were not sure how
7 many witnesses were going to be called by M3 and
8 we were basically trying to go ahead and
9 eliminate a lot of the impact on a lot of our
10 individual protestants who went through the
11 depositions we think inappropriately to have to
12 be called to trial, to this hearing again, making
13 more of an impact on them.

14 David and I were trying to take the
15 brunt of that work and not affect all of the
16 groups that we -- all of the individuals that we
17 are representing.

18 THE HEARING OFFICER: Well, I don't
19 know who Mr. Fereday may intend to call with
20 respect to the protestants themselves. My guess
21 is Mr. Fereday probably would not call those
22 protestants.

23 MR. THORNTON: Well, and that's what we
24 found out with the witness list that was turned
25 in.

1 THE HEARING OFFICER: So, again, I
2 don't see the significance of the petition. And
3 frankly, many of the points and authorities I
4 think were moot or had no relevance. Ms. Beeman
5 has withdrawn as counsel. Any argument about
6 conflicts has disappeared. And frankly, the
7 petition, to me, bordered on being frivolous and
8 without bearing, if you want to know the truth.
9 And I spent more time on it than --

10 So, I've signed it. There will be a
11 copy that will be distributed to all of you. So,
12 I've addressed one of them. There's also a
13 motion in limine that's pending that came in
14 late. I've not addressed that. I've scanned the
15 motion, Mr. Fereday. I've had enough time to do
16 that. And at least I guess I understand the
17 basis of the motion.

18 And my understanding is the basis of
19 the motion is that the protestants may intend to
20 call expert witnesses that were not identified
21 when those experts were supposed to be
22 identified, or at least the identification of
23 those witnesses was withdrawn. And consequently,
24 because of that express withdrawal, those experts
25 were not deposed. There was no attempt to

1 explore what testimony those experts might
2 present. Have I adequately --

3 MR. FEREDAY: That's correct.

4 THE HEARING OFFICER: -- summarized
5 that? And so, I need to address that at some
6 point in time. I don't need to address it
7 necessarily right now. I guess I'd defer that
8 and let you think about it or have some chance to
9 argue in response, Mr. Thornton.

10 MR. THORNTON: I guess our intent is
11 with Norm Young and Paul Drury as witnesses, is
12 we didn't identify them as expert witnesses when
13 we were asked to submit the list. They can be
14 just general witnesses. They're not going to be
15 used in terms of like Dr. Ralston. They have a
16 lot of information that is process oriented and
17 some work that they've done that I would not look
18 at as expert. To me they're a general witness.
19 What we're after is just trying to get the best
20 information out.

21 For the same reason, when Jeff Fereday
22 identified two other additional expert witnesses,
23 or one that they wished to call, the
24 geophysicist, who I don't remember his name, and
25 then one of your Department members, I'm

1 perfectly fine with having all of the appropriate
2 information out. That's why we're not trying to
3 argue against having those witnesses which were
4 either an oversight or not added onto the list.
5 We're fine with those folks being on. All we
6 want to do is get the right folks with the right
7 information out.

8 And so, to me, we don't have a problem
9 with M3 having those witnesses. I guess I'm
10 surprised that M3 and Jeff Fereday is against
11 having our witnesses which were not identified as
12 expert witnesses, just general witnesses, onboard
13 in terms of just trying to get the facts out, the
14 information out for a proper decision to be made.

15 THE HEARING OFFICER: Mr. Fereday?

16 MR. FEREDAY: Mr. Hearing Officer, the
17 problem here is that these protestants named
18 Mr. Drury and Mr. Young as expert witnesses and
19 then affirmatively withdrew them prior to the
20 time when depositions were in order. Therefore,
21 those individuals were not deposed, as you know,
22 nor did we have an opportunity after that to
23 reopen the depositions, nor do we want to at this
24 point.

25 The idea that they are now to be called

1 potentially as general witnesses, presumably lay
2 witnesses, puts them then in a category of
3 individuals who also were not identified even as
4 lay witnesses. But in any event, they would not
5 be entitled to testify as to any opinion in that
6 new status if they were called in that status.
7 So, our motion in limine asked that they not be
8 allowed to testify as experts.

9 We also note that NACGUA called them or
10 identified them as private consultants in the
11 same -- using the same language that they
12 identified Dr. Ralston. So, we're not sure what
13 they mean by the statement "general witness," but
14 we would want an order making it clear that they
15 would not be entitled to present expert
16 testimony.

17 As to our naming of an additional
18 witness, Mr. Loren Pearson, he was not an
19 additional witness. He was named originally and
20 listed originally as one of our experts. We
21 inadvertently left him off the more recent list
22 when we exchanged witness lists with the
23 protestants. And we remedied that with some
24 papers just the other day. So, Mr. Pearson had
25 always been available for deposition, as all of

Page 18

1 our experts have been available from the
2 beginning.
3 In the case of the protestants, they
4 initially made experts available, three of them,
5 then withdrew two. So, we only deposed one.
6 That's the problem. And we ask for an order
7 granting that motion.
8 THE HEARING OFFICER: Okay,
9 Mr. Thornton, before either of those witnesses
10 testify or you attempt to call them, I want to
11 know what subjects it is that they intend to
12 testify about. And if there are any subjects of
13 a technical nature that I would view as being
14 expert testimony, I won't let them testify or
15 their testimony will be very limited. Because
16 the purpose of that disclosure, the early
17 disclosure that's required for expert witnesses,
18 is to allow the full exploration of the expert
19 witnesses' knowledge, testimony, so that the
20 parties can adequately prepare for the hearing.
21 And the kind of disclosure and then withdrawal
22 where you identify and then withdraw them, I
23 think acts to the prejudice of a party. I want
24 to have all of the information come in, but I
25 also need to protect the parties so that they can

Page 19

1 prepare for what's coming.
2 So, I want a very detailed explanation
3 of what it is they intend to testify about. And
4 if one of them grew up in the area and they have
5 personal observations about what's happened over
6 time and they're a lay witness, I may consider
7 letting that come in, but I don't want expert
8 testimony --
9 MR. THORNTON: Okay, that sounds fine.
10 THE HEARING OFFICER: -- from those
11 witnesses.
12 Okay, with respect to testimony and
13 documentation, there was a deadline for submittal
14 of some additional reports in response to the
15 staff memorandum or a staff memorandum prepared
16 by Department staff. At least one of those came
17 in. Department staff reviewed that document and
18 have at least told me that there are some
19 documents that staff wants to refer to during the
20 presentation. And so, I guess I would like those
21 identified right now. Sean or Dennis?
22 MR. OWSLEY: I have three --
23 THE COURT REPORTER: Could you identify
24 yourself, please.
25 MR. OWSLEY: My name is Dennis Owsley

Page 20

1 with the Department of Water Resources. I have
2 three documents I would like to submit. The
3 first one is an aquifer test prospectus produced
4 by Hydro Logic with Department comments attached
5 regarding the aquifer test that was conducted on
6 the M3 property.
7 The second document is a report
8 produced by Spencer Wood titled "Hydrogeologic
9 Framework of the Boise Valley in Southwest Idaho"
10 dated April 21, 1997. This is in response to the
11 April 1st technical memorandum produced by
12 Hydro Logic.
13 And the third document is titled,
14 "Hydrogeologic Framework of the Boise Aquifer
15 System, Ada County, Idaho," authored by Edward
16 Squires, Spencer Wood, and James Osiensky dated
17 March, 1992.
18 I have copies of the first two for all
19 of the parties. The third document was rather
20 lengthy and I only have one copy that I would
21 present for the record. So, I guess --
22 THE HEARING OFFICER: And what I want
23 to do is lay these out for the parties so that
24 they have an opportunity to review them. And
25 then as staff testifies -- and we haven't yet

Page 21

1 talked about how that testimony comes in, we'll
2 do that in just a minute. But I want to make
3 sure that those documents are available for
4 review over the course of our hearing. And we'll
5 have some breaks. So, it's not all together.
6 Parties will have an opportunity to review those
7 and comment about their admissibility, whether
8 they ought to come in or not.
9 It's my intention to use the best
10 information and all of the information that I
11 have at my disposal and staff have, staff has
12 actually, and make that a part of the record as
13 we review it. And I want to make that
14 information part of the record now and not later
15 on so that we have some procedural problems that
16 crop up.
17 So, why don't you distribute those,
18 Dennis, and let's make the others available.
19 MR. OWSLEY: Okay.
20 THE HEARING OFFICER: And, you know, if
21 there are objections or other problems with each
22 particular document that the parties feel ought
23 to be entered, then we'll go through those as the
24 hearing proceeds.
25 MR. OWSLEY: Here's the one version of

1 the third reference.
 2 THE HEARING OFFICER: Just set that
 3 here.
 4 MR. FEREDAY: Mr. Hearing Officer, I
 5 assume that that third reference will be copied
 6 and made available to us today?
 7 MR. OWSLEY: Sure.
 8 THE HEARING OFFICER: I guess we ought
 9 to kick it out, Dennis.
 10 Yes, John?
 11 MR. THORNTON: My question: When you
 12 started describing I believe the responses to the
 13 IDWR staff memorandum --
 14 THE HEARING OFFICER: Yes.
 15 MR. THORNTON: -- and obviously M3
 16 through Ed Squires submitted their report on
 17 that. I think I heard you say that you received
 18 one of those. And I just wanted to make sure
 19 that -- we had sent one in from Dr. Ralston. It
 20 was a rather brief one, but we sent that in, his
 21 response to IDWR's. So, I thought I heard you
 22 say just one document came in.
 23 THE HEARING OFFICER: I don't think so.
 24 I noted that I knew there was one that was quite
 25 extensive that Mr. Squires had submitted.

1 MR. THORNTON: Right.
 2 THE HEARING OFFICER: But frankly,
 3 these documents are coming in and there are a lot
 4 of documents coming in. And if you guys are
 5 keeping track of all of those, you're doing
 6 better than I am.
 7 MR. THORNTON: And I think between all
 8 of the parties, we have shared that document.
 9 And I think we've acknowledged that and everybody
 10 is -- so, I take it between the parties we know
 11 that document is there.
 12 THE HEARING OFFICER: And staff
 13 actually has tracked that better than I have.
 14 MR. THORNTON: Okay. All right.
 15 THE HEARING OFFICER: So, they're aware
 16 of it. They've reviewed those documents.
 17 MR. THORNTON: That's fine.
 18 THE HEARING OFFICER: And these are
 19 just documents that fill in for them as they
 20 testify.
 21 MR. THORNTON: Okay, that's fine.
 22 MR. FEREDAY: Mr. Hearing Officer?
 23 THE HEARING OFFICER: Yes.
 24 MR. FEREDAY: We can acknowledge that
 25 we too did receive Mr. -- or Dr. Ralston's two

1 pager in response to the staff memorandum. So,
 2 what Mr. Thornton says is correct, it was
 3 submitted at least to us.
 4 THE HEARING OFFICER: Okay. All right,
 5 let's talk about the order of testimony a little
 6 bit. I indicated in one of the orders that went
 7 out that staff would be available for
 8 examination. I also anticipate the staff will be
 9 called, that I as a Hearing Officer will call
 10 staff to testify. And I assume that both Dennis
 11 Owsley and Sean Vincent will be called. I would
 12 not ask them questions directly but would allow
 13 them to narrate testimony. And my question is,
 14 Mr. Fereday and Mr. Thornton: In the order of
 15 your presentation of testimony, when would you
 16 like to have that presentation made?
 17 MR. FEREDAY: We would like the
 18 presentation made relatively early, Mr. Hearing
 19 Officer, perhaps presumably as early as tomorrow.
 20 We anticipate putting on witnesses to describe
 21 the project in general and some of its physical
 22 aspects, then start with Mr. Roger Dittus to give
 23 us kind of an overview of the aquifer in the area
 24 and its development in recent decades and then
 25 have the staff testify after that.

1 THE HEARING OFFICER: Okay, my
 2 preference would be to have them testify perhaps
 3 after the presentation of your testimony and then
 4 allow rebuttal. I mean, once you close, then
 5 allow you to call rebuttal witnesses. Because I
 6 think it contrasts. But on the other hand, I
 7 don't want to disrupt in some way the
 8 presentation of your testimony. You can actually
 9 call them as witnesses if you wanted to do that,
 10 Mr. Fereday.
 11 MR. FEREDAY: Mr. Hearing Officer, that
 12 was our intent to call them as our witnesses,
 13 adverse witnesses, if you will.
 14 THE HEARING OFFICER: Okay.
 15 MR. FEREDAY: And that, then, would
 16 allow our technical experts to testify both in
 17 terms of their direct testimony and in terms of
 18 rebuttal, which I think would make the hearing go
 19 more efficiently. So, that was our thought.
 20 THE HEARING OFFICER: Okay, that's fine
 21 and I think that's your prerogative and you have
 22 the ability to call them. I'll reserve, however,
 23 the opportunity to allow them to come back on and
 24 hear any testimony related to any matters they
 25 want to clean up following the presentation of

1 your case, Mr. Fereday.
 2 MR. FEREDAY: We understand that.
 3 THE HEARING OFFICER: Okay, fine. And
 4 Mr. Thornton, you have, and the other parties,
 5 you have the opportunity to call them as well as
 6 witnesses, but hopefully we can get some of that
 7 out during the examination.
 8 Now, I guess one of the other questions
 9 that I need to ask, Mr. Fereday, is how much
 10 latitude you want to allow the protestants in
 11 asking questions particularly of your expert
 12 witnesses that may go beyond the scope of your
 13 examination. And, you know, they may want to
 14 recall some of those people, but you have the
 15 right to protect your case and the way in which
 16 your evidence comes in. And maybe we can handle
 17 that as we go along listening to the nature of
 18 the questions. It's a concern I always have, and
 19 that is sometimes we can be more efficient and
 20 move things along if we allow some latitude. On
 21 the other hand, I don't want it to dilute the
 22 testimony that you bring in and the way in which
 23 you bring it in.
 24 MR. FEREDAY: I appreciate that,
 25 Mr. Hearing Officer. We would propose that we

1 consider those matters as they come up. In
 2 general, we would not want to see questioning
 3 beyond the scope of Direct, but we also recognize
 4 that in the interests of efficiency, getting
 5 those facts out even in an out-of-order fashion
 6 sometimes can move the hearing along and we will
 7 be mindful of that.
 8 THE HEARING OFFICER: All right. Let's
 9 talk about the order of presentation of
 10 testimony. Protestants are representing
 11 themselves. I have some obligation to explain
 12 this. And we're not recording it; are we?
 13 MR. PEPPERSACK: (Shaking head.)
 14 THE HEARING OFFICER: It doesn't
 15 matter. But the Applicant bears the burden of
 16 proof regarding the factors that the Department
 17 must consider in this application. And this is a
 18 new water right application. The factors are set
 19 forth in Idaho Code Section 42-203A and I think
 20 in the correspondence that you've received
 21 previously, those factors have been set forth. I
 22 don't necessarily need to go through them. I
 23 think Mr. Fereday and Mr. Lawrence are well aware
 24 of what those factors are.
 25 In addition to those, the application

1 is also seeking water for reasonably anticipated
 2 future needs. And so, there are some additional
 3 requirements of proof related to that particular
 4 additional request. And we can go through those
 5 if you want to do that today. I think
 6 Mr. Fereday will put on proof related to those
 7 factors as well. So, I'd like to not take the
 8 time to do that. Perhaps if there's a question
 9 about it, we can cover it either in a recess or
 10 as we go along.
 11 So, but those are the factors that
 12 Mr. Fereday needs to establish and those are also
 13 the factors that limit the boundaries of what I
 14 can consider. And particularly with respect to
 15 the local public interest, and I'll paraphrase it
 16 badly, the issues related to the public interest
 17 have to do with water resources in the local area
 18 and the interests of the people in the local area
 19 in those water resources. So, it can't be issues
 20 of planning and zoning. It can't be lights,
 21 traffic, flies, noise. Some of those may not be
 22 associated with these particular applications,
 23 but there are a myriad of public interest issues
 24 that are not related to water. So, it has to be
 25 directly related to the water resources in the

1 local area. Okay?
 2 All right. Now, the other thing I need
 3 to talk to the protestants about is in
 4 examination, Mr. Fereday will go forward first.
 5 He'll call witnesses. He'll examine them. And
 6 then when he finishes for each witness, you will
 7 each have an opportunity to cross-examine his
 8 witnesses. And I need to know the order in which
 9 you want to examine. Mr. Thornton, I assume you
 10 would go first?
 11 MR. THORNTON: I'd leave it up to -- we
 12 haven't discussed that at all. So, I don't want
 13 to presume that we should be before the other
 14 protestants. I'm fine with wherever we're at in
 15 the line.
 16 THE HEARING OFFICER: All other
 17 protestants, do any of you want to lead out?
 18 MR. ALAN SMITH: What?
 19 THE HEARING OFFICER: Lead out in
 20 cross-examination?
 21 MR. ALAN SMITH: We'll follow
 22 Mr. Thornton.
 23 THE HEARING OFFICER: Okay. All right.
 24 So, the order I think I'll go in here is
 25 Mr. Thornton, then Mr. Smith, and then

1 Mr. Edwards. Okay?

2 MR. EDWARDS: Okay.

3 THE HEARING OFFICER: Unless you want
4 to be somewhere in that, but I'll just go down
5 the table. All right. Now, when you examine
6 another party's witness and that witness is
7 adverse to you, it's called "cross-examination."
8 And that means you ask a question and then the
9 witness attempts to answer that question.

10 When you ask a question, I'll ensure
11 that the witness waits until you're finished.
12 And your responsibility is to wait until the
13 witness is finished answering before you ask the
14 next question.

15 If the witness doesn't answer the
16 question the way you would like to hear it
17 answered, ask another question. And if the
18 witness still doesn't answer it or if the answer
19 conflicts with your own point of view, ask
20 another question and continue to ask questions.

21 As soon as you start to express your
22 own opinion on the subject, I will be very swift
23 and quick to say: "You're now attempting to
24 testify. I can't allow that to happen. Please
25 ask another question."

1 And if ultimately the witness doesn't
2 express an opinion or testify as you would like
3 them to do or their opinion differs from yours,
4 you'll have an opportunity to respond and testify
5 yourself later in the hearing.

6 So, just remember: "Examination" means
7 you ask questions, they answer the questions.
8 And they don't have the chance to ask questions
9 of you and you don't have the chance to testify
10 when they're testifying.

11 And the reasons for that are twofold.
12 Maybe I don't need to explain it. But one is: I
13 need to keep the record straight. The Court
14 Reporter has a terrible time with that too.
15 Okay?

16 And the other reason is if I have a
17 role reversal, then it becomes an argument, it
18 becomes argumentative and combative. And that's
19 never good for bringing out information.

20 So, please, when I do that, and
21 Mr. Fereday may even object, it's just because I
22 need to maintain that order in the record. Okay?
23 It's not a personal affront.

24 Okay, now there may be other objections
25 that are voiced. And you're entitled to voice

1 those if you think you have a legal basis for
2 that objection. Mr. Fereday or Mr. Lawrence may
3 voice an objection. And if they do, they'll give
4 their reason for the objection, and I'll allow
5 you to make some argument, then I need to rule on
6 the objection.

7 My intent here is to try to get all of
8 the information I can in. I need all of the
9 technical information as well as the personal
10 knowledge of the people here that's relevant to
11 the matters I need to consider. And so, we as an
12 administrative agency, we have wide latitude of
13 what comes into the record. But there are some
14 things that I think are worthy of saying, "This
15 should not come in." So, we'll work on that as
16 we go through. Okay?

17 Yes?

18 MR. THORNTON: I have a question. Is
19 there a protocol for objecting so we kind of know
20 what that process is? I mean, if we're hearing
21 something that we're -- not necessarily on a
22 technical aspect, maybe it's procedural or
23 something, is there a -- I don't know if you
24 raise your hand or just say "I object" or -- I
25 have no idea what that process is.

1 THE HEARING OFFICER: Well, without
2 getting into too much detail, if it's something
3 that you disagree with, that's not grounds for
4 objection.

5 MR. THORNTON: Correct.

6 THE HEARING OFFICER: If it's really
7 not relevant to the issues that I need to
8 consider, that is one of the major objections,
9 then I'll listen to it.

10 MR. THORNTON: My question is: How do
11 we express an objection? I don't know if you
12 raise your hand or -- you know.

13 THE HEARING OFFICER: You just voice
14 it.

15 MR. THORNTON: Okay.

16 THE HEARING OFFICER: "I object,
17 Mr. Hearing Officer" or "Mr. Spackman." And if
18 you do that, then we stop and we go through, then
19 we talk about it, and then I rule on it.

20 MR. THORNTON: Okay.

21 THE HEARING OFFICER: Okay? All right,
22 exhibits. I think everybody has been assigned a
23 numbering order. Is everyone comfortable with
24 that?

25 MR. FEREDAY: That's right, Mr. Hearing

1 Officer. And we have provided you with a set of
2 binders that contains all of the exhibits that we
3 have identified. Those are yours to keep. Yes?

4 MR. LAWRENCE: I'm sorry, I think that
5 that's just the technical documents submitted on
6 November 26th.

7 MR. FEREDAY: Oh, okay.

8 MR. LAWRENCE: The actual exhibit
9 binders are located on the table to the right.
10 And there's a set for the Hearing Officer, for
11 the witness, and for the clerk, I believe.

12 THE HEARING OFFICER: So, four binders,
13 as I'm looking at the table?

14 MR. LAWRENCE: From M3, that's correct.

15 THE HEARING OFFICER: Okay.

16 MR. FEREDAY: And those binders do
17 include all of the exhibits that were submitted
18 on November 26th.

19 THE HEARING OFFICER: Okay.

20 MR. FEREDAY: And more.

21 THE HEARING OFFICER: All right.
22 Mr. Thornton, are you comfortable with that?

23 MR. THORNTON: Yeah, our exhibits,
24 we've got a couple of file boxes over there. And
25 when we use an exhibit, we were informed, and I

1 think they understand that, we will need to offer
2 the Hearing Officer a copy of that if we're to
3 pull it up as an exhibit. So, we'll do that on
4 an individual basis. As least that's how we
5 understood that worked.

6 THE HEARING OFFICER: Okay.

7 MR. FEREDAY: Mr. Hearing Officer, just
8 a point of clarification: I assume that
9 Mr. Thornton in referring to the file box is
10 referring to the documents that were provided to
11 us in the two binders; is that correct?

12 MR. THORNTON: Yes, they are.

13 MR. FEREDAY: And there are no exhibits
14 beyond that?

15 MR. THORNTON: No.

16 THE HEARING OFFICER: Okay. And I
17 wanted to call on Mr. Smith. He's not here.

18 MR. JASON SMITH: Yeah, he's indisposed
19 for a minute. But, yeah, we dropped off all of
20 our exhibits to Fereday's and also to you last
21 week. You should have a copy of everything we've
22 got as far as what we're going to present.

23 THE HEARING OFFICER: Okay.
24 Mr. Edwards?

25 MR. EDWARDS: I have no exhibits.

1 THE HEARING OFFICER: Okay. And I
2 don't know whether the parties have talked about
3 stipulating to the admission of any of these
4 exhibits. Is that worth exploring at this point
5 or --

6 MR. LAWRENCE: Yes, Mr. Hearing
7 Officer, we spoke with the protestants prior to
8 the exchange of exhibits and we stipulated at
9 that time to the admission of M3's exhibits
10 numbered 1 through 50 with the exception of
11 No. 45, which they had not yet received. It was
12 filed shortly after our conversation. I don't
13 know at this point if they would like to
14 stipulate to the admissibility of that document
15 as well. It was left open. That document was
16 M3 Eagle's technical memorandum dated April 1 in
17 response to the staff memorandum.

18 THE HEARING OFFICER: Mr. Thornton, is
19 that your understanding?

20 MR. THORNTON: Yeah, we have no problem
21 with that being admitted as evidence. And in a
22 conference call we had about a week ago or so
23 with Mr. Lawrence, we agreed to it at that point.

24 THE HEARING OFFICER: So, you've
25 stipulated, then, to the admission of Exhibit

1 Nos. 1 through 50?

2 MR. THORNTON: Including 45, correct.

3 THE HEARING OFFICER: Okay. Mr. Smith,
4 perhaps you can --

5 MR. JASON SMITH: I believe that's
6 correct for Dad also.

7 THE HEARING OFFICER: Okay,
8 Mr. Edwards?

9 MR. EDWARDS: Yes.

10 THE HEARING OFFICER: So, we'll read
11 that into the record when we go on. That will
12 save us a lot of time in offering and having them
13 received into evidence. Okay.

14 And then is there any kind of
15 reciprocal agreement with respect to admission of
16 the protestants' documents? Mr. Lawrence?

17 MR. LAWRENCE: Yes, Mr. Hearing
18 Officer, we also discussed the admission of
19 certain NACGUA documents. I don't know if John
20 would like to go over those. I don't have that
21 list in front of me, John.

22 MR. THORNTON: Yeah, we have a list of
23 documents that were originally submitted as of
24 November 26th to all of the parties. And those
25 have been shared among the parties and agreed to,

1 stipulated that they would be appropriate.
 2 Those start out No. 200 and then end --
 3 I'm just looking at my list here. And we ran out
 4 of numbers in the 200's and then, so we went
 5 ahead and jumped up to 800 to make sure we
 6 weren't going to duplicate anybody else's. And
 7 that list ended at No. 832. I'll make sure that
 8 Michael agrees with that. And then we had a list
 9 of other documents, 833 through 858, which were
 10 not stipulated to, and we understand that they
 11 potentially could object to that.
 12 MR. LAWRENCE: Excuse me, Mr. Hearing
 13 Officer. My understanding, and I am now looking
 14 at NACGUA response to IDWR's order scheduling the
 15 exchange of information, and there's three lists
 16 contained here. The first list I believe is the
 17 only list that M3 stipulated to the admission of.
 18 MR. THORNTON: And I misspoke. That is
 19 correct. It's the first list. That ends at
 20 document No. 255.
 21 THE HEARING OFFICER: So, 200 through
 22 255?
 23 MR. THORNTON: Yes.
 24 MR. FEREDAY: Mr. Hearing Officer, at
 25 this point I would like to note that it appeared

1 in NACGUA's most recent filing that some of their
 2 documents were double included. There would be
 3 two different numbers in the 200's naming the
 4 same document. I'm not sure if that was an
 5 oversight or what happened there, but I just
 6 wanted to call that to the Hearing Officer's
 7 attention. We at least noticed that and maybe
 8 that was just an oversight.
 9 MR. THORNTON: Yeah, it was an
 10 oversight. Michael and I worked that out. We
 11 had a number, doing it at 3:00 in the morning,
 12 putting it together, we duplicated some. There
 13 was not any intention of duplicating them. And
 14 Michael and I worked that out. And there was one
 15 duplication on M3's list that we both understand.
 16 So, I believe that they're worked out.
 17 THE HEARING OFFICER: Okay. So, when
 18 we go on the record, I'll also state and have the
 19 parties acknowledge that NACGUA's Exhibits 200
 20 through 255 have been received in evidence.
 21 MR. THORNTON: Yes.
 22 THE HEARING OFFICER: And then
 23 Mr. Smith, has there been any discussion with the
 24 parties about -- with the Applicant about
 25 exhibits that you may wish to offer?

1 MR. ALAN SMITH: No, sir.
 2 THE HEARING OFFICER: Okay. And you
 3 have some exhibits that you may wish to offer?
 4 MR. ALAN SMITH: I believe 400 through
 5 425, which is a map and -- I believe you have all
 6 of it.
 7 THE HEARING OFFICER: Well, you'll
 8 still need to offer those as exhibits as we go
 9 along.
 10 MR. ALAN SMITH: Yes.
 11 THE HEARING OFFICER: So, if you want
 12 to offer them -- and we'll work through the
 13 process, but as you bring them to a witness or
 14 you're referring to them yourself as you're
 15 testifying, then you'll need to lay a foundation
 16 for them and ask that they be received into
 17 evidence. And Mr. Fereday will have an
 18 opportunity to state whether he objects or not to
 19 their admission. And then we'll work through it
 20 as we go along.
 21 And Mr. Edwards, you didn't have any
 22 exhibits?
 23 MR. EDWARDS: (Shaking head.)
 24 THE HEARING OFFICER: Okay. All right,
 25 I appreciate the work of the parties in trying to

1 identify those and stipulate to their admission.
 2 All right, just a few other cleanup
 3 matters and then we need to go on the record. I
 4 have an overhead projector here that's shining.
 5 I don't know whether it will be in the eyes of
 6 the witness or not. What do we want to do with
 7 this overhead in our present configuration? Will
 8 you be running this overhead throughout the
 9 presentation, Mr. Fereday, or what's your intent?
 10 MR. FEREDAY: Yes, we will. We intend
 11 to use it with several of our witnesses. And we
 12 would hope that the witness could be in a
 13 position where he could see the screen as well as
 14 see me or Mr. Lawrence. So, the current
 15 configuration is not optimal in that regard.
 16 THE HEARING OFFICER: Well, I wonder,
 17 and I've asked Deborah Gibson if perhaps she
 18 could find us another portable screen. And
 19 perhaps we could project -- well, I guess I was
 20 thinking, although the Court Reporter is here,
 21 but I was thinking in this corner we could
 22 project in that direction. If we could reorient
 23 the projector to some degree, project out this
 24 way because there's space, and it would be
 25 visible to the witness.

1 MR. FEREDAY: Certainly.
 2 THE HEARING OFFICER: And everybody out
 3 there. So, Debbie, if you would be willing to go
 4 try to find one. Because I think in our present
 5 configuration it's not very good.
 6 Okay, a few other cleanups. I heard
 7 one cell phone go off already. We're not
 8 recording yet, but as we get into the proceeding,
 9 having cell phones or pagers or whatever go off,
 10 the Lone Ranger Suite isn't very good in the
 11 middle of it. It's better in a hearing than in a
 12 symphony. But anyway, if you'll turn them off,
 13 please, I would appreciate it.
 14 The other thing that I want to mention
 15 is that there are some people out here that I
 16 don't recognize. They may be from the press,
 17 they may be from other quarters, they may be here
 18 out of interest. And you're welcome. I'm happy
 19 to have whatever is presented recorded. The
 20 media is welcome at these proceedings. But I do
 21 ask that you give due respect to the sobriety of
 22 the hearing itself and the process. It is a
 23 semi-judicial proceeding. We call witnesses.
 24 And consequently, I'd ask that you give the
 25 witnesses and the attorneys and the participants

1 the same level of respect that you would in a
 2 court of law. I don't necessarily deserve that
 3 respect, but these people do. And sometimes,
 4 honestly, if there's a disruption, it really is
 5 difficult to hear what's happening and maintain
 6 our train of thought.
 7 So, if you want to visit, if you want
 8 to interview people, there's space out in the
 9 halls. We have a conference room up on the sixth
 10 floor, two of them, that are reserved today.
 11 You're welcome to go up there and visit if you
 12 want to do that, but please, not in here.
 13 So, I would appreciate that level of
 14 respect. Okay? All right, thanks. Again,
 15 you're welcome. You can stay as long as you
 16 want.
 17 I'm not in a position to respond to
 18 questions because I am the Hearing Officer. So,
 19 I just can't do that. But to the extent that you
 20 want to visit with people outside, you're welcome
 21 to do that. Okay?
 22 The recorders, and I guess these are
 23 recorders that are being placed up here, they're
 24 actually being placed right where the witness
 25 will be. And so, you may want to move those in

1 some way because they'll be covered up with paper
 2 pretty quick. So, maybe over to the other end at
 3 that table would be much better. Okay.
 4 MS. ALLISON WARREN: So, the person
 5 will be sitting here?
 6 THE HEARING OFFICER: The person will
 7 be sitting near this microphone.
 8 MS. ALLISON WARREN: Maybe I'll put it
 9 behind it.
 10 THE HEARING OFFICER: However you want
 11 to do that. However, if you put them there,
 12 you're not getting them until we have a recess.
 13 So, you may be here for an hour and a half to
 14 retrieve them.
 15 MS. ALLISON WARREN: I can't do that.
 16 I have to go to something and I do need the
 17 sound. I'll be very quiet in getting them.
 18 THE HEARING OFFICER: I'm sorry, I'm
 19 not having you parade up to get them. You can
 20 set them on the edge if you want by the Court
 21 Reporter and get them, but I don't want them up
 22 here. It's not appropriate in a judicial
 23 proceeding.
 24 (Discussion held off the record.)
 25 THE HEARING OFFICER: One of them

1 apparently wants it up there.
 2 MS. ALLISON WARREN: Okay. Where do
 3 you want yours?
 4 THE HEARING OFFICER: Okay, again,
 5 that's part of the disruption I think that I need
 6 to prevent in this hearing. This is a hearing,
 7 it's not a media event. You're welcome here, but
 8 it's not a media event.
 9 All right, other things we need to talk
 10 about? John?
 11 MR. THORNTON: We potentially, one of
 12 our exhibits that we may call on is an audio
 13 disk. And we can run that through my computer
 14 and we have some small speakers to listen to it.
 15 It's only a couple of minutes of listening to.
 16 And so, my thought is we could set it up here and
 17 use one of the speakers. So, maybe feed it
 18 through that and put the little speakers here.
 19 THE HEARING OFFICER: Well, we can talk
 20 about that as we go along. You won't be
 21 presenting evidence probably for a couple of
 22 days. I would guess we may not get to your
 23 testimony until we resume the hearing next week.
 24 MR. THORNTON: Okay.
 25 THE HEARING OFFICER: But if this is a

Page 46

1 recorded statement by someone, I can tell you
2 right now that it probably is not admissible as
3 evidence.
4 MR. THORNTON: Okay.
5 THE HEARING OFFICER: And the reason is
6 because there's a witness testifying and the
7 other side should have an opportunity to examine
8 that witness. I can't have evidence that's just
9 coming in.
10 MR. THORNTON: And actually, what it
11 would be, and I think I understand that, and the
12 audio is actually of one of the witnesses that is
13 a Bill Brownlee that would be called by M3.
14 THE HEARING OFFICER: Okay. Well,
15 we'll work through it as we go. I don't know --
16 I mean, the typical way to bring in information
17 like that is for you to examine a witness. And
18 you'll have that opportunity to do so if he
19 testifies.
20 MR. THORNTON: Okay.
21 THE HEARING OFFICER: Now, if you want
22 to use it for impeachment purposes, then that's
23 another question. Normally that's done through a
24 deposition or through some other sworn statement.
25 MR. THORNTON: Okay.

Page 47

1 THE HEARING OFFICER: You know, I've
2 seen it, John, in presentation of a document
3 that's been prepared, written by someone before,
4 and they're asked if that document is -- if they
5 can identify if they're familiar with it.
6 MR. THORNTON: Okay.
7 THE HEARING OFFICER: So, I guess we'll
8 work through it.
9 MR. THORNTON: Right. I just wanted
10 to let you know about it ahead of time.
11 THE HEARING OFFICER: Any other
12 preliminary matters we need to talk about? I
13 have one that I've remembered. I'm sorry this is
14 taking so long.
15 We got this room, but we have to be out
16 of here a little bit before 4:00. So, we'll have
17 to knock off a little early today. We'll be back
18 at it tomorrow at 9:00 sharp upstairs. And as
19 far as I'm concerned, we can go long tomorrow to
20 make up for today. So, it's just one of the
21 constraints we have to work with in working with
22 the University of Idaho.
23 MR. THORNTON: And the 4:00, we're
24 physically out by 4:00 or do we need to start
25 moving out at 4:00?

Page 48

1 THE HEARING OFFICER: Well, we probably
2 need to be out maybe five minutes before.
3 MR. THORNTON: Okay.
4 THE HEARING OFFICER: They've got to
5 get set up for a class.
6 MR. THORNTON: And Mr. Hearing Officer,
7 is it possible that we could move some of our
8 documents or files to the other location, so we
9 don't have to bring them back in, overnight?
10 THE HEARING OFFICER: We can move all
11 of that upstairs if the parties want to do that.
12 MR. THORNTON: Okay, thank you.
13 THE HEARING OFFICER: All right, are we
14 ready to go, Mr. Fereday?
15 MR. FEREDAY: Yes, we are.
16 THE HEARING OFFICER: Mr. Thornton?
17 MR. THORNTON: Yes.
18 THE HEARING OFFICER: Mr. Smith?
19 MR. ALAN SMITH: Yes.
20 THE HEARING OFFICER: Mr. Edwards?
21 MR. EDWARDS: Yes.
22 THE HEARING OFFICER: Do the parties
23 wish to make an opening statement before we begin
24 testimony? Mr. Fereday?
25 MR. FEREDAY: Yes.

Page 49

1 THE HEARING OFFICER: Okay. And --
2 MR. THORNTON: We do too.
3 THE HEARING OFFICER: Would you like to
4 reserve yours, Mr. Thornton, until Mr. Fereday
5 has finished his presentation of his evidence?
6 MR. THORNTON: I would like to just
7 follow Mr. Fereday's opening statement.
8 THE HEARING OFFICER: Okay, you have
9 that prerogative. Mr. Smith?
10 MR. ALAN SMITH: I would prefer to
11 reserve our opening.
12 THE HEARING OFFICER: Okay.
13 Mr. Edwards?
14 MR. EDWARDS: (Shaking head.)
15 THE HEARING OFFICER: All right.
16 Thanks. Okay, let's start recording.
17 (Tape recording initiated by IDWR.)
18 THE HEARING OFFICER: And the Court
19 Reporter is already warmed up; right? We're
20 triple protected today and that's a good thing.
21 We don't want to have a bad record.
22 One of the -- well, we're recording.
23 This is the time and place for a hearing
24 regarding a protest filed against Application to
25 Appropriate Water No. 63-32573. My name is Gary

Page 50

1 Spackman. I'm the Hearing Officer today. I've
2 been asked by the Director of the Idaho
3 Department of Water Resources to conduct this
4 hearing.
5 Assisting me today is Jeff Peppersack
6 and he will be operating the recording equipment
7 today. The parties have previously introduced
8 themselves for the Court Reporter, but I'd like
9 them to do that again for the record.
10 Mr. Fereday?
11 MR. FEREDAY: Yes, Mr. Hearing Officer,
12 I'm Jeff Fereday of the firm Givens Pursley, LLP.
13 With me is my associate, Michael Lawrence. Also
14 at counsel table are Mr. Bill Brownlee, a
15 principal in the Applicant, and Dr. Steve Holt,
16 with T-O Engineers. We have other consultants
17 and expert witnesses in the room as well.
18 THE HEARING OFFICER: Okay.
19 Mr. Thornton?
20 MR. THORNTON: Yeah, John Thornton with
21 North Ada County Groundwater Users Association.
22 And with me assisting me today is Jerry Peterson.
23 THE HEARING OFFICER: Mr. Smith?
24 MR. ALAN SMITH: Alan Smith,
25 spokesperson for Eagle Pines and appearing

Page 51

1 individually.
2 THE HEARING OFFICER: Okay.
3 Mr. Edwards?
4 MR. EDWARDS: Norm Edwards, appearing
5 as an individual protestant.
6 THE HEARING OFFICER: Okay. We've
7 talked about the order of presentation of
8 evidence. We've talked about the exhibits. The
9 parties have stipulated, as I understand, to the
10 admission of Exhibits 1 through 50. These are
11 M3 Eagle's exhibits. And the parties have
12 stipulated to the admission of these numbered
13 exhibits; is that correct Mr. Thornton?
14 MR. THORNTON: Yes, that is.
15 THE HEARING OFFICER: Mr. Smith?
16 MR. ALAN SMITH: I believe there's an
17 exception to that. Exhibit 45 was not stipulated
18 to.
19 THE HEARING OFFICER: Okay, you don't
20 stipulate to the admission of 45?
21 MR. ALAN SMITH: No.
22 THE HEARING OFFICER: Okay. And then
23 Mr. Edwards?
24 MR. EDWARDS: It's okay with me.
25 THE HEARING OFFICER: Okay. So, based

Page 52

1 upon -- Mr. Fereday, we'll still have to have 45
2 offered, I guess.
3 So, based on that stipulation, Exhibits
4 1 through 44 and Exhibits 46 through 50 are
5 received into evidence.
6 (Exhibits 1 through 44 and 46
7 through 50 admitted into evidence.)
8 THE HEARING OFFICER: And then I also
9 understand, Mr. Fereday or Mr. Lawrence,
10 whichever of you want to speak, that the exhibits
11 numbered as 200 through 255 that will be offered
12 by North Ada County Groundwater Users
13 Association, that M3 Eagle has stipulated to the
14 admission of these documents; is that correct?
15 MR. LAWRENCE: That is correct,
16 Mr. Hearing Officer. And I would just note that
17 there are in those numbers, 200 through 255,
18 several documents listed multiple times. And it
19 is our understanding that where a document is
20 listed multiple times that we are speaking of a
21 single document.
22 (Exhibits 200 through 255 admitted
23 into evidence.)
24 THE HEARING OFFICER: Okay, I have one
25 other thing I need to talk about. There's a

Page 53

1 single microphone that is sitting on a stand in
2 between Mr. Smith and Mr. Thornton. These
3 microphones feed into our tape recorder. There's
4 also -- and there's one in front of Mr. Fereday.
5 And I wonder, Mr. Fereday, if we ought
6 to position it somewhere where it's not quite so
7 obscure. But the microphone at the protestants'
8 table, as you speak, you need to move that
9 microphone from person to person so that we pick
10 up your voice.
11 MR. ALAN SMITH: Does that just record
12 or is that also a microphone?
13 THE HEARING OFFICER: It does not
14 amplify.
15 MR. ALAN SMITH: It doesn't?
16 THE HEARING OFFICER: Now, there's a
17 secondary recording microphone here and it's set
18 on the corner and it needs space in which to pick
19 up. So, I'm wondering, Mr. Fereday, if we can
20 somehow move the binders a little bit or get it,
21 yeah, where it's not blocked. And it should pick
22 up your voice and Mr. Lawrence's. And there's
23 another one up here. I only have two, but
24 they're much more sensitive. So, it should pick
25 up all of the protestants.

1 I will tell the people who are here
 2 that these microphones are sensitive enough that
 3 it will pick up expletives that are spoken in the
 4 corners back here. So, if you want to protect
 5 yourself from being recorded, I would be very
 6 careful about what you say.
 7 MR. FEREDAY: Will it also pick up kind
 8 words, Mr. Hearing Officer?
 9 THE HEARING OFFICER: No.
 10 MR. ALAN SMITH: Then we delete those
 11 expletives? Nixon got away with it.
 12 THE HEARING OFFICER: Somebody can move
 13 to strike, if you want to do that. All right. I
 14 don't want to go into an explanation of what this
 15 application proposes. I'll leave that to you,
 16 Mr. Fereday, and your witnesses. I think that
 17 would be duplication at this point.
 18 Anything further before we start?
 19 Parties?
 20 Okay, I do want to say one more thing:
 21 I want to try to make people feel as comfortable
 22 as I can. This is an administrative proceeding.
 23 It has some of the rigors that you'll see in a
 24 courtroom. But we don't have to adhere to all of
 25 those, and one of those that will happen very

1 quickly is my tie will come off and my suit coat
 2 will come off. So, to the extent that the
 3 parties want to be more comfortable, that's fine
 4 with me. Okay? I just put a tie on for the
 5 cameras this morning.
 6 MR. THORNTON: It looks good.
 7 THE HEARING OFFICER: All right. Are
 8 we ready? All right, we're recording,
 9 Mr. Peppersack?
 10 MR. PEPPERSACK: Yes.
 11 THE HEARING OFFICER: Mr. Fereday?
 12 MR. FEREDAY: Thank you, Mr. Hearing
 13 Officer. My name is Jeff Fereday with Givens
 14 Pursley representing the Applicant in this
 15 proceeding. I'd like to make a few remarks to
 16 preview what you're going to hear in testimony in
 17 this case.
 18 This is a future needs planning horizon
 19 water right filed under the 1996 Municipal Water
 20 Rights Act. In this application, M3 Eagle, LLC,
 21 seeks a groundwater supply just over
 22 6,500 acre-feet in annual diversions at full
 23 buildout to support a planned community located a
 24 couple of miles north of the City of Eagle in
 25 North Ada County.

1 The project is planned eventually to
 2 have up to 7,100 dwelling units on an
 3 approximately 6,000-acre parcel. A substantial
 4 part of this parcel will be left as open space.
 5 The 1996 Municipal Water Act allows
 6 municipal water providers to establish a
 7 long-term planning horizon, to demonstrate their
 8 future water needs through that horizon, and to
 9 obtain a water right to serve those needs. We
 10 will show here what M3 Eagle's reasonably
 11 anticipated future needs are and what the
 12 planning horizon is.
 13 We went this way because M3 sees it as
 14 the appropriate way to plan and to finance and to
 15 construct such a project. It's a large municipal
 16 project, to be sure. Its full development will
 17 not be completed in five years or in 10 years,
 18 probably not in even 20 years. We seek a 30-year
 19 planning horizon. You will hear testimony about
 20 why that is so.
 21 We recognize that going the future
 22 needs route, the planning horizon route, requires
 23 us to put all of our cards on the table at the
 24 front so that the Department and the public and
 25 other water users all can see what is intended

1 and what its full effect will be.
 2 M3 understands that it must plan
 3 carefully because it will have to live within
 4 what that future needs amount is, the bounds of
 5 the water right granted. But in return, we see
 6 the statute as entitling M3 to receive a water
 7 right at the front end for the entire amount and
 8 for the entire planning horizon, not just a phase
 9 of it.
 10 We'll offer testimony from several
 11 experts on the subject of future needs and our
 12 planning horizon, as I indicated, beginning with
 13 Bill Brownlee, the managing director of M3 Eagle.
 14 In addition, you'll hear from Dr. John Church,
 15 who will testify about projected growth in our
 16 valley and M3 Eagle's place in serving that
 17 growth.
 18 Dr. Steve Holt, the engineer, will
 19 testify about the project's proposed water uses.
 20 Scott Wonders, an engineer with Stanley
 21 Consulting, will testify about the infrastructure
 22 planning and engineering that has gone into this.
 23 All of this will demonstrate facts about the
 24 planning horizon and the amount of future needs.
 25 The protestants have stressed in their

1 comments to the City of Eagle in the process of
2 gaining certain approvals for this project there
3 that they want to encourage good planning, and we
4 understand that. We believe that this is a
5 well-planned project and we believe that it is a
6 well-planned water development project as well.
7 The planning horizon future needs have been
8 carefully calculated.

9 Protestants also have suggested in
10 papers filed even in this case so far that some
11 type of phased water right should be approved,
12 but that would be incompatible with the economic
13 requirements of such a project. It is
14 unworkable, frankly, given the significant
15 investment required of a project of this scale, a
16 master planned community that's going to take
17 literally a couple three decades to build out.

18 In my view, for whatever that might be
19 worth, the phased development approach also would
20 be incompatible with the 1996 Act. We've
21 explained this to the Director in writing on at
22 least two occasions. And we're confident that
23 this process will implement the 1996 Act. We're
24 confident that that's what the evidence will show
25 is appropriate in this case.

1 That's not to say that M3 won't build
2 the project in phases. Of course it will. Every
3 project from the largest to the smallest is built
4 in phases, must be, has to be. That's how it has
5 to be planned, put together on the ground. But
6 in order to finance and build improvements in the
7 project's early phases that benefit the last
8 phase, for example, such as wells, water
9 facilities, water reuse facilities, streets,
10 sewage treatment facilities, regional roadway
11 improvements and the like, M3 Eagle needs the
12 assurance that it will not have to obtain
13 separate water rights for future phases.

14 M3 Eagle filed this application in good
15 faith and has spent approximately \$2 million
16 drilling exploratory wells, conducting
17 hydrogeological studies of various types,
18 monitoring groundwater wells, gathering data,
19 compiling detailed studies, and listening to the
20 protestants as well, all to describe the
21 hydrogeologic setting of the area, the ability of
22 the aquifer to provide 6,535 acre-feet a year at
23 full buildout. We believe that M3 Eagle has
24 provided a very useful standard in terms of how
25 the future needs and planning horizon statute

1 should be approached by serious water right
2 applicants.

3 In pursuing this future needs approach,
4 we commissioned -- M3 commissioned Hydro Logic,
5 Inc., Mr. Squires' company here in Boise, and
6 several other consultants to conduct a full
7 review of the Pierce Gulch Sand Aquifer to ensure
8 that there is sufficient groundwater available to
9 support both existing uses and the M3 Eagle
10 project. It commissioned economic, infrastructure
11 planning, and engineering studies.

12 Its February of 2008 Second Amended
13 Application itself, which is here, contained what
14 we believe is an unprecedented amount of
15 information in any single water right
16 application.

17 This information supports approval. I
18 suppose arguably we could have stood on what's
19 between the covers of this document, but M3 did
20 not choose to do that. For various reasons it
21 proceeded, which you'll hear about in testimony,
22 it proceeded to continue its studies. We've gone
23 far beyond. We've gone far beyond what was
24 presented between those two covers in terms of
25 hydrological studies.

1 For example, since filing the
2 application in 2007, we have provided the
3 Department and the parties additional information
4 that dwarfs what we submitted then. This also
5 has further improved the understanding of the
6 aquifer system in this area.

7 Now, the Department has approved other
8 municipal water right applications in this area
9 in recent years, in fact. And the evidence is
10 that the aquifer is fully supporting these
11 without significant drawdowns. You'll hear
12 testimony about this.

13 We know of no claims of well
14 interference, for example. Maybe there are some.
15 We haven't heard of them. We would suggest that
16 if they exist, they are probably based on reasons
17 other than actual aquifer declines.

18 We believe the evidence will show that
19 the aquifer is large and that it is robust and,
20 in fact, is much more extensive an aquifer than
21 was previously understood previous to the work
22 that United Water -- or excuse me, that M3 Eagle
23 has conducted.

24 I misspoke there. I mentioned United
25 Water. United Water also has done a lot of

1 monitoring in this area. You will hear from
 2 them. And I think that they would agree with
 3 that characterization.
 4 Mr. Brownlee commissioned these
 5 hydrological studies to ensure for himself, for
 6 his investors, that sufficient water is present
 7 to support the project. Not just to begin but to
 8 fully develop, to fully build out. His company
 9 must have, must have high confidence in a water
 10 supply for the entire project. We think that
 11 that's what the 1996 Act offers to those who are
 12 willing to put up that kind of evidence and to
 13 put up with the kind of expense, time, and effort
 14 that's involved in putting together one of these
 15 applications.
 16 Mr. Brownlee will testify to his
 17 company's work and its track record on water
 18 supply, infrastructure, planning, and the like in
 19 their other master planned communities that
 20 they've built in the West.
 21 The reasonably anticipated future needs
 22 water right authorized by Idaho law is in line
 23 with M3 Eagle's culture. They're a serious
 24 company that does serious projects, that does
 25 them successfully, and using this law made sense

1 to them.
 2 Now, the simple elegance of the future
 3 needs water right statute is that if at full
 4 buildout not all of the water actually is needed,
 5 then what happens? Well, the system really is
 6 self-adjusting. Because then less water would be
 7 used, less water ultimately would be recognized
 8 under that water right.
 9 M3 Eagle also recognizes it cannot
 10 speculate in its future needs water right. It
 11 could not, for example, at full buildout 20 or 30
 12 years from now find that it uses only 5,000
 13 acre-feet annually and, therefore, attempt to
 14 sell off the other 1,500 acre-feet. The statute
 15 prohibits this. M3 does not intend this.
 16 With regard to the place of use under
 17 this water right, perhaps we have a somewhat
 18 unique situation. This is not a city that is
 19 growing and must serve all comers in the future.
 20 It is not a public utility with the same
 21 obligations. It is a planned community on a
 22 particular piece of ground. It's a specified
 23 project. And it understands that this permit
 24 will have the M3 Eagle project as its place of
 25 use, not someplace else, and that the water could

1 not be used outside the project without
 2 Department approval of some kind. We understand
 3 that there could be no enlargement of the water
 4 right if that were to occur.
 5 So, we will construct, M3 will, a water
 6 supply system to serve the entire project. And
 7 it can form an entity to operate that project,
 8 that municipal water supply project, and it
 9 likely will do that. However, ultimately
 10 M3 Eagle intends to turn this water supply system
 11 over to the city that it intends to be annexed
 12 into, the City of Eagle, at which point the city
 13 would operate and manage that system for this
 14 development.
 15 Now, in this case, of course, the key
 16 question arises under Department Rule 40.05.d,
 17 the need to submit information about sufficiency
 18 of water supply. This is what this hearing
 19 primarily is about.
 20 In this case, we believe the evidence
 21 will show that the water supply is more than
 22 sufficient. It will show that not only has it
 23 been sufficient to grant large volume municipal
 24 wells in the past decade or so, and going back
 25 further than that, it actually is a more

1 extensive aquifer than previously assumed.
 2 We now know that the Pierce Gulch Sand
 3 Aquifer into which M3 Eagle will be placing its
 4 wells extends at least from as far away as West
 5 Boise in the southeast all of the way to Eagle,
 6 to Star, to Caldwell in the west, up through the
 7 western portion of the M3 Eagle property on the
 8 north of Eagle, up through New Plymouth and, yes,
 9 into the Payette River Valley. It is a big
 10 productive sand unit. The studies show that
 11 there is much more than a sufficient water
 12 right -- water supply to support this water right
 13 without injury to others.
 14 Here I think I need to make a point
 15 about flow direction of this groundwater in the
 16 aquifer. This has been an interesting subject in
 17 the depositions, in the expert reports, in the
 18 Department's review of this, flow direction.
 19 We believe it is quite clear that the
 20 Pierce Gulch Sand Aquifer, or PGSA as I sometimes
 21 will call it, has groundwater flow beneath the M3
 22 project property that moves to the northwest.
 23 Maybe more particularly the west northwest, but
 24 in a westerly and then northerly westerly
 25 direction.

1 There already has been significant
 2 comment on this, as I indicated, for instance,
 3 from the protestants' expert Dr. Ralston, to the
 4 effect that though the aquifer indeed extends in
 5 his view all of the way from M3 at least back to
 6 the Garden City area, maybe there still is
 7 insufficient evidence in his view to show that it
 8 flows on past M3 making its way out of the Boise
 9 drainage basin and into the Payette River
 10 drainage basin. He felt that additional well
 11 bore data to the northwest would be helpful
 12 there, but we believe that the evidence is there
 13 to support this and we will testify to that, our
 14 experts will, that is.

15 But regardless of this water flow
 16 direction question, the real question, as the
 17 rule indicates, is sufficiency of water supply.
 18 Regardless of whether the flow direction through
 19 the M3 Eagle site is northwesterly, as our
 20 experts conclude, or a few degrees more westerly
 21 from that, as Dr. Ralston opines in his expert
 22 report, the question is whether there is
 23 sufficient water to support the project without
 24 injury to others. And we hope the Hearing
 25 Officer will keep that in mind, I'm sure he will,

1 as we address this question of which way the
 2 water flows.

3 Under the direction of Mr. Squires and
 4 his staff at Hydro Logic and working with
 5 additional consultants, M3 Eagle has done an
 6 unprecedented number of highly meaningful
 7 hydrogeologic studies, geophysical studies as
 8 well, other kinds of studies, geochemical
 9 studies, yes, even well studies based on new well
 10 bores.

11 In producing these records, they have
 12 worked with Dr. James Osiensky of the University
 13 of Idaho, who is an expert on hydrogeology and
 14 groundwater modeling. They've worked with
 15 Dr. Spencer Wood here locally, who is a
 16 hydrogeologist and professor emeritus at Boise
 17 State University, who is also recognized as the
 18 expert on faulting in the North Ada County area
 19 and on the depositional geology of the North Ada
 20 County area. He is also an expert in geophysical
 21 analysis of seismic and magnetometer studies.

22 We have worked with Richard Glanzman of
 23 Glanzman Geochemical, which is a Colorado firm.
 24 Mr. Glanzman has over 40 years of experience on a
 25 worldwide basis in aqueous geochemistry applied

1 specifically to groundwater. He has worked for
 2 CH2M Hill in former careers and with U.S.
 3 Geological Survey. He will be here to testify.

4 Mr. Peter Schwartzman is a
 5 hydrogeologist and principal with the Pacific
 6 Groundwater Group in Seattle. He is a skilled
 7 and highly experienced groundwater modeler. He
 8 will testify as well.

9 Mark Utting, who is a hydrogeologist
 10 with Hydro Logic, who previously, by the way, was
 11 a principal in Pacific Groundwater Group in
 12 Seattle, he also has a deep involvement in this
 13 work and especially worked on aquifer testing and
 14 on modeling.

15 Hydrogeologist Roger Dittus, who is
 16 head of the Geosciences Department at United
 17 Water Idaho, has some 15 years in groundwater
 18 hydrogeology work in this very area, lots of
 19 hands-on experience there. He will be testifying
 20 as well.

21 And here I really feel I must
 22 acknowledge Ed Squires of Hydro Logic, whose
 23 objective and rigorously scientific approach to
 24 these studies I think is indicative of the kind
 25 of quality that these reports reflect. His team

1 has produced these detailed studies and I hope
 2 that they will help to answer the question of
 3 sufficiency. I, at least, have never seen these
 4 kinds of studies in this quantity and of this
 5 quality in any water right application of which
 6 I'm aware.

7 We also anticipate calling the
 8 Department's well construction specialist, Rob
 9 Whitney, to discuss the advantages of tests on
 10 supply wells such as those that are planned by
 11 M3 Eagle. Rob also, we expect, will be able to
 12 answer questions related to his long-term
 13 experience with domestic wells that are so very
 14 common in the Eagle area, including domestic
 15 wells such as those owned by virtually all of the
 16 protestants.

17 For example, the testimony will cover
 18 I'm sure that subject matter with regard to
 19 protestants. We certainly understand that a few
 20 of them in this case in response to M3 Eagle's
 21 application claim that wells have gone dry over
 22 the years. But we believe that these wells have
 23 access to plenty of water and simply need to be
 24 properly constructed or perhaps in some cases
 25 deepened. We expect Mr. Whitney can discuss

1 this.

2 We may call Loren Pearson of

3 Hydro Logic as well, as I mentioned, an

4 experienced hydrogeologist with particular

5 experience in geophysical analysis of well bores.

6 So, what are the studies that have been

7 completed in this matter so far? July of 2006

8 Hydro Logic measured groundwater levels in 169

9 domestic wells in the Eagle area. The purpose,

10 to determine the aquifer's water levels and

11 gradients. How did it do it? It used assistance

12 from the University of Idaho. A number of

13 researchers and graduate students helped out with

14 that mass measurement.

15 June of 2007, Hydro Logic reviewed

16 records of these domestic wells and selected 57

17 for remeasurement. The selection was based on

18 those that are better constructed and actually

19 are completed into the Pierce Gulch Sand Aquifer,

20 as opposed to some of the more shallow overlying

21 aquifers into which many domestic wells are

22 completed.

23 On this basis, groundwater levels in

24 the area were measured again. But they weren't

25 just measured based on handheld tapes, they were

1 measured based on survey grade analysis.

2 Hydro Logic hired a surveyor to ensure that these

3 water levels were measured to within 1/100 of a

4 foot. HLI compiled this, HLI being Hydro Logic,

5 compiled this information, the measurement data,

6 and produced a contour map based on it.

7 Hydro Logic has obtained and reviewed

8 all other available groundwater level data,

9 monitoring data in the area, maintained by

10 agencies such as the U.S. Geological Survey, the

11 Idaho Department of Water Resources, United Water

12 Idaho.

13 Working through Hydro Logic, M3 Eagle

14 also measured water levels in the Eagle Water

15 Company wells, the City of Eagle wells, and all

16 of United Water's wells in the area.

17 In May of 2006, HLI began a monitoring

18 network in M3 Eagle, in its area, and is now

19 continuously monitoring 23 wells in the area,

20 including multiple piezometer nets. I think that

21 the Hearing Officer will recall seeing a number

22 of these during a field trip we took in early

23 November of 2008. So, we have nearly three years

24 of continuous automatically recorded data on

25 aquifer levels.

1 But, of course, it doesn't stop there.

2 In the 2008 -- excuse me, in the period from 2006

3 to 2008, M3 Eagle agreed to drill four

4 exploratory test wells. Those are in place today

5 and those wells range from 800 to 1,000 feet

6 deep. They completely explore the geologic

7 section. They've had full geophysical analyses

8 done on them, of course, and they have multiple

9 level piezometers completed in them fully sealed

10 and those are part of our monitoring network as

11 well.

12 The May 4, 2007, progress report that

13 was submitted with our application reviewed a

14 large amount of this information, or some of it

15 that had been of course completed as of that

16 date, and it included a modeling effort to

17 project M3 Eagle's pumping effects on the aquifer

18 after 50 years of continuous pumping at 10 cfs.

19 That's a bigger number than we will be pumping on

20 average. But nonetheless, after 50 years the

21 drawdowns were demonstrated in that preliminary

22 model as being very modest across the aquifer.

23 That has been updated since and we'll talk about

24 that.

25 Then in July of 2008, Hydro Logic

1 produced a reanalysis of 16 aquifer tests. I've

2 never seen this done anywhere before. But they

3 felt that it was important to get a full picture,

4 to look at all of the aquifer tests, the pumping

5 tests, and then review what happens in selected

6 monitoring wells that had been done in this

7 entire area. 16 of them have been done. And

8 Hydro Logic evaluated all of them in that

9 admittedly lengthy document. This provided

10 significant new information about the Pierce

11 Gulch Sand Aquifer, including its

12 transmissivities, which were shown to be higher

13 than previously believed.

14 In July of 2006, M3 Eagle contracted

15 with Boise State University's Center for

16 Geophysical Investigation of the Shallow

17 Subsurface, sometimes known as CGISS, to conduct

18 seismic reflection surveys on the M3 Eagle

19 property. You'll see exhibits and hear testimony

20 about this seismic.

21 In the summer of 2006, that seismic

22 went across -- it was conducted across some 25

23 miles of seismic lines. And Dr. Paul Donaldson

24 of Boise State conducted those. Results were

25 interpreted by Dr. Wood and that too is provided

Page 74

1 as an exhibit.
2 M3 Eagle also funded a Master's thesis
3 at the University of Idaho for the purpose of
4 having a model created that would evaluate the
5 information known to date, including all that I
6 have mentioned that occurred before this, and
7 evaluate what that model, that independent model
8 might find about pumping effects from the M3
9 project. So, that was a numerical model using
10 mod flow and other techniques I'm sure well known
11 to the Hearing Officer.
12 And the project was accomplished and
13 there is a report that is in evidence. It was
14 done by graduate student Stacey Douglas with
15 oversight and supervision by Dr. James Osiensky
16 and the thesis committee as well.
17 This U of I model was done in response
18 actually to a request by the protestants, by one
19 of their organizations, the North Ada County
20 Foothills Association, or NACFA, who wanted an
21 independent peer-reviewed model done of the
22 aquifer. It was contributed to also by Dr. Robin
23 Nimmer at U of I, who looked at the water budget
24 analyses for this.
25 And it supports -- what does the U of I

Page 75

1 model do? It supports the description of the
2 aquifer and the kinds of drawdown effects that
3 were first predicted in the very first
4 preliminary model that I mentioned that was
5 issued back in 2007 by HLI. It also supported
6 the concept of the Pierce Gulch Sand Aquifer
7 grading toward the Payette Basin.
8 What's the importance of the aquifer
9 grading toward the Payette Basin? Maybe not much
10 really in terms of this case, but it is material
11 to the question of extensiveness of this aquifer.
12 Where is the water coming from, sources of
13 recharging the Boise River, all of the way from
14 West Boise all of the way through this area
15 through Caldwell, moving all of the way over into
16 the Payette Basin. We're talking about a big
17 sand unit that is saturated. The U of I model
18 supports that general concept.
19 In addition to this, Hydro Logic
20 conducted stratigraphic and hydrogeologic
21 framework analyses and put these in conjunction
22 with this exploratory drilling project that I
23 mentioned a minute ago. In doing the
24 stratigraphic analysis, HLI reviewed every
25 available well driller's report for this entire

Page 76

1 area. That's about 3,000 reports.
2 In August of 2006 it used more than 70
3 of those better quality reports from these area
4 wells to develop 12, then still in draft,
5 subsurface cross-sections of the Eagle area
6 subsurface. Those two are in evidence.
7 Between September of '06 and April of
8 '08, as I've mentioned, they drilled the four
9 test wells and used those as well in their
10 cross-sectional analysis. They also produced
11 composite diagrams showing the geological,
12 geophysical, geochemical, hydraulic, and well
13 construction data for 13 existing wells of
14 significance in the area and for which good
15 quality data are available. That's another set
16 of cross-sections. These composite diagrams are
17 included in their 16-aquifer test report that I
18 mentioned earlier that's the July of 2008 report.
19 They didn't stop there. Hydro Logic
20 also obtained additional bore hole geophysical
21 data, records dating back over 15 years from a
22 number of entities, including deep well drilling
23 projects, more than 15 years ago in some cases,
24 drilling projects conducted by oil companies in
25 the North Ada area. Dr. Wood interpreted those

Page 77

1 and those two are used to map in 3-D the
2 distinctive signature of the Pierce Gulch Sand
3 Aquifer extending to these areas I have
4 mentioned.
5 After that, in working with Pacific
6 Groundwater Group, Hydro Logic, really under
7 Pacific Groundwater Group's leadership in the
8 project, developed a numerical three-dimensional
9 model, yet another model, yes, a very
10 sophisticated model that actually was able to,
11 instead of using horizontal layers, was actually
12 able to use the dipping layers of this aquifer
13 that actually exist. And based on that effort,
14 they were able to put together a very
15 sophisticated model that also is in the record.
16 This is the first model that has been able to
17 duplicate, that is calibrate to the data from the
18 Lexington Hills and the Eagle field well tests.
19 Both of those, by the way, are discussed in the
20 16 aquifer test reanalysis that I mentioned
21 earlier.
22 The PGG model also successfully
23 predicted the results of the Spring Valley Ranch
24 test well No. 7 aquifer test that I haven't even
25 gotten to yet. It's also on the list of what

1 Hydro Logic did. And after its initial
2 construction, the PGG modelers went back to the
3 drawing board and ran some more model runs to
4 refine it, improve it further, to look at what
5 would happen if boundaries existed such as those
6 that had been assumed by the Treasure Valley
7 Hydro Logic project. It also evaluated in terms
8 of sensitivity of the model, it evaluated
9 recharge parameters from canals in the Boise
10 River area.

11 Aquifer tests. I mentioned the Spring
12 Valley 7 or SDR 7 aquifer test. That test was a
13 test done for nine days at 900 gallons a minute,
14 very carefully controlled, monitored throughout
15 that entire nine days 24 hours a day.

16 The Kling irrigation well test was run
17 for 48 hours. And both of these tests have
18 reports that are explained and provided in the
19 exhibits.

20 March 2 of 2009, M3 Eagle, through
21 Hydro Logic again, responded in writing to the
22 memos that Dr. Ralston prepared for the
23 protestants with regard to his analysis of the
24 aquifer, his points about perhaps it doesn't
25 show, there isn't enough evidence perhaps yet to

1 show continuity to the Payette. That's been
2 responded to. The April 1st and April 8th
3 technical memorandum and addendum that
4 Hydro Logic prepared in response to the staff
5 memo that is Exhibit No. 45 has been mentioned.
6 That was submitted. All of this info has been
7 provided to the Department as it's been produced
8 over these many months now, nearly three years,
9 and I believe all of it has been posted to the
10 Department's websites.

11 This is a lot of data, a lot of study,
12 a lot of expense. M3 Eagle has borne this
13 expense. It takes the municipal water right
14 future needs program very seriously.

15 So, what about M3 Eagle's proposed
16 water diversions at full buildout? The average
17 daily production on a year-round basis at full
18 buildout is right at 9 cfs. I think it's
19 9.02 cfs, or about 4,000 gallons per minute at
20 full buildout. This is a daily average
21 production at full buildout of about 5.8 million
22 gallons per day average production. In the
23 non-irrigation season its pumping will average
24 about 4 cfs at full buildout. That's about
25 1,800 gallons per minute, which is less, by the

1 way, than United Water's Floating Feather well
2 typically produces. The Floating Feather well,
3 as you may know, is located near the intersection
4 of Floating Feather and Highway 55. That well is
5 a big producer for United Water. You will hear
6 testimony about that well.

7 What's the peak instantaneous rate?
8 It's in the application, 23 cfs, a little bit
9 more. We have explained to the protestants
10 repeatedly that this is an instantaneous,
11 instantaneous peak rate. It's a peak number
12 which we must have in our application, in our
13 water right, so that if we ever do reach it we
14 are within our water right to do so at any given
15 moment if we need to pump that much. It is not
16 what would be pumped on average. It would not be
17 pumped all day in any day. I think the Hearing
18 Officer understands what "instantaneous peak"
19 means. Much less would it be pumped every day of
20 the year.

21 Unfortunately, protestants have seized
22 on this number and repeatedly informed their
23 members and the public that M3 Eagle will pump
24 not the 5.8 million gallons a day average but the
25 average of 15 million gallons a day, the amount

1 that would result from pumping at the peak for
2 24 hours. Protestants suggest that we will do
3 this every day of the year. And I expect them to
4 testify to this at this hearing.

5 So far we have been unable to persuade
6 the protestants to do the math. When they do,
7 they will multiply the full amount in volume of
8 this water right, which is 6,535 acre-feet. They
9 will divide -- excuse me, they will multiply that
10 number by 325,851 to get the number of gallons in
11 a year diverted at full buildout. Then they will
12 divide that by 365. That's 5.8 million gallons a
13 day, not 15. The 23 cfs issue is a red herring.

14 So, full buildout, 6,535 acre-feet.
15 Dr. Holt will be testifying to how that number
16 was derived. For those who need information
17 about it, it of course is on the website. It was
18 in our application from the beginning.

19 And I'd like to place some special
20 emphasis on this 6,535 figure. In this municipal
21 water application, M3 Eagle is willing to accept
22 an annual volume limit even though most municipal
23 water rights are limited only by diversion rate.
24 We believe this type of limit is appropriate for
25 a municipal provider having a set project, a set

1 number of dwelling units and other uses.
2 M3 Eagle currently envisions three or
3 four centrally located production wells each
4 pumping an average of probably around
5 1,500 gallons a minute. That would be the core
6 of their production. Certainly, additional
7 points of diversion in wells would be needed to
8 meet higher instantaneous or daily production
9 needs. Also, that can come from storage to some
10 degree and we have a storage plan.

11 M3 is going to also reuse about
12 1,800 acre-feet of the water it pumps from this
13 aquifer. Reuse. That is in the sense of
14 treating sewage effluent to drinking water
15 standards and reusing that effluent on golf
16 course turf, common areas, and similar areas
17 where that is appropriate. M3 Eagle will also
18 use its existing surface water rights and its
19 irrigation groundwater rights to the fullest
20 extent it can to irrigate these same areas.

21 Its overall annual consumptive use, not
22 its production but it's consumptive use, is
23 calculated to be about 5,400 acre-feet. And
24 that's about 4.8 million gallons per day at full
25 buildout. So, consumptive use around 4.8 million

1 gallons per day at full buildout.

2 So, in conclusion, Mr. Hearing Officer,
3 we understand the protestants' desire to limit
4 growth, perhaps even stop it in their area. We
5 appreciate their interest in good planning. We
6 share that and we believe we have brought that
7 forward in this case and also in M3's efforts
8 before the City of Eagle.

9 Protestants can have their say and have
10 had their say, though, with regard to growth in
11 the appropriate forum, such as before the Eagle
12 City Council. But deciding growth patterns is
13 not, as you indicated I believe in your opening
14 remarks, is not the task of the Department of
15 Water Resources. We believe that water is not a
16 limitation to the type of development that M3
17 plans for North Eagle. We appreciate this
18 opportunity to present our evidence in this case.
19 Thank you very much.

20 THE HEARING OFFICER: Okay. Thank you,
21 Mr. Fereday. Mr. Thornton? May I add,
22 Mr. Thornton, is -- maybe we've got it covered up
23 here. We had a website I think that was
24 identified where documents can be reviewed, I
25 think it was written here on the right-hand side.

1 The documents that are a part of these files, for
2 anybody that are interested, have been scanned, I
3 think. Debbie Gibson isn't here, but -- have
4 they been scanned fully?

5 MS. GIBSON: The recent ones have not.

6 THE HEARING OFFICER: Okay. So, the
7 documents have been scanned at least up to a
8 certain point. We will also be posting on our
9 website the audio. I think those will be in an
10 MP3 format so they can be downloaded and people
11 can listen if they want.

12 I'm sorry for the interruption,
13 Mr. Thornton.

14 MR. THORNTON: Mr. Hearing Officer, on
15 behalf of the 37 protestants represented by the
16 Northern Ada County Groundwater Users
17 Association, we thank you for the opportunity to
18 be heard in the matter of M3 Eagle municipal
19 water right application No. 63-32573.

20 We formed our association out of mutual
21 concern for the long-term sustainability of the
22 aquifer in North Ada County. The area is largely
23 undeveloped arid land with many open areas used
24 historically for grazing and limited hay
25 production.

1 The density of population is widely
2 dispersed with average residential and farm
3 parcels ranging from 5 to 40 acres. As you are
4 aware, there are over 2,000 wells in this area
5 and a majority of households, small farms, and
6 ranches depend 100 percent on these wells as
7 their only source of water.

8 Over the past five years, many of the
9 larger rangeland parcels north of Beacon Light
10 Road have been purchased by private developers
11 like M3 and SunCor, who have moved forward with
12 plans for large-scale residential developments
13 that will require literally millions of gallons
14 of groundwater every single day. Simply put, we
15 believe there is just not enough known about the
16 size and recharge of the aquifers underlying this
17 area to appropriate such a massive water right as
18 requested by M3.

19 Starting back in January of 2006, 11
20 months prior to the filing date of the original
21 M3 Eagle water right application, we petitioned
22 the Governor and the Director of the Department
23 of Water Resources to fund an independent study
24 of the aquifers in North Ada County. This was in
25 response to a tidal wave of planned community

Page 86

1 developments that were appearing in front of the
2 City of Eagle council and the Ada County
3 commissioners.
4 At the same time, we were alarmed at
5 the developments occurring in the East Snake
6 Plain where overappropriation many years ago has
7 led recently to what may be huge economic impacts
8 on many entities as calls on water have become a
9 reality.
10 We commend Director Tuthill and the
11 Department of Water Resources for their decision
12 to go forward with these studies that will become
13 final reports later this year. We believe the
14 need for a comprehensive third-party hydrogeologic
15 modeling effort is a vital step in that process
16 and we are very pleased to know that the
17 Department has retained Dr. Donna Cosgrove to
18 conduct these comparative modeling studies that
19 will be made available later in 2009. It only
20 makes sense that the Department should take a
21 proactive approach that looks into the future and
22 uses solid science to develop sensible,
23 verifiable principles of groundwater management.
24 Given the current lack of independent
25 information, it is imperative that the technical

Page 87

1 adequacy of the application meet the highest
2 standard of hydrogeologic accuracy.
3 We contend that the Applicant's
4 technical conclusions based on their own data
5 assume unwarranted levels of certainty for a
6 request of this scope and in the context of
7 impacts to senior water rights. We believe this
8 situation argues strongly for taking the time
9 needed to gather all relevant data and for a
10 conservative approach and exceptional care in
11 granting of new water rights.
12 As evidenced by our very public
13 approach to this water right protest, we are not
14 anti-development by any means. We believe in
15 private property rights and the need for economic
16 development in our area, but we have also been
17 consistent in stating that development needs to
18 be predicated on sustainable growth principles.
19 And in this very important case, that means a
20 sustainable aquifer that supports existing senior
21 water users as well as reasonable new demand on
22 the groundwater resource.
23 As presented in our basis of protest,
24 we have multiple concerns in regards to the
25 proposed diversion of groundwater by M3 Eagle.

Page 88

1 They are as follows:
2 We believe there is potential for
3 significant adverse effects to our senior water
4 rights and that there is insufficient data or
5 evidence that M3's proposed withdrawals will not
6 conflict with the public interest as identified
7 by Idaho Code 42-202B(3) and as required by Idaho
8 Code 42-203A.
9 M3's own data and reports state that
10 there will likely be a loss of artesian flowing
11 wells between Eagle and Star areas located
12 several miles away. We believe there is
13 insufficient data or evidence to determine
14 whether the groundwater supply is sufficient to
15 support M3's proposed groundwater withdrawals and
16 that they will not adversely affect the local
17 economy of the watershed.
18 The unprecedented amount of water that
19 is being applied for has identified an
20 unprecedented amount of data provided by M3.
21 What is important to note in our opinion is that
22 the vast majority of the data that M3 has
23 acquired in terms of new information is located
24 on their own property, and yet they try to
25 extrapolate that over hundreds of square miles of

Page 89

1 the valley.
2 That M3 is requesting to divert a huge
3 quantity of groundwater from undefined and
4 unquantified foothills aquifer all before a
5 series of unbiased and independent reports
6 sponsored by the Department of Water Resources
7 are completed for consideration later in 2009.
8 M3 is requesting a water right for a
9 30-year residential development plan when the
10 Department should only be considering a water
11 right amount for M3 that can be put to beneficial
12 use in the reasonably foreseeable future in
13 accordance with Idaho Code 42-202B(3).
14 Further, we have concerns that this
15 water right was applied for under a seldom used
16 1996 special statute for municipalities when, in
17 fact, M3 Eagle is a for-profit development
18 corporation. This opens up several other issues,
19 including the possibility of speculation on M3's
20 part in obtaining such a large water right, but
21 also the problem of insolvency of a non-municipal
22 entity like Tamarack Resort, who was granted this
23 same type of special water right.
24 Is the greater public interest being
25 protected and served when a valuable Idaho

Page 90

1 municipal water right is granted not to a city or
2 a town but to a for-profit corporation, the case
3 such as Tamarack Resort?
4 During these uncertain times, the
5 recent examples at the Department to carefully
6 decide if any more water rights should be
7 appropriated under this imperfect statute. These
8 recent examples make it very important for the
9 Hearing Officer and the people of Idaho to know
10 who we are doing business with and what their
11 financial capacity may be to fund the proposed
12 project over a longer period of time.
13 We understand the M3 Eagle company is
14 limited to a single major equity contributor for
15 the funding of land purchases, entitlements,
16 develops, and operations, and this information is
17 found in the water rights file.
18 Since the beginning of this application
19 process, it has been the intention of our group
20 to work with all parties in an open, honest
21 manner to obtain a practical way for current well
22 owners and the M3 Eagle development to go forward
23 in a way that serves both with injury to none.
24 This is evidenced by an offer of
25 resolution in May of 2008 in which we asked for a

Page 91

1 collection of substantial and competent evidence
2 that could be provided to show that M3's
3 groundwater withdrawals would not adversely
4 affect our senior water rights. We offered
5 resolution if the body of data being proposed for
6 study by the Department of Water Resources was
7 completed thereby providing unbiased and
8 peer-reviewed hydrogeologic data and aquifer
9 models as well as groundwater budgets for our
10 area. And most importantly, we offered of no
11 more than 5 cfs were granted at any one time.
12 The latter is a model that has worked for several
13 other large developers as they work to mitigate
14 differences with well owners in the North Ada
15 County area.
16 Additionally, we have made several
17 offers of settlement during the protest process
18 to M3 that were based on the Applicants's own
19 data, but to date we have heard nothing back from
20 M3.
21 MR. FEREDAY: Mr. Hearing Officer,
22 we're going to have to object to a comment about
23 any settlement offers or the substance of any
24 settlement proposals.
25 MR. THORNTON: In summary --

Page 92

1 THE HEARING OFFICER: Well --
2 MR. THORNTON: We'll be talking about
3 that during the hearing. We'll be bringing that
4 up.
5 THE HEARING OFFICER: I think I need to
6 rule on this objection. And it's something that
7 I am quite sensitive to because I want to promote
8 settlement and those kinds of discussions and
9 negotiations between the parties, and there is a
10 rule of evidence that makes those offers of
11 settlement or settlement discussions inadmissible
12 into evidence. And the very purpose of that is
13 to promote discussions in ways that might
14 compromise a party's position if they were to
15 come in.
16 So, consequently, I won't allow that
17 kind of presentation into evidence. Furthermore,
18 I'll strike that particular presentation
19 reference from the opening statement.
20 Mr. Thornton, you may proceed.
21 MR. THORNTON: So, in summary, we
22 appreciate the opportunity to present information
23 that we believe is important for the Department
24 to consider and that we believe is relevant and
25 important in the protection of not only the

Page 93

1 senior water rights of the 37 protestants but for
2 the good of and protection of the several
3 thousand well owners in North Ada County that
4 depend every day on their wells to provide water
5 to sustain their homes and livelihoods. Thank
6 you.
7 THE HEARING OFFICER: Thank you,
8 Mr. Thornton. Okay, we've been at this almost
9 two hours. Can we take a break?
10 MR. FEREDAY: Yes.
11 THE HEARING OFFICER: 10 or 15 -- 15
12 minutes. So, we'll be back at about 11:15.
13 (Recess held.)
14 THE HEARING OFFICER: We're recording
15 again after a brief recess and we are ready to
16 begin the presentation of the testimony.
17 Mr. Fereday, your first witness?
18 MR. FEREDAY: We call Mr. William
19 Brownlee.
20 THE HEARING OFFICER: Okay,
21 Mr. Brownlee, if you will stand up, please, and
22 raise your right hand.
23 WILLIAM I. BROWNLEE,
24 first duly sworn to tell the truth relating to
25 said cause, testified as follows:

1 THE HEARING OFFICER: Please be seated.
 2 You may examine the witness, Mr. Fereday.
 3 DIRECT EXAMINATION
 4 QUESTIONS BY MR. FEREDAY:
 5 Q. Please state your name and provide your
 6 business address.
 7 A. William I. Brownlee, 533 East Riverside
 8 Drive, Suite 110, Eagle, Idaho.
 9 Q. You are a principal with M3; is that
 10 correct?
 11 A. That's correct.
 12 Q. What is your position?
 13 A. I am the founder, founding partner of
 14 the company, as well as a managing partner in the
 15 company.
 16 Q. When was the company founded?
 17 A. I started in business in 1981 and
 18 started real estate development work in 1983.
 19 Q. What is your background and experience
 20 with planned communities?
 21 A. We have done a significant amount of
 22 other types of real estate development leading up
 23 to our first master planned community that we did
 24 in 1993. We started development of the project
 25 in 1998, which was Prescott Lakes.

1 that I'm very familiar with because it's similar
 2 to what we've done with our other master planned
 3 community projects. And in those projects we
 4 never sought a right that only allowed for a
 5 phase of development, we always sought a right
 6 that allowed for the development of the entire
 7 project.
 8 Q. So, does the future needs and planning
 9 horizon style water right as we have here in
 10 Idaho under the 1996 Act make sense to you and is
 11 that what you were pursuing?
 12 A. That is correct.
 13 Q. This application, Exhibit No. 42,
 14 remains in substance M3 Eagle's proposal; is that
 15 correct?
 16 A. That is correct.
 17 Q. Could you, and perhaps referring to
 18 your PowerPoint slides that I see you brought
 19 here, could you give us some history of M3 Eagle
 20 or M3 Companies and what its track record is in
 21 terms of developing projects that might be
 22 relevant to this one.
 23 A. Well, we prepared a slide presentation
 24 that looks at the other communities, developments
 25 that we would consider to be a master planned

1 Subsequent to that, we have three other
 2 communities that are either under development or
 3 in the process of planning in addition to the
 4 Eagle project.
 5 Q. We'll get to those projects in a minute
 6 in terms of what your track record is, sir, but
 7 what's your familiarity with the water right
 8 application that's at issue here? And I'd like
 9 you to refer, please, to Exhibit No. 42.
 10 A. I've been involved since the beginning
 11 in working with Ed Squires of Hydro Logic to
 12 determine what the best course of action was to
 13 obtain a water right that provided assurance to
 14 ourselves and our investors as well as the
 15 assurances that are necessary to develop a
 16 community of this scale from a financial
 17 perspective as well as from the residents that
 18 move into the community's perspective to be able
 19 to look at and determine that there's an adequate
 20 supply not only for a phase of the project but
 21 for the entire project.
 22 So, we spent a significant amount of
 23 time reviewing that, looking at what types of
 24 studies would be needed, what types of studies
 25 had been done in the market area. It's something

1 community. The first slide illustrates the
 2 partners. There's myself, Scott Schirmer, and
 3 Jeff Davis. Jeff Davis and I have been partners
 4 for approximately 26 years. Scott Schirmer has
 5 been a partner with us starting at Prescott Lakes
 6 and continues to be a partner.
 7 We have done extensive entitlements and
 8 continue even in today's marketplace to continue
 9 with development of one of our master planned
 10 communities known as Wickenburg Ranch.
 11 The first community, as I previously
 12 mentioned, that we started was Prescott Lakes.
 13 That was an assemblage of 64 parcels from 32
 14 property owners in the City of Prescott, which is
 15 located about 90 miles to the north of the
 16 Phoenix metropolitan area.
 17 When we started the project, the
 18 metropolitan area had a population of
 19 approximately 50,000. Today it's over 100, what
 20 they refer to as the Tri-City area. That project
 21 was approximately 1,150 acres. 2,718 units is
 22 what ultimately we received a designation for
 23 under the 1998 declaration of the Prescott Active
 24 Management Area.
 25 Q. Is that an approval for that number of

1 units?
2 A. That is correct, which was a
3 down-zoning from about 3,400 to 2,718 units. At
4 full buildout, the project will probably have
5 somewhere between 1,800 and 2,000 units.

6 We have sold all of the parcels that
7 would be representative of builder product in the
8 community. We still only retain one parcel of
9 property for commercial development as well as
10 the golf and athletic club.

11 Q. Is this type of a project in your view
12 a feasible kind of real estate development even
13 looking forward from these admittedly difficult
14 economic times?

15 A. Well, the purpose of a master planned
16 community is to be able to develop a series of
17 price points and residential products within a
18 community based upon a continuity of design,
19 criteria for that community, as well as
20 infrastructure and planning and paying for an
21 amenity base within the community.

22 So, you know, the community of a master
23 plan versus an individual subdivision, the
24 significant difference is that you have the
25 ability to amortize costs of major infrastructure

1 as well as major amenitization. Whereas in a
2 smaller development that's not a master planned
3 community, that's a subdivision, you do not.

4 Q. What other projects would you like to
5 discuss with regard to your answering the
6 question about your track record? Is this all
7 that you have to say about Prescott Lakes at this
8 point?

9 A. Well, Prescott Lakes was an interesting
10 project from the perspective that it developed
11 out through a period of time where we had a
12 similar downturn in economic conditions. We
13 experienced in that project a lender that went
14 bankrupt on us and worked through that project
15 and completed the project. The project also
16 utilizes reuse in its irrigation for the golf
17 course as well as some of the landscape in the
18 community. We are a big proponent of reuse
19 irrigation and reuse water. That's prevalent in
20 all of our communities even though it's not
21 required in any of the communities.

22 And we also did significant work with
23 the City of Prescott as well as the State of
24 Arizona when the State declared a state of mining
25 in the Prescott Active Management Water Area, to

1 craft an agreement that allowed the City of
2 Prescott to move forward as well as ourselves
3 under the declaration of that area. So, we
4 garnered a significant amount of experience on
5 that side of the water law in Arizona.

6 Q. What other projects have you had
7 experience in that would help the Hearing Officer
8 understand your capability to build and complete
9 this project here in North Eagle?

10 A. We also developed in Prescott, not in
11 the city limits but outside in the county, a
12 project known as the American Ranch in Prescott.
13 It is about a 600-plus-acre parcel that had
14 entitlement for 210 units. We down-zoned it from
15 300 plus units to 210.

16 The idea here was to take a historic
17 ranch which at one time was traded for a
18 six-shooter and a bag of bullets with the guy
19 going for the Gold Rush in California, and take
20 the ranch and preserve the ranching heritage.
21 And it's really the start of something that we're
22 carrying forward known as the American Ranch
23 brand.

24 That project is a custom lot project,
25 has no production builder product in it. But we

1 as well in this project went forward with an
2 extensive hydrogeological study of the basin. We
3 were located in the county outside of the active
4 management water area. We could have used wells
5 and septic to build the property out. We were
6 requested by the residents in the area as well as
7 by the county to explore the formation of a water
8 and sewer improvement district.

9 Q. Now, did that involve groundwater?

10 A. Yes, it did.

11 Q. And the same is true for Prescott
12 Lakes, I take it? It was a groundwater dependent
13 development?

14 A. That is correct. And so, we did an
15 extensive study that remodeled the entire basin
16 there, actually produced information that was
17 contrary to the department's belief of the basin
18 at that time.

19 Q. Now, when you say "remodeled the
20 basin," you mean you did a new numerical model?

21 A. That's correct.

22 Q. A scientific model of the basin?

23 A. That's correct, and ultimately were
24 granted an assured supply for the project and
25 developed a wastewater treatment plant that is

1 going to produce effluent that will be utilized
2 for the irrigation of the common areas within the
3 community.

4 Q. Are these reuse projects you've had
5 experience with similar to what you plan for
6 M3 Eagle?

7 A. Yes, but on a much larger scale.

8 The next project that we did was the
9 Wickenburg Ranch project, also in Yavapai County
10 just outside of the town of Wickenburg, which is
11 about 60 miles from downtown Phoenix, a 2,100-
12 acre project, 2,300 units. The project is
13 currently under development.

14 We started development of the project
15 in June of 2007. It's planned for 2,324 units, a
16 mix of all residential types, and also has a golf
17 course, approximately 40 percent open space
18 inside the community.

19 We did an expensive mass grading
20 project there. We harvested over 4,000 trees on
21 site. We're planting back over 6,000 trees and
22 800,000 plants to mitigate the impacts of the
23 grading effort, which is about 75 percent
24 complete right now.

25 Q. And Wickenburg also relies on

1 groundwater; correct?

2 A. Wickenburg does rely on groundwater.
3 We did a study of the basin there. When we
4 acquired the property, there was a physical
5 availability letter that came with the property
6 for about 1,275 acre-feet. We hired Ed Squires
7 of Hydro Logic as well as Clear Creek, a
8 hydrogeologist that we worked with on other
9 projects in Arizona, to look at that study and to
10 take the physical availability letter. Once
11 again, this project was located outside of the
12 active management water area for Phoenix, which
13 meant that we could have done a certificated
14 process instead of a designated process, which is
15 a much lower standard, being the certificated,
16 than the designated process.

17 Q. And when you say a designated aquifer
18 management area or area -- what was the term you
19 used?

20 A. We obtained a designation of assured
21 water supply from the Department of Water
22 Resources, which means that we have to prove that
23 there is a physical available supply to support
24 the amount of withdrawal planned for a 100-year
25 period.

1 And we also went through and drilled
2 additional wells, mitigated and capped off some
3 existing wells on the property. Ed has done some
4 extensive work on that and has brought in two
5 production wells there that exceed the estimate.
6 When we acquired the property, the estimate was
7 for 450 gallons per minute max. We have one well
8 that is flowing at about 1,050 gallons per minute
9 and we just completed a new well that's flowing
10 at about 750 gallons per minute.

11 We have formed a regulated water
12 company as well as we have a sewer company that
13 is in the process of formation, both of which
14 will be regulated by the Arizona Corporation
15 Commission and provide water and sewer service
16 not only to this property but to adjacent
17 properties.

18 Q. So, when you say "planned community,"
19 you're really talking about something like a
20 self-supporting village or small community that
21 has those kinds of amenities such as -- or
22 requirements such as water supply, sewage,
23 streets and roads, and so forth all-inclusive; is
24 that correct?

25 A. Correct. And in the instance of this

1 project, the population at buildout will be
2 approximately 6,000 people living within the
3 community. The current population of the
4 adjacent town fluctuates between 6,000 and 15,000
5 depending on the time of year. It's a very
6 seasonal historic town on the edge of the Phoenix
7 area.

8 So, what we are dealing with in this
9 instance is forming a regulated utility company
10 that will be overseen and regulated by the
11 Arizona Corporation Commission setting tariffs
12 and utility rates for the water and the sewer
13 company. This project will also be producing
14 class A plus effluent that is being used as part
15 of our overall water balance worksheet for the
16 community for the irrigation of common space and
17 as well as the golf course.

18 Q. Do you have other experiences or is
19 that the --

20 A. We have one other project which was
21 getting ready to start development last year and
22 we delayed the project because of the economy.
23 It's a ranch in Colorado. It is the second
24 American Ranch project. It's a 2,100-acre
25 parcel. Once again, this property could have

Page 106

1 been developed utilizing a well and septic
2 program.
3 We acquired the property with the
4 intention to try and annex into the Perry Park
5 Water and Sewer District which is adjacent to
6 this property. And we were able to obtain
7 approval to do that and it was the first such
8 annexation in the history of the district.
9 And by doing so, we crafted an
10 agreement whereas we exchanged our 1863, a
11 portion of our 1863 surface water rights in
12 exchange for potable water, as well as gave them
13 the ability to get the credits from the effluent
14 being produced through the sewage treatment at
15 their facility as part of the overall water
16 balance for the project.
17 Q. And would that effluent be reused on
18 that project once it's built?
19 A. No, they actually discharge their
20 effluent into the creek bed in exchange for water
21 credits.
22 Q. It sounds like you have experience
23 providing water supplies in arid climates. Could
24 you comment on that, what that involved.
25 A. Well, you know, one of the things that

Page 107

1 was interesting when we started looking at this
2 process and working with Scott and Steve as well
3 as Ed was the calculation for the amount of use
4 per household in Idaho versus the areas that
5 we've come from, which is a much more arid
6 climate. And what we found is that our average
7 use in Arizona is less than the average use on a
8 household basis with an allocation towards
9 commercial, educational uses, as well as interior
10 and exterior use of the residential home, that
11 our water use is approximately 70 to 75 percent
12 of the use that is projected in this application.
13 And our company has extensive
14 experience in, you know, working in those types
15 of constraints to implement water-saving measures
16 through design of the community, to offset
17 groundwater withdrawal by utilizing reuse water,
18 as well as to require, through our design
19 guidelines for the community, standards and
20 building standards for the residential homes that
21 will be built as well as commercial inside the
22 community to use water-saving measures in their
23 design to implement conservation.
24 Q. You'll notice in Attachment A to
25 Exhibit No. 42 is a list of conservation measures

Page 108

1 that you propose to implement in the M3 Eagle
2 project. Are those still what you intend to
3 employ here?
4 A. Yes, they are.
5 Q. You mentioned well and septic
6 alternatives to a centralized water supply system
7 and sewage system. Are you aware of whether the
8 North Ada County, North Eagle area relies
9 currently on domestic wells and septic systems?
10 Is that your understanding?
11 A. I believe it's prevalent in that area,
12 yes.
13 Q. Your idea is to do something different
14 from that, though; correct? It is to have a
15 centralized sewer, centralized water supply
16 system?
17 A. That is correct.
18 Q. And why is that?
19 A. Well, because it's not feasible to
20 develop a master planned community using a well
21 and septic system, to begin with. But the
22 efficiencies of a well and the lack of being able
23 to generate reuse water through a septic system
24 is not a prudent nor conservation minded use of a
25 water resource in my opinion.

Page 109

1 Q. As a businessman owning land in the
2 Eagle area, do you believe it would be in the
3 public interest to promote centralized sewage and
4 water reuse such as M3 proposes?
5 A. Yes, I do.
6 Q. What is your experience with building
7 and selling office, retail, and industrial type
8 of buildings and developments? Do any of your
9 projects involve any office or commercial space?
10 A. Yes, they do, as well as myself and the
11 other partners in the company have projects that
12 are not within the master planned community
13 projects that fall in all of those categories,
14 not only in Arizona but throughout the country.
15 Q. What about multi-family developments?
16 Do you have experience successfully putting those
17 in?
18 A. Yes, we do.
19 Q. And I take it that what you've
20 described here with regard to Prescott Lakes and
21 the other projects, that they would have some
22 commercial, some multi-family, is that correct,
23 across all three of them or just the larger one?
24 A. The Prescott Lakes community will have
25 commercial. There will be limited commercial

Page 110

1 uses in the Wickenburg Ranch property, more
2 geared towards the resort amenitization, and some
3 life safety as well as medical related stuff
4 because it's an age-targeted community. Both of
5 the American Ranch properties are only
6 residential.

7 Q. I'd like you to turn now to the
8 M3 Eagle project and give us a feel for the
9 overall project plan. And I think we do have
10 some slides here that are parts of exhibits.
11 Exhibit No. 42, I believe, which is the water
12 right application, has some of these. But I'd
13 like you to refer to those for the convenience of
14 the Hearing Officer, if we could.

15 So, what is the overall project plan
16 for the M3 Eagle development?

17 A. The property encompasses 6,005 acres,
18 was an assemblage I believe of 11 parcels. We
19 started acquiring the property in 2005. And
20 through the assemblage, we looked at
21 opportunities for the entitlements for the
22 property, specifically to the zoning and planning
23 and development of the property.

24 Our options at that time were either to
25 take the property in as a master planned

Page 111

1 community application within Ada County or to
2 seek a preannexation and development agreement
3 with the City of Eagle.

4 After looking at the impacts that were
5 going to be caused by this project on the
6 adjacent City of Eagle -- and by "impacts" I mean
7 the development of roads, sewer, water, the
8 ability to have continuity of open space, the
9 governance of a community of this size and scale,
10 police, fire, those types of things, we came to
11 the conclusion that this project represented a
12 significant addition to the City of Eagle and
13 stood a better chance of mitigating those things
14 that I just spoke about by becoming a part of the
15 fabric of the City of Eagle.

16 So, we then approached the city, had
17 discussions with them, and went through a
18 planning and zoning and city council hearing
19 process on a general plan as well as a
20 preannexation and development agreement that
21 encompassed 34 plus public hearings starting in
22 2006 with approval of the preannexation and
23 development agreement in December of 2007.

24 Q. I want to ask you some questions about
25 that approval process. But before we continue

Page 112

1 with that, I'd like you to refer to the slide
2 that's up here now. Would you identify where the
3 M3 Eagle property that you own is and how it sits
4 in relation to other communities.

5 A. The property is shown on this map
6 that's on the screen entitled "Area Map." It's
7 approximately 12 miles as the crow would fly from
8 downtown Boise to the project.

9 The area that is shown in the lighter
10 brown area is the foothills area that was
11 considered during the City of Eagle's general
12 planning process. Actually, a worthy note on
13 that is that we had filed a separate general plan
14 application specifically for our property. And
15 during that process, the city then subsequently
16 filed its own application for the entire area.
17 The city denied our comprehensive plan
18 application but adopted a separate comprehensive
19 plan that encompasses this entire area. That
20 line right there is approximately -- not
21 approximately, it is the border just north of
22 Homer.

23 Q. Homer Road?

24 A. Correct. The property is bordered on
25 the southern edge by BLM property, which is

Page 113

1 currently under planning with the City of Eagle
2 to become a regional park through the
3 Recreational Public Purposes Act.

4 Q. How wide is that BLM parcel there?
5 What scale were you looking at here?

6 A. From Highway 16 which we have frontage
7 on at Equest Lane to our farthest eastern
8 boundary, we are approximately seven plus miles.
9 And from the southern boundary to the northern
10 boundary, that section is approximately four
11 miles. So, we have approximately 28 square miles
12 that the project is sitting in.

13 The BLM property runs along the
14 southern boundary line. These two properties
15 that we have, as well as the 320-acre parcel that
16 was over here, through the preannexation
17 agreement are going to become part of the
18 regional park. So, the boundary line of the
19 regional park with the property will run
20 approximately seven to eight miles across the
21 boundary.

22 And then there's another BLM property
23 that sits here adjacent to our property on the
24 highway of approximately 80 acres that has no
25 current plan for disposition or use through BLM.

Page 114

1 Q. The BLM land, then, separates the bulk
2 of the M3 Eagle property from the City of Eagle
3 city limits; correct?
4 A. That's correct. There's about a
5 one-mile separation in the centroid of the BLM
6 property.
7 Q. The BLM property is projected, then, to
8 become this regional park that you spoke of; is
9 that correct?
10 A. That is correct.
11 Q. And that will be through some sort of a
12 land swap with BLM or will it remain BLM
13 property?
14 A. The city through what is known as the
15 Recreational Public Purposes Act is seeking a
16 lease on the BLM property and a potential
17 acquisition. I'm not sure what the final
18 application is going to provide for, but the act
19 provides for cities to be able to obtain BLM
20 lands at a relatively inexpensive value in
21 relationship to the overall value of the property
22 so that they have the ability to utilize them for
23 parks. The permit is issued based upon the final
24 improvements and operation plans for that
25 property.

Page 115

1 Q. Now, if that park is developed, or even
2 if it's not, that land is not slated for any type
3 of housing development or commercial development;
4 is it?
5 A. That is correct.
6 Q. The M3 Eagle property is not currently
7 annexed into the City of Eagle; is that correct?
8 A. That's correct.
9 Q. We have this extension of the property
10 that comes down to the southwest. It seems like
11 to me like it's kind of a panhandle on the
12 property, if you will. Does that approach the
13 City of Eagle?
14 A. If you could return to the prior slide,
15 the -- there we go. The property that is
16 positioned right in here (indicating) which was
17 the Flack property and Carlock property acquired
18 by a group out of California now known as the
19 Terraview property was recently annexed by the
20 city.
21 We control a parcel of property that is
22 part of the Hanson property that provides for a
23 contiguous boundary between the Terraview
24 property and the BLM property. The city is
25 working with the BLM to annex through the BLM

Page 116

1 property. So, we are contiguous technically
2 speaking to the city boundary at this time once
3 we annex the Hanson property.
4 Q. And annexation into the City of Eagle
5 is contemplated; is that correct?
6 A. We have a preannexation and development
7 agreement that was entered into in 2007 that
8 provides for the procedure of annexation of the
9 property.
10 Q. We can talk about that in a few
11 minutes, but at this point perhaps we could go to
12 the next slide, which I believe shows phases.
13 And I believe that that is in the water right
14 application, Exhibit No. 42. Could you describe
15 what you plan to do in terms of units,
16 recreational areas, commercial centers, churches,
17 schools, or whatever is involved, please.
18 A. The entitlement has an increasing
19 number of residential units allowed based upon
20 certain approvals that we achieve during the
21 process. We have a base density of 3,003 units
22 with the ability to achieve a maximum density of
23 7,153 units.
24 When we entitled the property, we
25 entitled it as five different villages. Each

Page 117

1 village has its own distinct character, either
2 being a lower density residential village such as
3 the area that sits in the foothills, the more
4 topographically challenged portion of the site.
5 Q. And by that you mean steeper?
6 A. Steeper. Greater than 25 percent
7 gradient is what we used as a qualifier.
8 Approximately 73 percent of our site is less than
9 25 percent gradient, with the flattest portion of
10 the site going down through what is known as Big
11 Gulch, as well as the Little Gulch area.
12 The density, for point of reference in
13 this area, is approximately one unit per 16 gross
14 acres. The net average is probably going to be
15 one unit per 2 to 5 acres with the balance being
16 in open space.
17 The lower portion of this down in here
18 (indicating), we acquired four different
19 residential homes in that area. That's where we
20 have the surface water right through Farmers
21 Union for irrigation. We currently farm
22 approximately 100 acres through here in the Kling
23 area as part of a lease arrangement.
24 That area is also planned for a lower
25 density residential style development with

Page 118

1 increasing density moving back towards what we
2 consider to be the core, or what is in some
3 instances in a master planned community the
4 village core by reference. That's where your
5 higher density residential will be developed.
6 That's where you'll develop your office,
7 employment related uses, your fire station, your
8 schools. Those types of uses are developed in
9 there and that is the core.

10 The northern residential area is an
11 area that is planned for three different types of
12 single-family residential product, very limited
13 commercial. But that is going to be developed at
14 an average of probably one unit per two -- or two
15 units per acre or greater in that area depending
16 upon how the topography works best for
17 development in that area.

18 That is also where the two golf courses
19 that are currently in the plan -- there's one
20 that's planned for this area over here as well as
21 one for the most northwesterly area of the
22 project.

23 We went through several different
24 analyses to determine the phasing of the project.
25 We employed the work of Robert Charles Lesser,

Page 119

1 which is a nationally known planning company that
2 looks at feasibility analysis for the development
3 of master planned communities. They represent
4 all of the major homebuilders in the nation as
5 well as the major developers that do master
6 planned community work.

7 They came in and studied the Treasure
8 Valley area, the potential for absorption in the
9 Treasure Valley, the product segmentation for
10 this project, helped look at the different
11 phasing requirements that were required to
12 promote a consistent absorption. And by that I
13 mean not creating too much product in any one
14 segment at any given time.

15 Q. Okay. Before we continue with the
16 market aspects of this, I'd like to ask you some
17 other questions about this overall project plan.
18 What about parks, playgrounds, common areas, that
19 kind of element here? What kind of acreage are
20 we talking about?

21 A. Our overall plan right now inside of
22 everything that's in color, inside of our
23 community, is to have a minimum of 20 percent
24 open space by the preannexation and development
25 agreement, but the probability is that it will be

Page 120

1 40 percent plus open space upon final buildout of
2 the community.

3 Q. Why is that?

4 A. Simply because the topography of the
5 land and the types of uses that you have dictate
6 your open space requirements.

7 Q. So, are you proposing, then, to cluster
8 development in ways that allow open space to
9 remain as natural open space?

10 A. That is correct. One of the number one
11 things that's cited in studies of master planned
12 communities is a premium associated with open
13 space development in the community. We look --

14 Q. Is this going to provide amenities to
15 the public in this area in addition to the
16 residents of the M3 project?

17 A. That is correct.

18 Q. What about wildlife corridors or
19 wildlife mitigation? What have you done with
20 regard to that?

21 A. We employed URS, a consultant in the
22 area of the wildlife and biological studies. We
23 have studied not only our property but also the
24 BLM property that is adjacent to our property.
25 We have participated in ongoing studies and are

Page 121

1 participating in a big game study for the area
2 that Charlie Bohn is doing.

3 We are completing and have completed
4 differing levels of biological and wildlife
5 studies. We have submitted those to BLM for
6 review relative to the road easements that we are
7 seeking application for, Linder Road, Hartley
8 Road, and then the Highway 16 connection.

9 We are going through a process with the
10 City of Eagle for the habitat mitigation plan and
11 looking at areas that were deemed during the
12 process to be areas of special concern. Assuming
13 that we are able to mitigate any impact on those
14 areas of special concern, that's one of the areas
15 that triggers an increase in our density in those
16 specific areas.

17 So, the other question that you asked
18 was wildlife corridors and the opportunity for
19 recreational use of the property. Those two
20 things are integrated in our mind.

21 Our plan calls for a setback along
22 Willow Creek Road where we did a self-imposed
23 setback to pull the residential housing away from
24 the road, creating an open space corridor along
25 Willow Creek Road that provides trail connection

1 from the park areas along the southern boundary.

2 Q. Is that recreational trails or game
3 trails or --

4 A. That would be a combination of both
5 along Willow Creek being able to further go north
6 past our property. And then our current planning
7 is looking at connections to the regional park
8 area as well as connections through the project
9 that would be major open space corridors for
10 trails as well as neighborhood and regional type
11 park amenities.

12 We also are developing along the Big
13 Gulch drainage, which has interface with some of
14 the BLM lands in this area, a corridor that
15 varies in width between 200 to 400 feet in width
16 approximately along the entire length of Big
17 Gulch that will be a combination of equestrian/
18 pedestrian separated by the drainage basin
19 revegetated to bring up riparian type habitat.
20 And in addition --

21 Q. Excuse me. The Eagle area is a popular
22 area for equestrian use and equestrian type
23 residences. Do you recognize that?

24 A. Yes, we do. And we have planned inside
25 of the master plan for an equestrian based

1 per year. So, there's a significant amount of
2 money that would be going back into the economy
3 through that construction process as well as the
4 infrastructure construction that's necessary to
5 support that.

6 Q. The papers lately have had articles
7 with regard to the Avimor development owned by
8 SunCor. How have the troubles that SunCor/Avimor
9 have had affected you in your planning? Could
10 you comment on that?

11 A. Well, their process is -- a good
12 comparison to what we're doing is what they're
13 doing from a master planned community standpoint.
14 They have overall acreage of approximately 25,000
15 acres that's part of the Avimor master planned
16 community. But their planning process to date
17 has focused on 800 plus or minus acres, which we
18 would consider to be a phase or a village inside
19 of the M3 Eagle project.

20 Their approach has been to focus on the
21 needs for that 800 acres, and at a conceptual
22 level through the general planning process with
23 the City of Eagle focus on the remaining units
24 that they were going to develop, which I believe
25 is somewhere in the neighborhood of a total of

1 community on what we reference as the
2 southwestern planning area, as well as a
3 potential for an equestrian facility and
4 trailhead in the southern planning area.

5 Q. Would the public be able to use that
6 equestrian facility and trailhead?

7 A. Yes.

8 Q. What about the employment that would be
9 involved in the M3 Eagle project, including
10 employment onsite and offsite with regard to
11 residents living there and being employed
12 outside?

13 A. I would have to ask you to speak to
14 John Church directly about the offsite employment
15 impacts or the economic impact of the
16 construction of the community.

17 The onsite employment at buildout is
18 estimated to be approximately 2,400. We will
19 have a significant impact on residential and
20 commercial construction trades during the
21 construction of this project. The estimate right
22 now is for an average absorption of approximately
23 250 units per year over the buildout of the
24 community up to -- I believe the Robert Charles
25 Lesser report goes up as high as 600 to 800 units

1 9,000 to 12,000 dwelling units. Their first
2 phase, their first village focuses on I believe
3 650 plus or minus units.

4 What they are doing is working on a
5 village-by-village basis. And I don't agree with
6 that concept because I think that it's important
7 for us to know as the developer of a community
8 the types of impacts that we're going to create
9 in a cumulative basis, not at a conceptual level
10 from the perspective of a general plan sense of
11 impact but from a very specific impact relative
12 to how much water are we going to use? How much
13 effluent are we going to generate? What type of
14 traffic impacts are we going to have? What type
15 of wildlife and habitat impacts are we going to
16 have, so we can have the ability to address those
17 up front and plan for them.

18 Q. Is that consistent with your approach
19 under the 1996 Municipal Water Rights Act?

20 A. That is why we chose that act is
21 because it was the only mechanism that we could
22 see that would allow us to obtain something in
23 the form of a water right that would allow us to
24 plan for that long-term horizon.

25 Q. Now, SunCor obtained a groundwater

1 right or groundwater rights. Are you familiar
 2 with those?
 3 A. Yes, they were obtained out of the
 4 Willow Creek Aquifer, I believe.
 5 Q. And do you know the size of those
 6 rights or the water right that was obtained?
 7 A. I believe it's a 5 cfs right.
 8 Q. And that was not a municipal future
 9 needs water right, or do you know?
 10 A. I don't believe it was.
 11 Q. How many acres overall does M3
 12 Companies own here in North Ada?
 13 A. Well, we own 17,000 acres overall. The
 14 subject of the preannexation and development
 15 agreement is the 6,005 acres that we have shown
 16 here.
 17 Q. The other 11,000 acres are somewhat
 18 remote from this; correct?
 19 A. They are located to the east of 55.
 20 Q. You mentioned, I think, a land swap
 21 with the Bureau of Land Management. Could you
 22 describe what that is.
 23 A. We have been working with the Bureau of
 24 Land Management to try to exchange the 800 acres
 25 that's located on our eastern portion of our

1 project for this 800 acres in this area right
 2 here (indicating), as well as we've discussed
 3 with the Bureau of Land Management the potential
 4 exchange of our 11,000 acres.
 5 Q. If that land swap were to occur, would
 6 you develop, then, on the land you acquire from
 7 the BLM?
 8 A. Yes.
 9 Q. Would that increase the number of units
 10 or the overall water demand in your project?
 11 A. Potentially. But if it did, we would
 12 have to seek an additional right.
 13 Q. An additional water right?
 14 A. Correct.
 15 Q. So, your plan, as I take it, is to
 16 obtain a water right for 7,153 dwelling units and
 17 that's the case even if you do a land swap?
 18 A. That is correct. Our right is to not
 19 only seek for the residential demand but also the
 20 irrigation as well as the commercial demand on
 21 the 245 acres of non-residential use.
 22 MR. FEREDAY: Mr. Hearing Officer, it
 23 is noon. I'm willing to continue for a little
 24 bit longer. I probably have another, well,
 25 probably a better part of an hour, 45 minutes

1 perhaps. But I thought I'd stop here and let you
 2 make the call on that.
 3 THE HEARING OFFICER: Is this a
 4 reasonable time to break in your presentation?
 5 MR. FEREDAY: It would be.
 6 THE HEARING OFFICER: Should we break
 7 for lunch, folks? Let's recess. It is just
 8 shortly after noon. Does anybody need more than
 9 an hour? Let's just come back about five after
 10 1:00.
 11 MR. FEREDAY: Okay.
 12 (Luncheon recess taken.)
 13 THE HEARING OFFICER: All right, let's
 14 start recording. We're recording again after the
 15 lunch recess. And Mr. Fereday, you're examining
 16 the witness.
 17 Q. (BY MR. FEREDAY) Mr. Brownlee, you
 18 mentioned with regard to this phasing plan slide
 19 in the PowerPoint, I believe, that this
 20 references a village center or village plan
 21 concept. Could you tell us what that is, please.
 22 A. Well, the village center, village plan
 23 is the area that is Linder and intersection with
 24 what would be the main connector going between
 25 Highway 16 and then ultimately all of the way out

1 to Highway 55 connecting with Hartley as it comes
 2 through and makes the connection. In this area
 3 would be your village center. I've got a couple
 4 of slides that depict what the village center
 5 would look like. I think I could start with the
 6 next slide, please. There we go.
 7 What you can see here, this is the
 8 intersection of those roads that we were
 9 discussing. That's the road that goes out to 16.
 10 This is the Big Gulch linear park that we
 11 discussed, the regional park. This is your
 12 higher density commercial and residential uses in
 13 this area.
 14 And the significance of this in a plan
 15 such as this is that you need to be able to size
 16 the village center and your employment related
 17 uses and your retail related uses in a project of
 18 this size and scale, and especially given the
 19 separation that this project has from the other
 20 uses that would be similar type uses in the City
 21 of Eagle. You need to be able to count on the
 22 ability to develop your entire project out
 23 because you cannot size your infrastructure, you
 24 cannot promote your employment opportunities or
 25 your retail opportunities to tenants or to

Page 130

1 employers that are looking at you only being able
2 to develop a one- or two-phase project because of
3 the phasing of your water right versus the future
4 needs right that we are seeking. So, that's a
5 very important component of the fundamentals
6 behind a long-term plan for the community.
7 Q. Have you conducted or had conducted for
8 you any market feasibility studies for your
9 overall project?
10 A. Yes, Robert Charles Lesser, as I
11 previously mentioned, has done that study for us.
12 We also do our own independent analyses of the
13 market area. We track that. We reference other
14 independent studies that are in the community.
15 We look at a myriad of information. We work with
16 folks such as John Church that has the economic
17 pulse, so to speak, and has been monitoring that
18 for a long period of time. And that's all
19 factored into the overall design of the community
20 and the number of square feet of commercial and
21 retail and office related uses that you need.
22 That ultimately drives the 245 acres of
23 non-residential use.
24 Q. Could you refer to Exhibit No. 40 in
25 your book there. It would be in the other

Page 131

1 volume.
2 A. (Witness complied.) Okay.
3 Q. Can you describe what that is, please.
4 A. It says this is prepared by Idaho
5 Economics for M3 Eagle Development, the
6 demographic forecast, economic and fiscal impact
7 analysis dated October of 2008.
8 Q. Is this the report that Dr. Church
9 prepared for you?
10 A. That is correct.
11 Q. And have you relied on reports like
12 this in your profession in developing planned
13 communities and other projects?
14 A. Yes, we do.
15 Q. Is this report one that you have relied
16 on here?
17 A. Yes, we did, as well as the City of
18 Eagle relied on this report as part of the
19 entitlements process.
20 Q. What about your projections for the
21 absorption of the products that are shown on this
22 slide or that you have described generally in
23 your testimony today?
24 A. Based on looking at historical trends
25 on housing starts in the Treasure Valley area,

Page 132

1 one of the things that we took into account when
2 we planned this community was we would be able to
3 hit varying levels of market segmentation, and by
4 that I mean varying price points through the
5 community, going from an attached product that's
6 a for-sale product to a rental product to a
7 single-family high-end custom home product.
8 We view the market's stability and
9 growth factor to be something that's very
10 consistent in the 2 to 3 percent range. The
11 other thing that we look at is the -- not the
12 housing starts that occur in any one year, but
13 over a longer period of time. We think that this
14 project, given the ability to have a wider array
15 of market segmentation and a desirable
16 municipality such as Eagle, provides the
17 opportunity to capture sales that are currently
18 going to areas outside of the city because that
19 type of housing is not offered within the
20 community. It has a very narrow band of housing
21 product.
22 And we see the opportunity to have a
23 market penetration of somewhere between 250 and,
24 as I previously mentioned, I believe, Robert
25 Charles Lesser's report assuming that we had an

Page 133

1 active adult community which is targeted for the
2 very northwest quadrant of the project, that
3 being an age-restricted community that a Shea
4 Homes, for example -- I don't know if you're
5 familiar with Shea, develops a Trilogy brand, or
6 Pulte Homes, which is Del Webb brand, that the
7 absorption could be upwards of 600 to 800 units a
8 year.
9 Q. 600 to 800 units per year?
10 A. Correct, if you introduce the third
11 product type, such as the active adult component.
12 Q. If this project is built out over 30
13 years, how many units is that per year that you
14 would anticipate --
15 A. Roughly --
16 Q. -- on average?
17 A. I'm sorry.
18 Q. On average?
19 A. 250 to 300.
20 Q. And do you have any idea what
21 percentage of the market share in the greater
22 Eagle area that would comprise?
23 A. We don't just look at the greater Eagle
24 area, we really look at the Treasure Valley. And
25 that would be about a 4 to 6 percent market

Page 134

1 share.

2 Q. You have some other slides in your
3 PowerPoint that maybe we should go through here
4 for the Hearing Officer. Could you identify what
5 this one is.

6 A. Well, that's a conceptual look at what
7 the community entrance coming from the BLM park
8 going down into the community. This roundabout
9 is at the intersection of the main connection
10 between 16 and 55. This is illustrating a
11 commercial office use, more village center type
12 of use, the office as well as retail in this
13 corner. And then in the background you see
14 lesser density development on the foothills
15 portion of the project.

16 This is a village square concept. What
17 you try to develop is the town square, so to
18 speak, where you have the gathering point, the
19 main retail, and employment related uses. Once
20 again, this is -- the ability to develop this
21 type of product is driven by the overall
22 calculation of the number of units on buildout,
23 not just in any one phase.

24 Q. You have a few other slides. Let's
25 continue through those. I'd like you to just

Page 135

1 comment on these. To the extent you have not
2 already testified to these factors with regard to
3 the M3 Eagle project, please comment on them.

4 A. Okay. Well, this slide illustrates the
5 overall project statistics, which we've commented
6 on already. The next slide is the -- discusses
7 the entitlements in summary that's set forth in
8 the preannexation and development agreement.

9 Just in highlight of that, we completed
10 the process December 18, 2007. We had 34 public
11 hearings going through the process with the
12 planning and zoning as well as city council. We
13 received approval of a preannexation and
14 development agreement. That agreement provides
15 for 3,003 dwelling units as a base number going
16 up to 7,153, a maximum of 245 acres of
17 non-residential uses, a minimum of 20 percent
18 open space, a planning target that we have right
19 now for 40 percent open space in the community.

20 Approximately 15 percent of that will
21 come from the dedication of 880 acres to the
22 regional park, increasing that to 2,715 acres.
23 And we'll share about a seven-mile boundary with
24 that park along our southern boundary line,
25 creating about a one-mile buffer between the

Page 136

1 residential development on the south side of the
2 park and our development on the north side of the
3 park.

4 The plan also calls for three
5 elementary schools, a middle school and a high
6 school, a public library, two fire stations.

7 Part of our preannexation and development
8 agreement provides for a funding mechanism where
9 we share the cost of constructing the fire and
10 police station.

11 We have one regional park. Most likely
12 we'll end up with two. Because the way that
13 we're designing the Big Gulch drainage and linear
14 park will ultimately be about 150- to 200-acre
15 linear regional park.

16 We have extensive public trails for
17 walking and all of the roads on the main
18 arterials will be designed to accommodate bicycle
19 lanes. We have planning for two golf courses
20 right now, two 18-hole golf courses.

21 We show in plans two locations for
22 equestrian centers, one in the southwestern
23 planning area and one is in the southern planning
24 area. We have about 100 acres of lakes. Those
25 were sized based upon the storage requirements

Page 137

1 for effluent at buildout. We won't build all of
2 the lakes at the beginning. Those will be built
3 as phasing requires the lakes to be built.

4 Q. The lakes will contain effluent that is
5 treated to class A standards; is that correct?

6 A. That is correct. And the water will be
7 pumped out of those lakes. So, they'll serve as
8 the irrigation reservoir for the community. And
9 we'll be producing at the full buildout of the
10 project about 1,800 acre-feet per year in class A
11 effluent for reuse.

12 The project, as we mentioned, is
13 looking at about a 20- to 30-year buildout. We
14 anticipate being completed with our additional
15 work that's ongoing and has been going on since
16 our approval in 2007 for such items as the PUD
17 standards, the habitat mitigation plan, the
18 design standards, the hillside and grading
19 standards, the easements that were obtained from
20 BLM, the studies that are necessary to obtain
21 those easements, the planning unit master plans,
22 preliminary final plat, engineering and approval
23 for the water and sewer systems, and the
24 annexation of the property. I know I'm sure I
25 left some of those things out. But the office

1 here in Eagle is managing that process and we
2 have a significant amount of work that's ongoing.

3 The misnomer with these things is that
4 people think once you go through and receive
5 zoning for a project such as this that you're
6 able to start tomorrow. That's when the work
7 really starts on a project. And then we have a
8 significant amount of work, typically one to two
9 years worth of lead time in advance of being able
10 to start construction.

11 The other items that we're working on
12 is obtaining the necessary permits from ACHD and
13 ITD as well as working with the major utilities
14 like Idaho Power and others to bring the major
15 trunkline utilities to the project.

16 Q. This PowerPoint that you've just been
17 discussing, was it prepared at your direction?

18 A. Yes, it was.

19 Q. Did you contribute directly to its
20 preparation?

21 A. Yes, I did.

22 Q. And does it accurately depict the
23 testimony you've given today?

24 A. Yes, it does.

25 MR. FEREDAY: Mr. Hearing Officer, we

1 would like to offer this as our next exhibit.
2 What's the number?

3 MR. LAWRENCE: 66.

4 MR. FEREDAY: Exhibit No. 66. And we
5 will provide it to the parties and to the Hearing
6 Officer in hard copy form, color, for your
7 convenience.

8 THE HEARING OFFICER: I appreciate
9 that. Mr. Thornton, any objections?

10 MR. THORNTON: No.

11 THE HEARING OFFICER: Mr. Smith?

12 MR. ALAN SMITH: (No response.)

13 Q. (BY MR. FEREDAY) Mr. Brownlee, you
14 referred to --

15 THE HEARING OFFICER: Just a minute.

16 MR. FEREDAY: Oh, I'm sorry. I
17 thought --

18 THE HEARING OFFICER: Mr. Smith, any
19 objections --

20 MR. ALAN SMITH: I don't think so, no.

21 THE HEARING OFFICER: -- to the
22 admission of these slides that have been
23 presented?

24 MR. ALAN SMITH: No.

25 THE HEARING OFFICER: Okay. And

1 Mr. Edwards?

2 MR. EDWARDS: No objection.

3 THE HEARING OFFICER: Okay. With that,
4 the documents that have been depicted on the
5 PowerPoint slide will be received into evidence.

6 And again, we'd like a copy.

7 MR. FEREDAY: Thank you.

8 THE HEARING OFFICER: That is labeled
9 Exhibit No. 66?

10 MR. FEREDAY: Correct.

11 THE HEARING OFFICER: We don't have a
12 document to label at the present time? Or are
13 they in the binder?

14 MR. LAWRENCE: It's not in that binder.

15 No, I don't have a copy on me that we can --

16 MR. FEREDAY: Actually, I do.

17 MR. ALAN SMITH: Mr. Fereday, what are
18 you denominating this as?

19 MR. FEREDAY: It's a PowerPoint, M3

20 Master Planned Communities PowerPoint. And I can
21 give a copy of this at this time to the Hearing
22 Officer. This is my copy.

23 THE HEARING OFFICER: We'll deliver it
24 to Mr. Peppersack. He can place an
25 identification sticker on it. Again, this

1 document is identified as Exhibit No. 66?

2 MR. FEREDAY: Correct.

3 THE HEARING OFFICER: Exhibit No. 66 is
4 received into evidence.

5 (Exhibit 66 admitted into evidence.)

6 Q. (BY MR. FEREDAY) Mr. Brownlee, you
7 mentioned a document that you've referred to a
8 couple of times as the preannexation agreement.
9 I'd like you to refer to Exhibit No. 58, please,
10 in the binder.

11 A. (Witness complied.)

12 Q. Do you recognize what has been marked
13 as Exhibit No. 58?

14 A. Yes, I do.

15 Q. Could you describe just in general
16 terms what it is and how it came about.

17 A. It is the preannexation and development
18 agreement by and between the City of Eagle and
19 M3 Eagle, LLC.

20 It's typical for real estate
21 developments of this size and scale and even
22 smaller developments to have a development
23 agreement, and the primary purpose of that is to
24 set forth the contractual agreement between the
25 city and the applicant and the landowner.

Page 142

1 The agreements deal with a myriad of
2 issues. This agreement deals with the
3 preannexation, the final annexation, the
4 entitlement for density. For example, how do we
5 go from 3,003 to 7,153 units, the requirements
6 for that. The allocation of density per planning
7 area, the restrictions on the maximum density in
8 that area for both residential and
9 non-residential uses.

10 It describes how the roadway networks
11 will work within the community, the requirement
12 for us to obtain approvals from the State as well
13 as ACHD. It deals with the sewer system and the
14 potential contractual agreement between Eagle
15 Sewer District and ourself for the operation of
16 that system. It deals with the conveyance of the
17 water system to the City of Eagle. It addresses
18 the issue of parks and trails in the community,
19 the conveyance of the 880 acres to the city and
20 what triggers that conveyance for the regional
21 park dedication.

22 It deals with the phasing of the
23 community. It deals with the police and fire
24 elements and educational components of the
25 community, and then ultimately deals with the

Page 143

1 process by which we go through obtaining the
2 right to construct what is deemed to be a
3 planning unit within the overall master plan.

4 Q. And this is an agreement that has been
5 executed by the city and by M3 Eagle?

6 A. That is correct.

7 Q. And it is currently in place and in
8 effect with regard to this project?

9 A. That is correct.

10 MR. FEREDAY: Mr. Hearing Officer, we
11 would like to offer Exhibit No. 58 into evidence,
12 please.

13 THE HEARING OFFICER: Mr. Thornton, any
14 objections?

15 MR. THORNTON: No.

16 THE HEARING OFFICER: Mr. Smith?

17 MR. ALAN SMITH: No objection

18 THE HEARING OFFICER: Mr. Edwards?

19 MR. EDWARDS: No objection.

20 THE HEARING OFFICER: Thank you. The
21 document identified as Eagle, LLC, Exhibit
22 No. 58, is received into evidence. I'm sorry, M3
23 Eagle, LLC.

24 Thank you, Mr. Fereday.
25 (Exhibit 58 admitted into evidence.)

Page 144

1 Q. (BY MR. FEREDAY) Were there public
2 hearings leading up to the entry of the
3 preannexation agreement? I think you have
4 earlier described some public hearings, but I
5 would like to have you just step through what the
6 public hearing process has been both before and
7 after the agreement.

8 A. Certainly. When we initially filed our
9 request for zoning, we filed for 12,0000,
10 approximately 12,000 units. I don't recall the
11 exact number, but it was plus or minus 12,000.

12 We also filed a comprehensive plan
13 amendment which was separate from the city's
14 future filing of a comprehensive plan for the
15 entire foothills. And we provided a draft
16 preannexation and development agreement which was
17 modified during the hearing process.

18 Q. If I could just stop you right there,
19 you mentioned the City of Eagle Comprehensive
20 Plan. Would you please look at Exhibit No. 57 in
21 that same binder, I believe.

22 A. (Witness complied.)

23 Q. Is that the City of Eagle's
24 comprehensive plan?

25 A. Yes. The title is: "Amended 2007

Page 145

1 Eagle Comprehensive Plan, Resolution No. 08-20."

2 Q. And to your knowledge, is that in
3 effect today?

4 A. Yes.

5 MR. FEREDAY: Mr. Hearing Officer, we
6 offer Exhibit No. 57.

7 THE HEARING OFFICER: Mr. Thornton, any
8 objection to the admission of Exhibit No. 57?

9 MR. THORNTON: No, no objection.

10 THE HEARING OFFICER: Mr. Smith?

11 MR. ALAN SMITH: No objection.

12 THE HEARING OFFICER: And Mr. Edwards?

13 MR. EDWARDS: No objection.

14 THE HEARING OFFICER: The document
15 marked "M3 Eagle, LLC," Exhibit No. 57 is
16 received into evidence.
17 (Exhibit 57 admitted into evidence.)

18 Q. (BY MR. FEREDAY) Mr. Brownlee, you can
19 continue with your description of the approval
20 process and hearings that are involved in these
21 matters.

22 A. The process then entailed doing public
23 meetings which were outside of the City's
24 process. We held several of those. In those
25 meetings we would describe the overall vision for

1 the community as well as the plan itself and walk
2 through and answer questions with the residents
3 in the community.

4 We then went through I'm not sure of
5 the number, but it was a significant number of
6 planning and zoning hearings at which all of the
7 applications that we had applied for were
8 discussed in significant detail and in depth.
9 That involved the testimony of our consultants
10 and experts in varying areas from civil
11 engineering to economics to water related issues,
12 to traffic related issues and the like.

13 We then obtained an approval --
14 recommendation of approval for our applications,
15 which was then forwarded to the city council. We
16 attended several city council hearings over a
17 number of months at which we discussed our
18 applications. We received approval for our
19 preannexation and development agreement, which
20 was modified to reflect the approvals that were
21 obtained at the city council. Those approvals
22 were for the master plan, but we received denial
23 of our separate application for a general plan.
24 And the general plan of the city was approved and
25 we adopted as part of our development agreement

1 the text portion of the comprehensive plan
2 portion that related to the M3 Eagle project.

3 After that, in December the
4 preannexation and development agreement was
5 executed by myself and the city. And since that
6 time we have been going through various meetings
7 with the city staff and their consultants to
8 review different filings that are upcoming this
9 year, such as the PUD standards, which are the
10 technical document that governs the design of the
11 community, the setback requirements, so on and so
12 forth. It's almost like a city code for this
13 project. The hillside and grading standards for
14 the community, the habitat mitigation plan for
15 the community. The design guidelines were also
16 part of what will be reviewed and approved this
17 year by the city. Those are all items that are
18 necessary for us to commence development within
19 the community.

20 Q. That is to commence construction on
21 this project?

22 A. That's correct.

23 Q. I'd like to ask you some questions
24 about the cost of this project and M3's ability
25 to finance those costs. I'd like you to refer to

1 Exhibit No. 42 that has been admitted into
2 evidence. I think it's tab 9 of that exhibit,
3 which is a cost estimate from Stanley
4 Consultants. Do you recognize that?

5 A. My Exhibit No. 42 reads: "Second
6 Amended Application for Water Permit."

7 Q. Yes, it's in tab 9.

8 A. Oh, I'm sorry. Excuse me. Okay. That
9 reads: "Engineer's Opinion of Probable Costs for
10 M3 Water, Sewer, and Pressure Irrigation."

11 Q. Have you discussed this with the
12 engineering firm that prepared it?

13 A. Yes, I have.

14 Q. And is that to your knowledge the
15 latest version of that document?

16 A. Yes, it is.

17 Q. And that's a part of your application;
18 correct?

19 A. That is correct.

20 Q. Has M3 Eagle made timely payment to its
21 various consultants and contractors with regard
22 to this project?

23 A. Yes, it has.

24 Q. What about for past projects such as
25 some of the ones that you discussed in the course

1 of your PowerPoint presentation?

2 A. Yes, we have. The only project that we
3 incurred any issues on was the Prescott Lakes
4 project where Finova Capital, who was a lender
5 and -- participating lender in the project, filed
6 for bankruptcy during the height of construction,
7 as well as our other partner in the project went
8 out of business as well. So, that is the only
9 project that we've had any difficulties in, but
10 all participants in that project were paid and
11 the project was restructured.

12 Q. And the project has gone forward?

13 A. That is correct.

14 Q. Describe the process for financing a
15 large project like this.

16 A. Well, the process is an ongoing
17 process. It's not a one-time financing. It's in
18 phases. Typically what we do is we do not build
19 the residential homes themselves. Our job is to
20 build the primary infrastructure in the
21 community, being what I refer to as the backbone
22 infrastructure, the water, the sewer, the dry
23 utilities. We'll do the grading of pad work,
24 landscaping. We'll build the primary amenity
25 base in the community potentially, like the golf

Page 150

1 course, the clubhouse, and athletic club. We'll
2 build a regional park, but we do not build the
3 residential component. So, our financing is
4 really limited to building the backbone
5 infrastructure and the amenity base in the
6 community. That's done on a phase-by-phase
7 basis.
8 Q. Now, when you say you don't build the
9 actual dwelling units or at least the homes, do
10 you contract with another entity or sell parts of
11 the project or partner with another entity to do
12 this? How does it work?
13 A. We sell what is called "super pads" or
14 neighborhoods to third-party builders that will
15 then build inside the community. We set up
16 design guidelines that they comply by and they
17 work to in order to design and build their
18 product within the community so you have a
19 consistency throughout the community. We at one
20 time were a home builder and decided that was not
21 where we wanted to focus our energy as a company.
22 So, back to the question of financing,
23 you finance this in phases. We use a combination
24 of equity and very limited debt. As a company,
25 we have very limited debt as a company. We've

Page 151

1 adopted a policy, a decision I made in 2004 when
2 I started seeing this market change a little bit,
3 that we went completely away from debt other than
4 internal fundings that come from our financial
5 partner similar to this transaction. And then we
6 also use the financing mechanism such as the
7 community infrastructure district bill that was
8 approved last year by the legislature. That's
9 used to finance the main arterial infrastructure,
10 the backbone infrastructure inside the community,
11 and then is amortized through the property tax
12 base for the community.
13 Q. So, you intend to take advantage of
14 that tax program?
15 A. Yes, we do.
16 Q. Would you please look at Exhibit No. 54
17 and also alongside that Exhibit No. 42, which
18 we've discussed, tab 8.
19 A. (Witness complied.) Okay.
20 Q. Could you describe what these two
21 exhibits, that is Exhibit No. 42, tab 8, and
22 Exhibit No. 54 show.
23 A. Exhibit 42 tab 8 is a November 20,
24 2006, cover letter from Tom Cervino, who is our
25 chief financial officer for our company. It was

Page 152

1 the financial statement prepared for M3 Eagle,
2 comparative income tax basis, financial statement
3 for the ten months ended October 31, 2006, and
4 for the period inception July 21, 2005, through
5 October 31, 2005.
6 Q. And Exhibit No. 54?
7 A. Exhibit No. 54 is also prepared by Tom
8 Cervino, who is a CPA. And it was for M3 Eagle,
9 LLC, a statement of assets, liabilities, and
10 equity income tax basis as of December 31, 2008
11 and 2007.
12 Q. Is Exhibit No. 54 accurate to the best
13 of your knowledge?
14 A. Yes, it is.
15 Q. And does that show the financial status
16 of M3, LLC, at this point?
17 A. It shows the financial status of
18 M3 Eagle, LLC.
19 Q. Sorry.
20 MR. FEREDAY: We offer Exhibit No. 54.
21 THE HEARING OFFICER: Mr. Thornton?
22 MR. THORNTON: No objection.
23 THE HEARING OFFICER: Mr. Smith?
24 MR. ALAN SMITH: No objection.
25 THE HEARING OFFICER: Mr. Edwards?

Page 153

1 MR. EDWARDS: No objection.
2 THE HEARING OFFICER: The document
3 marked as M3 Eagle, LLC, Exhibit No. 54, is
4 received into evidence.
5 (Exhibit 54 admitted into evidence.)
6 Q. (BY MR. FEREDAY) You've described the
7 process for financing large projects such as
8 this. What about the process of financing water
9 and sewer and similar infrastructure and the
10 sizing of that infrastructure? You mentioned
11 something about how the infrastructure needs to
12 be sized at the outset and financed. Could you
13 discuss what you meant by that.
14 A. Well, when we design the water and
15 sewer distribution and plants for the community,
16 we design those based upon the full buildout of
17 the community. They're built in phases, but
18 they're engineered for the full buildout.
19 So, when we go to the Department of
20 Environmental Quality, for example, for a permit
21 for the community for the wastewater treatment
22 facility, we will be applying for a permit that
23 is full in scope of buildout of the community,
24 albeit it's going to be constructed in phases.
25 So, when we set up the mainline

1 distribution systems, the sizing of the water
2 tanks, the various incremental phases of the
3 sewer treatment plant, what we do is we take into
4 account the five different phases that are
5 contemplated for the project and the buildout of
6 the community to be able to not just deal with
7 phase 1, but to deal with all five phases.

8 Q. Would it be fair to say that you
9 consider your planning horizon in putting in that
10 infrastructure?

11 A. We consider the 30-year planning
12 horizon, no different for any infrastructure in
13 the community as we do for the water.

14 Q. You testified earlier about your water
15 conservation measures that you've implemented in
16 other developments and those that you plan for
17 this one. In your water system, do you plan to
18 meter water to individual dwellings?

19 A. Yes, we do.

20 Q. And your reuse system you've previously
21 described, will that account for all of the
22 wastewater within the project?

23 A. Yes, it will.

24 Q. What other conservation measures for
25 water are you contemplating? Would those include

1 things like irrigation rotations, low-flow water
2 fixtures, xeric landscaping, those kinds of
3 things, or are there some others?

4 A. Well, it also involves the requirement
5 for the type of fixtures that will be allowed to
6 be constructed inside of the homes. It addresses
7 drip irrigation instead of spray irrigation for
8 plant material. It will address the amount of
9 turf that is allowed on any residential lot
10 depending upon the size of the lot and the type
11 of use. It will look at addressing conservation
12 measures that are voluntary measures but may be
13 things that people can implement, such as the
14 time of day they water, those types of things,
15 that encourage water conservation.

16 Q. Will your CC&R's contain, your
17 covenants, conditions, and restrictions in the
18 planned community, include some water
19 conservation measures?

20 A. Typically the design guidelines within
21 the community would address that. And those
22 would be given the power to be enforced through
23 the covenants, conditions, and restrictions.

24 Q. You testified, I believe, that you plan
25 to use your existing irrigation water rights in

1 the project. Can you elaborate on that?

2 A. Well, we have existing irrigation water
3 rights from Farmers Union for the property that's
4 known as the Kling property. We also have some
5 Farmers Union rights for the 10-acre ranch
6 parcels that we acquired around it. Those rights
7 will be utilized to supplement the irrigation
8 needs, assuming we can obtain a transfer right
9 for place of use in the community from Farmers.

10 Q. Now, that transfer of place of use
11 would be a transfer from one parcel within the
12 current 6,000 acres in M3 Eagle to some other
13 parcel in that 6,000 acres; isn't that correct?

14 A. Apparently that place of use is limited
15 to the area that falls between Highway 16 and the
16 Farmers Union Canal, which is in the
17 westerly-most portion of the project. So,
18 approximately 95 percent of the project is not in
19 place of use for Farmers in this water system.

20 Q. But when you say you were contemplating
21 a transfer, it would be within the boundaries of
22 your project; correct?

23 A. That is correct.

24 Q. Now, if and when the M3 Eagle water
25 system is connected to the City of Eagle's

1 system, what do you understand about the amounts
2 that could be pumped under your permit? Could
3 they be pumped to supply the City of Eagle?

4 A. No.

5 Q. What about transferring your water
6 right to some other municipality such as Eagle --

7 A. The --

8 Q. -- in terms of a place of use?

9 A. The preannexation and development
10 agreement contemplates that and restricts that.
11 It's my understanding that the place of use for
12 this water right is the application and the
13 boundary of this property.

14 Q. You've testified already about phasing.
15 Did you hear, though, what Mr. Thornton said this
16 morning in his opening statement with regard to
17 the protestants' desire to have the water right
18 granted in 5 cfs increments or some other
19 increment in a phased approach?

20 A. I did.

21 Q. And how would going that route affect
22 your project?

23 A. That is a limited planning horizon. It
24 affects your ability to fully amortize the costs
25 of your mainline infrastructure, backbone

1 infrastructure. It gives you uncertainty to
2 approach a lending institution or an equity
3 participant to finance the project's ability to
4 move forward. It adds additional time to the
5 process, which when you start developing a
6 community of this scale, time is very significant
7 because it translates to money, and which
8 ultimately translates to affordability of product
9 within the community.

10 It gives a lack of assurance to a major
11 employer that may look at locating in this
12 community based upon the fact that they're
13 looking for the viability of the buildout of that
14 entire community to support their employment
15 objectives.

16 It hinders our ability to construct
17 educational facilities based upon the full
18 buildout of the community. It also affects the
19 fire and police positions. So, there's a number
20 of facets of a community that are affected when
21 you don't have the ability to plan for the full
22 horizon of the community.

23 We contemplated at length when we
24 started this process knowing that obtaining the
25 5 cfs right would be a much simpler process, not

1 as time-consuming and certainly not as costly and
2 not requiring us to be held to as high a standard
3 as we believe that we have performed to to date.
4 But that's not acceptable because that does not
5 give us the ability to accomplish all of those
6 things I've just described.

7 Q. You hired or contracted with
8 consultants to obtain a full review of water
9 availability; did you not?

10 A. Yes, we did.

11 Q. What was the purpose of doing that?
12 Maybe it seems self-evident. But maybe let me
13 put it a different way: What kind of
14 instructions did you give to your water, two
15 hydrology consultants with regard to their tasks?

16 A. Well, the number one thing that we look
17 for is that number one, we're not going to stick
18 a straw in the ground in order to pump
19 6,535 acre-feet if there's only 6,536 acre-feet
20 in the total aquifer being available. We're
21 wanting to make sure of margin of error in the
22 amount of water that's in an aquifer because
23 there's no way that I've seen in my 28 years of
24 being in this business that anyone can predict
25 with specificity the exact number of acre-feet

1 that's in an aquifer. There's a range.

2 So, we wanted to make sure that there's
3 ample capacity, that the aquifer is robust, that
4 our ability to withdraw water is cost effective,
5 that the withdrawal of our water is not going to
6 materially impact any of the other senior water
7 rights within the aquifer. That we look at the
8 long-range planning for the community, being the
9 comprehensive plan and the requirement for the
10 buildout of that plan. We look at the existing
11 water providers that are in the area, such as
12 United Water, and analyze whether or not they
13 would serve the project potentially.

14 And we then look at what is best for
15 the property, assuming that the science proves
16 out and the studies prove out that there's an
17 adequate supply there. And that's how we've come
18 to the conclusion that having our own system,
19 which ultimately would be ran and operated by the
20 City of Eagle, assuming we annex into the city,
21 provides the best financial opportunity for the
22 community, the least costly form of water for the
23 residents and the users within the community.

24 Q. What kind of instructions did you give
25 to your hydrogeologist and other water experts in

1 pursuing their studies? Did you give them any
2 marching orders in particular?

3 A. Well, we, Ed Squires and I, sat down
4 and formulated a plan relying somewhat upon the
5 prior projects that we've done where we go in and
6 look at the physical available supply in the
7 aquifer.

8 Q. Did you contemplate the fact that the
9 news might be bad?

10 A. Oh, absolutely. I mean, you know, as
11 much as the protestants would like to think we're
12 not concerned about their water, we probably are
13 more concerned about finding out whether there's
14 an adequate supply in this aquifer than anybody.
15 Because for us to invest the millions of dollars
16 necessary to construct the infrastructure and to
17 amortize the cost -- because in a master planned
18 community your costs are not amortized until the
19 third, fourth, or fifth phases. That's where
20 your profit is as an entrepreneur and that type
21 of thing eventually. You have to know that you
22 can get there.

23 And I'm not sure, it's always escaped
24 me how it would be beneficial to us to go out and
25 develop a project where we run out of water. I

1 mean, that makes absolutely no logical sense and
2 certainly does not have the ability to be
3 financed to build something of this caliber.

4 Q. Mr. Brownlee, you mentioned earlier
5 that your maximum number of dwelling units is set
6 at around 7,150 but that the starting place is
7 3,000. Is it possible that you would build based
8 on economic or other considerations fewer than
9 the 7,153 dwelling units in this project?

10 A. The number of dwelling units that you
11 build in any project -- I think if you look at
12 the prior history of Prescott Lakes or American
13 Ranch, they both illustrate that we've built less
14 than the entitlement. It's based upon changing
15 market conditions and changing characteristics of
16 housing.

17 For example, it's our feeling that the
18 size of homes are going to shrink in square
19 footage going forward predominantly. I mean,
20 you're still going to have your custom homes and
21 so on and so forth, but the affordability index
22 for the consumer is going to shrink. So,
23 therefore, the homes are going to have to shrink.
24 That dictates what happens in a community.

25 We planned towards 7,153. We

1 engineered towards 7,153. But the probability of
2 it being 7,153 at the end of the day is remote.
3 I would assume that it would be less than that
4 given, you know, normal historical data that
5 we've seen on master planned communities and also
6 what's happened to us in our other communities.

7 Q. If the number of dwelling units
8 ultimately built is fewer than 7,153 and your
9 water need is commensurately less than the
10 6,500 acre-feet, do you understand that you would
11 then be restricted to pumping what would be
12 needed in that development for that lesser number
13 of units?

14 A. That's correct.

15 Q. Why did you choose a 30-year planning
16 horizon?

17 A. Because the real estate market is a
18 very cyclical market. It has a cycle that runs
19 approximately every five to seven years. The
20 down portion of the cycle is never a given. For
21 example, this low point in this cycle is yet to
22 be found in our opinion. But the cycle could be
23 a flat L instead of a V. There's a number of
24 factors that affect that.

25 So, in order to take a conservative

1 approach to the buildout of this community, we
2 looked at an 18- to 20-year actual buildout.
3 And, you know, as evidenced by this most recent
4 economic issue that we're all facing, it can
5 extend things by two to three years. So, if you
6 go through three economic cycles and each one of
7 them extends by two years, that's six years. So,
8 we wanted to have adequate time for the full
9 buildout of the community and be able to address
10 any future economic cycles.

11 Q. Back to this question of water
12 availability in your studies. Have you ever met
13 Dr. Jim Osiensky from the University of Idaho who
14 I mentioned in my opening remarks, who did an
15 aquifer model looking at the M3 development?
16 Have you ever met Dr. Osiensky?

17 A. No, I have not.

18 Q. Have you ever communicated with him to
19 give him any instructions?

20 A. No, I have not.

21 Q. How about Mr. Richard Glanzman, a
22 geochemist from Colorado?

23 A. No, I have not.

24 Q. No comment or communication with him?

25 A. That's correct.

1 Q. You never met him?
2 A. Never met him.
3 Q. What about Dr. Spencer Wood? Have you
4 met him?

5 A. No, I have not.

6 Q. Have you ever communicated with him or
7 suggested that he do anything in any particular
8 way for your project?

9 A. No, I have not.

10 Q. You understand how water rights are
11 administered, don't you, that senior water rights
12 are entitled to be filled before junior rights
13 are filled, and that if there is injury caused by
14 juniors to seniors that seniors can seek
15 curtailment of the junior?

16 A. Yes.

17 Q. Have you taken the time to review the
18 studies that Hydro Logic has put together and the
19 other consultants who have worked at
20 Hydro Logic's direction for M3 have put together
21 in this matter?

22 A. Yes, I have.

23 Q. What have you concluded from that in
24 terms of your perspective as a businessman and as
25 someone who needs to have water availability to

1 build a project?
 2 A. I've concluded that based upon those
 3 studies, there is an adequate supply in the
 4 Pierce Gulch Sand Aquifer to support our
 5 application.
 6 Q. What have you spent so far to do this
 7 on just the water studies?
 8 A. I don't have the breakdown just on the
 9 studies themselves, but collectively we're
 10 approaching \$2 million plus on this work.
 11 Q. And that's been going on since 2006; is
 12 that correct?
 13 A. That is correct.
 14 MR. FEREDAY: Could we take a short
 15 break?
 16 THE HEARING OFFICER: Sure.
 17 MR. FEREDAY: We've been going about an
 18 hour. Just five minutes or so? We're getting
 19 pretty close to the end here and I just wanted to
 20 collect my thoughts.
 21 THE HEARING OFFICER: Okay, we'll take
 22 a recess.
 23 (Recess held.)
 24 THE HEARING OFFICER: We're recording
 25 again after a brief recess. Mr. Fereday?

1 Q. (BY MR. FEREDAY) Mr. Brownlee, are you
 2 familiar at least generally with the effort that
 3 the Idaho Department of Water Resources has
 4 undertaken with regard to studying the North Ada
 5 County groundwater situation?
 6 A. Generally, yes. Ed Squires, our
 7 consultant, was intimately involved in that
 8 process.
 9 Q. Did you instruct Mr. Squires to
 10 cooperate with the department?
 11 A. Yes, I did.
 12 Q. Did he do so, to your knowledge?
 13 A. Yes, he did.
 14 Q. What has M3 Eagle done with respect to
 15 the additions to the department's work in the
 16 North Ada area? Have you done studies that have
 17 contributed or what have you done, do you know?
 18 A. Well, all of the studies that we've
 19 done we've made available along the way and have
 20 ultimately looked at adding studies. So, some of
 21 the studies that have been done have been a
 22 result of ongoing meetings that have occurred
 23 during this process --
 24 Q. Did you have --
 25 A. -- or questions that were raised.

1 Q. I'm sorry. Did you have contact with
 2 any of the protestants or their organizations
 3 during this process?
 4 A. Well, we have contact with them during
 5 the process at public hearings, but relative to
 6 specifically discussing our application, I don't
 7 recall any specific meeting that I attended that
 8 we discussed that.
 9 Q. With regard to the University of Idaho
 10 modeling study, do you have any recollection of
 11 that, how that came about?
 12 A. At the time we were getting questions
 13 about getting a peer review or a third-party
 14 review. And Ed Squires suggested that we
 15 potentially contact the University of Idaho to
 16 discuss them doing a model to independently look
 17 at the data and see if their conclusion of their
 18 model came out to a similar conclusion as our
 19 model was demonstrating. And one of the -- I'm
 20 sorry.
 21 Q. Go ahead.
 22 A. And one of the things that we looked
 23 at, from my perspective anyway, was to try to
 24 keep as much of a division in work as possible.
 25 Obviously, we contributed to them with some of

1 the information that needs to go into
 2 constructing a model. But to utilize their model
 3 and their review as a litmus test, for lack of a
 4 better term, for Ed's work and PP&G's work.
 5 Q. Do you recall whether the organization
 6 that these protestants have been involved with
 7 known as NACFA have requested any kind of peer
 8 review? Do you recall anything about that?
 9 A. Yes, they had requested a third-party
 10 peer review and we felt that this was a good
 11 opportunity to provide that.
 12 Q. Do you recall how much money was put
 13 into that U of I effort by M3 Eagle?
 14 A. I believe it was \$50,000 plus or minus.
 15 Q. And again, you've testified that you
 16 still haven't met James Osiensky. What about
 17 Stacey Douglas who worked on that model? Have
 18 you met her?
 19 A. No.
 20 Q. Mr. Brownlee, does M3 Eagle in your
 21 opinion have the financial wherewithal to finance
 22 this project in M3 Eagle?
 23 A. Yes, it does.
 24 MR. FEREDAY: No further questions.
 25 THE HEARING OFFICER: Thank you,

Page 170

1 Mr. Fereday. Mr. Thornton, you may cross-examine
2 Mr. Brownlee.
3 CROSS-EXAMINATION
4 QUESTIONS BY MR. THORNTON:
5 Q. Thanks for your time, Mr. Brownlee. Is
6 the financial challenges of Avimor related to
7 their type of phased water right?
8 A. I don't know that Avimor is having
9 financial challenges. I think SunCor's decision
10 to, or Pinnacle West's decision to sell SunCor
11 home building is not indicative of financial
12 challenges that Avimor is having or even if
13 Avimor is having financial challenges. So, I
14 can't comment to that.
15 Q. Okay. Then I'd like to go ahead and
16 have you review Exhibit No. 847. Yeah, 847. And
17 I'll --
18 THE HEARING OFFICER: You're referring
19 to one of your documents?
20 MR. THORNTON: Document 847, yeah. I'm
21 sorry.
22 THE HEARING OFFICER: 847?
23 MR. THORNTON: 847.
24 THE HEARING OFFICER: Where would those
25 be located?

Page 171

1 MR. THORNTON: I'm going to hand them
2 to you now (handing.)
3 Q. (BY MR. THORNTON) So, sir,
4 Mr. Brownlee, are you aware of IDWR's
5 requirements for providing financial information
6 and proving M3 is capable of putting their water
7 rights to, fully putting them to beneficial uses?
8 A. Yes, we are.
9 Q. Okay. So, I wanted to bring forward
10 847, which is before you. Are you familiar or
11 are you aware of the Tamarack owners that filed
12 for bankruptcy?
13 A. The only thing I know is what I've read
14 in the newspaper.
15 Q. Okay, that's what we have before us
16 here.
17 MR. THORNTON: So, next I'd like to go
18 ahead and get 843, Exhibit No. 843. I've got a
19 copy of that.
20 MR. FEREDAY: A question in aid of an
21 objection: Mr. Hearing Officer, is 847 to be
22 offered in evidence?
23 MR. THORNTON: Yes.
24 MR. FEREDAY: Are you offering it now?
25 MR. THORNTON: Yes.

Page 172

1 MR. FEREDAY: We would object to the
2 offer of 847 on the grounds of relevance.
3 MR. THORNTON: I think the relevance --
4 and do I need to --
5 THE HEARING OFFICER: Sure.
6 MR. THORNTON: The relevance is what we
7 are concerned about in terms of the financial
8 capability for any large development, especially
9 with the turndown in the economy, is give
10 examples of other large developers which looked
11 very fluent and solvent which are now going
12 bankrupt and what we feel leaving people
13 basically to fend for themselves. So, we're
14 trying to show that other large developers that
15 look very solvent financially are having
16 difficulties. So, to me this part of a line of
17 arguments or questions, I guess I should say, to
18 go ahead and help identify the financial
19 capabilities of M3.
20 THE HEARING OFFICER: Okay.
21 MR. FEREDAY: Mr. Hearing Officer, if I
22 could, the financial situation with Tamarack or,
23 frankly, any other developer is not connected to
24 that of M3. There has certainly been no evidence
25 that there is. We fail to see the relevance of

Page 173

1 this.
2 MR. THORNTON: May I respond to that,
3 if possible?
4 THE HEARING OFFICER: Sure.
5 MR. THORNTON: I think the relevance is
6 that the economy as a whole is in a downturn,
7 including in Idaho. And we feel that the same
8 challenges that were faced with Tamarack and
9 we're trying to make a point of is not much
10 different than the challenges anywhere else in
11 the State of Idaho. In other words, we think the
12 economic tides have changed. We're concerned
13 about the potential financial capability in the
14 future.
15 THE HEARING OFFICER: Based on those
16 arguments and based on what this purports to be,
17 which is a newspaper article --
18 MR. THORNTON: Right.
19 THE HEARING OFFICER: -- and there's no
20 real foundation for it other than it comes from
21 the Statesman, no evidence to show a relationship
22 between what's here and the development that's
23 proposed, I sustain the objection and will not
24 receive it into evidence.
25 And Mr. Thornton, for the most part, I

1 would not allow into evidence newspaper articles
2 that are simply written. I hate to start
3 questioning the veracity of what is in print, but
4 it really is -- I mean, it's written by somebody.
5 I don't even have a witness here to verify what's
6 said or what's here or its relationship to the
7 matter that's before me.

8 MR. THORNTON: Okay. And with that,
9 with what you've said in mind, we have the next
10 two exhibits who are dealing both with Tamarack.
11 And so, I'll just take it upon ourselves not to
12 enter those as evidence.

13 THE HEARING OFFICER: Okay.

14 Q. (BY MR. THORNTON) The next exhibit
15 that I'd like to have you look at, I believe you
16 have it in front of you, Mr. Brownlee, is Exhibit
17 No. 54, which has already been identified as M3's
18 financial statement.

19 A. (Reviewing document.)

20 Q. And we can provide you one if you --

21 A. I have it. I've just got to get the
22 right book. Okay.

23 Q. So, in Exhibit No. 54, the person that
24 prepared this audit -- or this financial
25 statement, Mr. Thomas Cervino, does he work for

1 M3?

2 A. He's our chief financial officer.

3 Q. And were these statements, these
4 financial statements audited other than by M3?

5 A. These financial statements are reviewed
6 on an annual basis by the tax counsel for the
7 partnership as well as the CPAs and tax counsel
8 for the financial partner in the transaction.

9 Q. On what I have as page No. 2, at the
10 top of the page it states: "Selected
11 information, substantially all disclosures are
12 not included." Do you know what that means?

13 A. It probably means that the statements
14 were not prepared based upon GAAP accounting
15 standards.

16 Q. And then back on page 1, when you're
17 looking at your spreadsheet here underneath
18 "Property," it identifies on December 31, 2007,
19 your land and capitalized entitlements and
20 carrying costs as being a value of \$67 million
21 approximately, and a year later increasing to 74
22 and a half million dollars. What is the basis
23 for that increase in what appears to be just on
24 the value of that land?

25 A. Well, we don't look at the property on

1 the balance sheet at appraised value. That's
2 actual capital that's been invested either
3 through land acquisition, capitalized
4 entitlements, and carrying costs. So, that would
5 illustrate that we put an additional
6 approximately \$7.4 million into the project.

7 Q. So, then it's also identified in here
8 that, on page 3 is underneath note -- let's see.
9 Underneath note 5 it identifies that: "All
10 company-owned real estate is concentrated north
11 of Eagle."

12 What in your opinion or what is the
13 risk of having all of your what appears to be
14 your real estate in one area located in terms of
15 diversification, in terms of economy?

16 A. Well, I think you're misconstruing.
17 What the note actually states is that the
18 M3 Eagle, LLC, is a single-purpose LLC solely for
19 the purpose of owning the 17,000 acres that's
20 been acquired by this LLC and to be developed by
21 the LLC. So, we do not commingle our partnership
22 business in the varying projects that we're
23 involved in. Each limited liability company
24 stands on its own solely for the purpose of that
25 project.

1 Q. And then would you agree that M3 is
2 working on being a very good neighbor with not
3 only Eagle but the surrounding folks that
4 surround the M3 property?

5 A. Would I agree that we're trying to
6 be --

7 Q. That you're working in terms of being a
8 good neighbor with the folks?

9 A. I believe so, yes.

10 Q. And then would you agree that it's
11 important for identifying the financial ability
12 for M3 to appropriate, fully appropriate and put
13 to beneficial use the water right, to identify
14 what company is holding that money and how
15 solvent that particular company is? In other
16 words, it's identified as -- a question would be:
17 What company is the single major contributor of
18 that money, of your financial backing?

19 A. The Dallas Police and Firemen's Pension
20 System of Dallas, Texas.

21 Q. I think that's the questions on that
22 particular one.

23 And if we could go to Exhibit No. 57,
24 which I don't know if we've referred to that, I
25 think we have, the amended 2007 Eagle

Page 178

1 Comprehensive Plan. Do you have that before you?
2 I'll get mine before me. And if you could go to
3 page 16 and 17.
4 A. (Witness complied.)
5 Q. On page 16 there's a heading identified
6 as 4.6.2, "Domestic Water Goals." And on E in
7 that it states: "Protect domestic wells through
8 sound land use planning and best management
9 practices."
10 What is your interpretation of that
11 goal?
12 A. Well, I believe that the purpose of
13 that statement is that the general plan as
14 adopted or amended in 2007 via this plan would
15 adopt zoning and land use goals that would look
16 at long-term preservation of domestic wells and
17 also adopt best management practices, i.e.
18 conservation policies by the city, that they were
19 operating a system that would achieve those
20 goals.
21 Q. Thank you. On G in that same section
22 it states: "Investigate the options and
23 opportunities for developing surface water
24 supplies to augment municipal groundwater
25 supplies."

Page 179

1 What knowledge do you have of M3
2 investigating options for surface water supply
3 sources, whether it's potentially from the Boise
4 River, the Black Canyon Canal, or the Payette
5 River? So, what work has M3 done to look for
6 surface water sources?
7 A. We have an ongoing review of potential
8 surface water rights that are available either
9 through purchase or lease.
10 Q. Okay. And then on H in that same
11 section it identifies: "Develop water policies
12 and plans for the foothill region that recognize
13 the unique nature and challenges of foothill
14 development while preserving the ability to serve
15 the valley from existing groundwater sources."
16 I'd like to know what is your
17 interpretation of G -- excuse me, H?
18 A. Well, I think that they're trying to
19 look at saying that the water sources that are
20 going to serve the foothill region should not
21 have a materially negative impact on existing
22 groundwater sources serving the valley, which
23 would be the area south of the BLM property.
24 Q. Okay. Thank you. Following on page 17
25 there's a new section 4.6.3, "Domestic Water

Page 180

1 Objectives." And on section C it identifies:
2 "Promote groundwater conservation through the use
3 of surface water sources and treated wastewater
4 effluent for irrigation and through the
5 development of water rates that encourage
6 conservation." What is your interpretation of
7 that objective?
8 A. Well, I think my interpretation is
9 what's reflected in our application, which is
10 that we are utilizing our existing surface water
11 right that we have from Farmers Union. We are
12 projecting the use of 1,800 acre-feet of treated
13 class A plus effluent for irrigation of common
14 open space, and we are adopting policies inside
15 of our development plan and design criteria for
16 the community being enforced by the covenants,
17 conditions, and restrictions that reflect and
18 encourage conservation policies for the
19 community.
20 Q. Okay. And then on E underneath the
21 same, E, objective E, it states: "Promote the
22 utilization and reuse of surface water sources
23 for non-potable uses such as irrigation and water
24 amenities to decrease reliance on groundwater and
25 to preserve the resource."

Page 181

1 Once again, what's your interpretation
2 of E?
3 A. That someone that is developing based
4 upon this comprehensive plan should try to use
5 surface water to mitigate the impact on
6 groundwater withdrawals, which is what we are
7 doing in addition, supplementing that with the
8 reuse water.
9 Q. And then on H: "Investigate surface
10 water supply options to meet potable needs for
11 the expanded foothills area while protecting the
12 water sources supplying existing water users."
13 So, what is your interpretation of that
14 objective?
15 A. That the city when this plan was
16 written did not believe that the existing water
17 uses in the valley should be used for the
18 foothills and that one possible source for
19 supplying domestic uses in the foothills could be
20 obtaining additional surface water rights.
21 Q. Okay. Thank you. Going on to actually
22 page 18 underneath section 4.6.4, "Implementation
23 Strategies," on G it states: "Develop policies
24 and procedures for assuring that flowing artesian
25 groundwater wells are controlled within the city

Page 182

1 boundaries." And could you give me your
2 interpretation of what G is.
3 MR. FEREDAY: I'll have to object.
4 This witness has not testified at all about
5 flowing artesian wells. I guess if he knows, he
6 can go ahead and answer, but Mr. Hearing Officer,
7 this is beyond the scope of the Direct.
8 THE HEARING OFFICER: I'll overrule, at
9 least right now. And part of the reason,
10 Mr. Fereday, is the comprehensive plan came in as
11 an exhibit. So, it seems to me that the witness
12 at least ought to be subject to questioning about
13 the contents thereof. But he's certainly welcome
14 to testify that he doesn't have knowledge of
15 certain subjects.
16 THE WITNESS: I'm not sure what is
17 meant by the portion of G that states:
18 "Groundwater wells are controlled within the city
19 boundaries." I don't know what that means.
20 Q. (BY MR. THORNTON) Okay, if you could
21 turn to Exhibit No. 12, which is titled the
22 "Reanalysis of 16 Aquifer Tests in the Greater
23 Eagle-Star Area of North Ada County." And it's
24 on page 241.
25 A. 241, did you say?

Page 183

1 Q. Let me make sure. On page 241, yes.
2 A. Okay.
3 Q. And are you aware that this report was
4 developed and prepared by Hydro Logic?
5 A. Yes, it was.
6 Q. So, on page 241 on No. 20 near the top
7 of the page, it states: "Development of
8 additional wells and full development of existing
9 municipal water rights will cause artesian
10 pressure to decline over time throughout the
11 Star-Eagle area. This decline of artesian
12 pressure may cause some wells that flow at ground
13 surface or above to cease doing so. Wells
14 currently relying on artesian flowing conditions
15 to provide water supplies may require pumps to
16 produce water for use in the future."
17 And what is your interpretation of what
18 is written in that report, that statement? What
19 do you read --
20 A. I believe the statement speaks for
21 itself, that the development of additional wells
22 and full development of existing municipal water
23 rights may cause changes to artesian pressures in
24 the future.
25 Q. And then going back to Exhibit No. --

Page 184

1 it's the Eagle Comprehensive Plan, No. 57.
2 A. What page?
3 Q. Okay, on page 18, and I believe that's
4 implementation strategy G. We had just gone over
5 that prior. And G states: "Develop policies and
6 procedures for assuring that flowing artesian
7 groundwater wells are controlled within the city
8 boundaries."
9 And the question that I have is:
10 Looking at the implementation strategy G in the
11 Eagle Comprehensive Plan and what is identified
12 in Hydro Logic's report identifying that there's
13 likely to be loss of artesian pressure, is there
14 a way that you can reconcile that those two are
15 congruent?
16 A. Well, I believe -- are you saying the
17 definition of "congruent" is in parallel?
18 Q. Well, are both of those, do you see
19 both of those, the statement in G as well as the
20 statement in Hydro Logic supporting each other?
21 A. I'm not sure that the statement in G
22 and Hydro Logic's relate because I'm not sure
23 what the purpose of the word "controlled" is in
24 paragraph G.
25 Q. Okay, that's good enough.

Page 185

1 THE HEARING OFFICER: Mr. Thornton,
2 just from the Hearing Officer's perspective, I
3 would interpret paragraph G in the comprehensive
4 plan to relate to the control, in other words,
5 the non-allowance, shutting off of free-flowing
6 artesian wells that are flowing in the area that
7 are uncontrolled at the present time.
8 It says: "Develop policies and
9 procedures for assuring that flowing artesian
10 wells are controlled within city boundaries."
11 There are flowing artesian wells within the area
12 of the City of Eagle that flow that are not
13 controlled at the present time. And I don't see
14 that as having a relationship to the possible
15 reduction in artesian pressure that's referred to
16 in Mr. Squires' report. That's the Hearing
17 Officer's interpretation. Okay?
18 MR. THORNTON: Okay.
19 Q. (BY MR. THORNTON) The question is for
20 you, Mr. Brownlee: What is your thought in terms
21 of folks that have water rights that are artesian
22 wells down in the Star-Eagle area? What -- and
23 then if, in fact, their pressure is gone, what
24 would your interpretation be in terms of
25 potential injury to those folks losing their

Page 186

1 artesian flow?
2 MR. FEREDAY: Objection, beyond the
3 scope, foundation.
4 THE HEARING OFFICER: Mr. Thornton, in
5 response I'll give you one opportunity. And I
6 don't need something back, so --
7 MR. THORNTON: I think the opportunity
8 is to identify that M3 has stated and -- that
9 there is ample water for their withdrawal without
10 unreasonable impact to existing water users.
11 THE HEARING OFFICER: I'll sustain the
12 objection. And the reason I'll sustain it is I
13 believe it calls for a legal conclusion.
14 MR. FEREDAY: Yes.
15 THE HEARING OFFICER: It asks
16 Mr. Brownlee to make a statement about whether
17 some reduction in artesian pressure is injury.
18 That is a legal question. One, by the way, that
19 the Department has recently issued a decision
20 about that's on the --
21 MR. THORNTON: I'm not quite sure where
22 we're at.
23 THE HEARING OFFICER: Well, I sustained
24 the objection. So, Mr. Brownlee doesn't need to
25 respond to the question.

Page 187

1 Q. (BY MR. THORNTON) If we can go in the,
2 again, Exhibit 57 for the Eagle Comprehensive
3 Plan, on page 78.
4 A. (Reviewing document.)
5 Q. Underneath page 78, underneath 7.5.2,
6 "Groundwater" it states: "In the area north of
7 the Boise River the flow is generally in a
8 southwest direction towards the Boise River."
9 Are you familiar -- or would you agree
10 with what is stated in the Eagle Comprehensive
11 Plan as far as the direction of flow?
12 MR. FEREDAY: Objection, foundation,
13 beyond the scope of Direct.
14 THE HEARING OFFICER: Again,
15 Mr. Fereday, the document came in -- I recognize
16 that it's lengthy, there's a lot of material in
17 here. I don't expect Mr. Brownlee to know all of
18 the contents of it. But nonetheless, it came in
19 during Direct Examination, so I'll at least allow
20 some preliminary examination. So, overruled.
21 Now, after all that Mr. Brownlee, do
22 you remember the question?
23 THE WITNESS: Yes, I do.
24 Q. (BY MR. THORNTON) I wasn't sure I did.
25 A. The direction of the groundwater flow

Page 188

1 that I'm familiar with is within the area of our
2 project and that is to the west, northwest. I am
3 not sure what the basis of 7.5.2's conclusion is
4 by the city or what hydrogeological studies that
5 they base their opinion on.
6 Q. Thank you. The second statement
7 underneath "Groundwater" 7.5.2: "The City of
8 Eagle is heavily dependent on groundwater and its
9 recharge for drinking water and for industrial
10 purposes." Would you support that statement?
11 A. Once again, I'm not a hydrogeologist,
12 but I would believe that any aquifer is
13 predominantly reliant upon recharge. I'm not
14 sure whether the City of Eagle is heavily
15 dependent on that or not.
16 Q. Okay. If we could go back to Exhibit
17 No. 12 on page 240.
18 A. (Witness complied.)
19 Q. And then on page 240, No. 19, it's near
20 the bottom. It states: "The construction of
21 additional high-capacity wells in the Pierce
22 Gulch Sand Aquifer appear feasible through much
23 of the Eagle-Star M3 project area. These
24 high-capacity wells will cause drawdowns that
25 will affect other wells."

Page 189

1 It goes on to state that there's more
2 than 1,600 in the Eagle-Star M3 area. It states:
3 "Many of them poorly constructed." "Development
4 of additional municipal groundwater supplies and
5 associated water table drawdowns may require some
6 existing wells to be deepened or replaced."
7 The question I have for you is where
8 the statement says: "A number of" -- it says:
9 "These high-capacity wells will cause drawdowns
10 that will affect other wells."
11 What's your interpretation of that
12 statement at the same time when M3 is stating
13 that there's plenty of water for everyone to go
14 around without injury to other senior water
15 users?
16 MR. FEREDAY: Well, I would repeat an
17 objection here with regard to a legal conclusion
18 that the Hearing Officer identified before. I
19 think he can testify what he knows about this
20 paragraph, but with regard to legal injury, I
21 would object.
22 THE HEARING OFFICER: I'll sustain the
23 objection, Mr. Thornton, but I would encourage
24 you to ask the question a little differently.
25 Mr. Brownlee did testify about his opinion

Page 190

1 regarding the available water supply and whether
2 there was sufficient water for this development
3 and generally its impact. So, I'd encourage you
4 to -- just don't ask him whether it's injury or
5 not.
6 MR. THORNTON: Okay, thanks.
7 Q. (BY MR. THORNTON) For the water right
8 being applied for by M3, have you stated or are
9 you aware that M3's position is -- I may be
10 asking this the same way and I apologize if I
11 am -- that there will not be -- or I've got to
12 take in what he said. From what you know about
13 the hydrogeologic studies that M3 has conducted
14 for several years, do you see that there is any
15 injury to other senior water right users?
16 MR. FEREDAY: Objection --
17 MR. THORNTON: Probably the same way?
18 THE HEARING OFFICER: The same way.
19 Sustained.
20 MR. THORNTON: All right, I'll move on.
21 Q. (BY MR. THORNTON) What is M3's
22 previous statements as to if other water users,
23 previous water users are injured, what would M3
24 do to help resolve those?
25 MR. FEREDAY: Objection, calls for a

Page 191

1 legal conclusion.
2 THE HEARING OFFICER: Mr. Thornton?
3 I'll rule if you don't want to --
4 MR. THORNTON: I'm just trying to --
5 THE HEARING OFFICER: Sustained.
6 MR. THORNTON: Okay.
7 Q. (BY MR. THORNTON) The next exhibit
8 that we would like to have is Exhibit No. 270.
9 And Exhibit No. 270 is an audiotape, a short
10 section of an audiotape of when Mr. Brownlee was
11 giving testimony, answering questions before the
12 City of Eagle Planning & Zoning Commission on
13 July 9, 2007, and answering questions regarding
14 potential impacts relating to groundwater users
15 and what M3 would do to help resolve those.
16 So, it's an audiotape. I can put it on
17 a speaker. It will probably last a minute and a
18 half. And again, it's -- we got this from the
19 City of Eagle. They keep the audio recordings of
20 that.
21 MR. FEREDAY: We would object to the
22 introduction of this on the basis of relevance
23 and the lack of foundation for it. We haven't
24 heard the tape. Of course, we can review it, I
25 suppose, but we think it's objectionable on those

Page 192

1 grounds at least.
2 THE HEARING OFFICER: You know, at
3 least right now, Mr. Thornton, I won't allow it
4 to come in. I think there are ways in which you
5 can explore the subject matter with Mr. Brownlee.
6 You know, you might even present texts to him in
7 some way. I think you can ask him individual
8 questions about his statements and whether he
9 ever made them, but I'm reluctant to have
10 something that's simply played. I don't know
11 what the nature of that testimony -- well, I'm
12 not even sure it was testimony.
13 MR. THORNTON: Okay.
14 THE HEARING OFFICER: It's obviously --
15 well, I don't know its purpose. So --
16 MR. THORNTON: Okay, I'll work on other
17 questions on that.
18 THE HEARING OFFICER: Okay.
19 Q. (BY MR. THORNTON) So, Mr. Brownlee, do
20 you remember providing answers to questions on
21 July 9, 2007, before the City of Eagle Planning &
22 Zoning Commission regarding M3's project?
23 A. Not specifically, no.
24 Q. Okay. I do have a narrative of that
25 statement and I would like to ask you the

Page 193

1 question, if you remember stating this. And
2 let's see --
3 MR. FEREDAY: Your Honor, we would
4 object at least to the extent that there doesn't
5 appear to be an adequate foundation for the
6 accuracy of what he's about to read. I'm just
7 concerned about it. If he's trying to confront
8 Mr. Brownlee with something that Mr. Brownlee
9 said at another time and place, we would expect
10 there to be a better foundation for it than just
11 Mr. Thornton's statement here today. Is he
12 testifying? Is there some documentation of this?
13 Is there some foundation for it? Maybe.
14 MR. THORNTON: I'd like to at least
15 respond to that. The documentation we would have
16 is Mr. Brownlee being on the minutes of the
17 meeting that we obtained from the City of Eagle,
18 an audio sound bite which is distinctively
19 Mr. Brownlee's voice answering a question from
20 one of the city councilmen regarding the
21 potential effects of groundwater withdrawal on
22 other folks that were in the public meeting.
23 THE HEARING OFFICER: Do you have a
24 copy of the minutes?
25 MR. THORNTON: I actually don't -- did

1 we make copies of this? I can probably provide
 2 these minutes. I don't have copies right now.
 3 THE HEARING OFFICER: You have minutes?
 4 MR. THORNTON: I have minutes.
 5 THE HEARING OFFICER: Those are
 6 minutes?
 7 MR. THORNTON: Yes. Well, let me make
 8 sure that I'm not overstating. It is a call to
 9 order, roll call, and it's not a verbatim
 10 minutes. It talks about in general what the
 11 different subject areas are for the different
 12 people presenting or answering questions. So,
 13 it's not a direct write-up of what Mr. Brownlee
 14 said. That's what we thought the audio might
 15 have. And we just simply wrote down what we in
 16 our opinion heard Mr. Brownlee say.
 17 MR. FEREDAY: The same objection, we
 18 don't believe that their opinion as to what
 19 Mr. Brownlee said is adequate foundation.
 20 THE HEARING OFFICER: Okay, I will
 21 overrule the objection because in
 22 cross-examination, I think protestants should be
 23 able to explore and ask Mr. Brownlee whether he
 24 recalls making specific statements. If
 25 Mr. Brownlee recalls he can either say "yes" or

1 "no" or he doesn't remember. And so, overruled.
 2 But normally, Mr. Thornton, I think
 3 there ought to be some foundation laid that
 4 Mr. Brownlee appeared, that he was an attendant,
 5 and that he testified at a particular meeting.
 6 But he has testified that he has appeared and
 7 been a part of this approval and review process.
 8 So, I'll allow it.
 9 MR. THORNTON: I don't know what that
 10 means. So, I can ask?
 11 THE HEARING OFFICER: Yes. And then
 12 I'll entertain objections individually if there's
 13 some problem.
 14 Q. (BY MR. THORNTON) So, Mr. Brownlee, do
 15 you recall answering a question somewhere to this
 16 effect, what I've -- from a Mr. David Aizpitarte,
 17 Eagle Planning & Zoning Commissioner, asked you a
 18 question regarding what would M3 do in regards to
 19 negative effects on people with wells adjacent to
 20 M3's property? Do you remember saying: "If
 21 there is a" --
 22 THE HEARING OFFICER: Now, wait a
 23 minute. You just asked a question. You asked
 24 him if he recalled.
 25 Q. (BY MR. THORNTON) Okay, do you recall

1 it?
 2 A. I don't specifically recall what I said
 3 that evening. As I've mentioned, we had 34
 4 public meetings, which accounts for about
 5 200 hours of public testimony. So, to
 6 specifically recall that one moment in July, no,
 7 I do not.
 8 MR. THORNTON: Okay. All right. I
 9 guess that ran that rabbit into a hole, for now
 10 anyway.
 11 (Discussion held off the record.)
 12 MR. THORNTON: I think we're done with
 13 the questioning, cross-examination.
 14 THE HEARING OFFICER: All right. Thank
 15 you, Mr. Thornton. Mr. Smith, you may question.
 16 Let's move the microphone a little closer to you.
 17 MR. ALAN SMITH: Thank you for
 18 reminding me of that.
 19 THE HEARING OFFICER: If you'll speak
 20 up, please, so that we are able to record what
 21 you say.
 22 CROSS-EXAMINATION
 23 QUESTIONS BY MR. ALAN SMITH:
 24 Q. Mr. Brownlee, you testified about
 25 Avimor only focusing on 800 acres of some 25,000,

1 I believe you said, they hold or own. It appears
 2 to me M3 is focusing on 6,000 acres out of
 3 17,000.
 4 MR. FEREDAY: Objection, that's not a
 5 question.
 6 THE HEARING OFFICER: Yeah, this is one
 7 that I've talked about. If you're examining on
 8 cross-examination, you need to ask a question.
 9 MR. ALAN SMITH: Okay.
 10 THE WITNESS: Mr. Hearing Officer,
 11 would you mind if we close that door? The glare
 12 coming through there, it's hard for me to focus
 13 on --
 14 MR. ALAN SMITH: I'd like to finish
 15 with my question. I'd like to finish with it
 16 before I get an objection, please.
 17 THE HEARING OFFICER: Okay, Mr. Smith,
 18 if Mr. Fereday had not spoken, I would have.
 19 Because you started to say, "It appears to me"
 20 and at that point in time you're making the
 21 statement or your testifying, you're attempting
 22 to make a statement.
 23 Q. (BY MR. ALAN SMITH) Let me ask it this
 24 way: Are you not focusing on 6,000 acres out of
 25 some 17,000 that's owned by M3?

1 A. We are --
 2 Q. Less than half?
 3 A. Yes, we are doing, planning an
 4 entitlement on 6,000 acres because they are
 5 separated by approximately 10 to 15 miles in
 6 distance. The 11,000 acres is being held for
 7 potential trade with BLM and there is no plans to
 8 develop that property. It's not of similar
 9 nature or characteristic and will not be served
 10 by any of the utilities, either sewer, water,
 11 public draw utilities, or any of the
 12 infrastructure being developed within this
 13 community.
 14 Q. Okay. Where is the City of Eagle, if
 15 you know, planning to get the water for this park
 16 land that you showed on the --
 17 A. I am not sure what the City of Eagle's
 18 plans are for providing any type of water to the
 19 park. That's not our obligation.
 20 Q. But M3 -- is M3 planning to sell that
 21 water to the City of Eagle?
 22 A. M3, by way of the application that
 23 we've made, I believe is restricted to only using
 24 whatever water rights appropriated within the
 25 boundaries of the property that's subject to the

1 application. So, the answer to be that would be
 2 no.
 3 Q. And I believe you testified about
 4 developments in Arizona that you've been involved
 5 in and that you're familiar with Arizona water
 6 law?
 7 A. Somewhat familiar, yes.
 8 THE HEARING OFFICER: Okay, Mr. Smith,
 9 I will need to ask you again to speak up. You've
 10 got to speak loudly. What you're saying is just
 11 barely recording on the tapes. I need you to
 12 speak up so everyone can hear as well. Thank
 13 you.
 14 Q. (BY MR. ALAN SMITH) Are you familiar
 15 with water problems in the Sedona area, Arizona?
 16 A. No, I'm not.
 17 Q. There's kind of a lot of development
 18 there. Are you familiar with that?
 19 A. I know where Sedona, Arizona, is. I've
 20 been there on a number of occasions, but I have
 21 no familiarity with any of their development
 22 related issues or water related issues, if any.
 23 Q. Okay, going back to the questions here
 24 that Mr. Thornton asked you about, I believe on
 25 page 240 it says: "These high-capacity wells" --

1 MR. JASON SMITH: Which exhibit?
 2 Q. (BY MR. ALAN SMITH) Page 240 of the 16
 3 aquifer tests.
 4 THE HEARING OFFICER: That would be
 5 Exhibit No. 12.
 6 MR. ALAN SMITH: Exhibit No. 12.
 7 THE HEARING OFFICER: Page 240?
 8 Q. (BY MR. ALAN SMITH) Page 240 at the
 9 very bottom.
 10 A. Okay.
 11 Q. All right. It states that: "These
 12 high-capacity wells will cause drawdowns that
 13 will affect other wells. Development of
 14 additional groundwater" -- this is on the top of
 15 page 241. "Development of additional municipal
 16 groundwater supplies and associated water table
 17 drawdowns may require some existing wells to be
 18 deepened and/or replaced."
 19 MR. FEREDAY: This question has been
 20 asked and answered. I would object on that basis
 21 unless there's a further question based on this
 22 narrative.
 23 THE HEARING OFFICER: I think the
 24 objection is preliminary. I haven't yet heard
 25 the question. Did you ask a question, Mr. Smith?

1 Maybe I missed it. What is the question?
 2 Q. (BY MR. ALAN SMITH) So, it does
 3 appear, does it not, that the high-capacity well
 4 pumping that your M3 project anticipates is going
 5 to cause some problems in domestic wells,
 6 irrigation wells, and artesian wells?
 7 MR. FEREDAY: Objection, the question
 8 purports to quote from this and the quote does
 9 not include the word "problems" and I believe
 10 it's been asked and answered and it further
 11 speaks for itself.
 12 THE HEARING OFFICER: Okay, I'll allow
 13 the question to stand, but it's limited,
 14 Mr. Smith. And I'm doing this to try to move us
 15 on. It's limited to artesian wells and you're
 16 characterizing those as a number of different
 17 types. So --
 18 MR. ALAN SMITH: Well, let me ask
 19 Mr. Brownlee if it does also cover --
 20 THE HEARING OFFICER: Okay, then the
 21 question is withdrawn and another question is
 22 being asked, Mr. Smith.
 23 Q. (BY MR. ALAN SMITH) Does it also cover
 24 domestic wells and irrigation wells besides
 25 artesian pressure drops?

1 THE WITNESS: Mr. Hearing Officer, can
 2 someone repeat what the question is? Because I
 3 believe there's two questions at hand right now
 4 and I'm split between the two.
 5 THE HEARING OFFICER: The first
 6 question was withdrawn.
 7 MR. ALAN SMITH: That's correct.
 8 THE HEARING OFFICER: So, it's no
 9 longer pending before you, Mr. Brownlee. You now
 10 have a second question. Do you recall what the
 11 question is?
 12 MR. ALAN SMITH: Let me rephrase it.
 13 THE HEARING OFFICER: Okay.
 14 Q. (BY MR. ALAN SMITH) The statements
 15 here pertain to artesian pressure, do they not,
 16 in the second paragraph on the top of page 241?
 17 A. Under paragraph 20?
 18 Q. Yes, paragraph 20, the second and third
 19 line down.
 20 A. I believe that it speaks for itself,
 21 that it says it will cause artesian pressures to
 22 decline. Is that what you're referencing to?
 23 Q. And would wells, then, that rely on
 24 artesian water go dry?
 25 A. I don't believe that this in any way

1 states that they would go dry.
 2 MR. FEREDAY: I object to this.
 3 There's no foundation for this question of this
 4 witness. He's not an expert in hydrology. He
 5 would have to be speculating.
 6 THE HEARING OFFICER: Overruled.
 7 I'll --
 8 MR. ALAN SMITH: Well, he --
 9 THE HEARING OFFICER: Overruled.
 10 Q. (BY MR. ALAN SMITH) You may answer.
 11 A. First of all, the paragraph that you're
 12 referring to would have to be taken into context
 13 of the entire report and you're asking me to
 14 comment on one paragraph out of a 300 plus page
 15 report with exhibits.
 16 But secondly, I believe that the
 17 conclusion that's set forth in that paragraph
 18 specifically speaks for itself. So, I don't know
 19 if you're looking for me to opine on the fact
 20 that I concur with the statement that's being
 21 made there, at which point I would have to say
 22 that I am not qualified, have no degree,
 23 educational background in order to disseminate
 24 this information and make a qualified opinion on
 25 that statement.

1 Q. All right. Well, paragraph 19, the
 2 last sentence in that paragraph on the top of
 3 page 241, talks about water table drawdowns. Is
 4 that only relating to artesian wells or does it
 5 include domestic wells and irrigation wells?
 6 A. Well, in the context of the way this
 7 paragraph is written and only subjecting my
 8 statement to reviewing paragraph 19 sitting
 9 before you, this says that the drawdown will
 10 affect other wells, not being specific to
 11 artesian wells.
 12 Q. Well, if we're talking about water
 13 table drawdowns, isn't that a detrimental effect?
 14 A. I'm not sure that I can opine on Idaho
 15 law, but I believe that the requirement is that
 16 it's material. And whether or not that paragraph
 17 states that it's material, I do not believe that
 18 it does.
 19 THE HEARING OFFICER: Okay. And I'll
 20 strike the question and the answer because of the
 21 answer. Again, it attempted a legal
 22 interpretation.
 23 THE WITNESS: Thank you.
 24 Q. (BY MR. ALAN SMITH) Is the M3 project
 25 to be built in five phases?

1 A. It is currently planned for five
 2 phases, yes.
 3 Q. Do you have projected completion dates
 4 for each phase?
 5 A. Yes, we do.
 6 Q. What's the projected completion date
 7 for phase 1?
 8 A. I don't have the specific dates before
 9 me, but the project is broke up into five
 10 increments over an approximate 20- to 30-year
 11 period. So, I would say each phase would run
 12 somewhere between four and six years.
 13 Q. Phase 2, do you have a completion date
 14 for that, a projected one?
 15 A. I would reference my prior statement
 16 that each phase would be approximately four to
 17 six years. So, somewhere between eight and
 18 twelve years.
 19 Q. So, that would apply to phases 3, 4,
 20 and 5 also?
 21 A. That is correct.
 22 Q. Will M3 be able to prove a beneficial
 23 use within the five-year period required by Idaho
 24 law and the Department of Water Resources?
 25 MR. FEREDAY: Objection, legal

1 conclusion.
 2 MR. ALAN SMITH: Well, they --
 3 THE HEARING OFFICER: Just a moment.
 4 Well, go ahead, if you want to respond.
 5 MR. ALAN SMITH: I'll withdraw the
 6 question.
 7 THE HEARING OFFICER: Okay.
 8 Q. (BY MR. ALAN SMITH) Will M3 be able to
 9 prove beneficial use within five years on
 10 phase 1?
 11 MR. FEREDAY: Objection, the same
 12 basis.
 13 THE HEARING OFFICER: Overruled. That
 14 doesn't call for a legal conclusion.
 15 THE WITNESS: I believe the future
 16 needs right that we're applying for is different
 17 than a 5 cfs right that requires beneficial use
 18 being proved within five years, but I'm not
 19 certain of that.
 20 THE HEARING OFFICER: Okay, now I'll
 21 turn around, Mr. Brownlee, and instruct you to
 22 answer the question that was asked. Because
 23 there's a specific question and you're avoiding
 24 the question.
 25 THE WITNESS: I don't know how to

1 each well. The overall average pumping capacity
 2 is about 4,000 gallons per minute. So, that
 3 theoretically could be produced out of three
 4 wells. It just depends upon the productivity of
 5 each well.
 6 Q. So, it could be much less than 15?
 7 A. That's correct.
 8 Q. 15 wells? Did your application
 9 originally ask for 42 cfs, more than double or
 10 almost double?
 11 A. I believe the original application was
 12 at a higher cfs.
 13 Q. And the water right M3 seeks would
 14 greatly enhance the value of your land up there;
 15 would it not?
 16 A. I would assume that the answer to that
 17 would be "Yes." Any land that has a water right
 18 has the ability to be developed.
 19 Q. Does M3 plan to sell the water right to
 20 other developers?
 21 A. We would be prohibited, based upon my
 22 knowledge of the future needs right, from doing
 23 that. And the other answer would be "No."
 24 Q. Do you plan to sell it to a
 25 municipality like the City of Eagle?

1 answer that question.
 2 THE HEARING OFFICER: Well, you can
 3 either answer it "yes" or "no" or you don't know.
 4 THE WITNESS: Oh, I'm sorry.
 5 THE HEARING OFFICER: It's a
 6 straightforward question.
 7 THE WITNESS: Okay. I don't know.
 8 Q. (BY MR. ALAN SMITH) Well, if we allow
 9 five years for five phases, that's 25 years, but
 10 M3 is requesting 30.
 11 A. Correct.
 12 Q. Is that correct?
 13 A. That's correct.
 14 Q. What amount has M3 invested on just the
 15 water right? I believe you indicated earlier it
 16 was around \$2 million?
 17 A. That is correct.
 18 Q. What additional cost do you anticipate
 19 to drill the 15 more wells that your application
 20 booklet states you'll need?
 21 A. Our history has been that each
 22 municipal well costs approximately \$850,000 to
 23 drill and equip.
 24 Q. Is it 15 wells that you'll need?
 25 A. It will depend upon the productivity of

1 MR. FEREDAY: Objection, asked and
 2 answered.
 3 Q. (BY MR. ALAN SMITH) Do you plan to --
 4 THE HEARING OFFICER: Just a minute.
 5 Okay, I think this question may have been
 6 answered, but I'll allow a response again. And
 7 then if there are further questions and it's
 8 duplicative, then I'll look at it carefully. So,
 9 if you'll answer the question, Mr. Brownlee.
 10 THE WITNESS: Pursuant to our
 11 preannexation and development agreement, we are
 12 obligated to convey the system to the city. We
 13 do have the ability to enter into a reimbursement
 14 agreement whereas through impact fees or other
 15 type of fees that are in the normal course of
 16 business within the city, that we would be
 17 reimbursed for portions of the water system that
 18 would qualify for reimbursement under the impact
 19 fee statutes.
 20 Q. (BY MR. ALAN SMITH) There would be no
 21 possibility of it being sold to United Water,
 22 then, under your agreement?
 23 A. It would be in breach of our obligation
 24 with the City of Eagle pursuant to the
 25 development agreement if we did that.

Page 210

1 Q. What sale price would you have to ask
2 for that if you've already spent \$2 million?
3 MR. FEREDAY: Objection, foundation.
4 He has already testified it couldn't be sold.
5 MR. ALAN SMITH: What's your objection?
6 THE HEARING OFFICER: That he hasn't
7 what, Mr. Fereday?
8 MR. FEREDAY: Foundation. He has
9 testified that it wasn't to be sold. So, setting
10 a sale price on it lacks foundation.
11 MR. ALAN SMITH: I can't hear you,
12 Mr. Fereday. What's your objection?
13 MR. FEREDAY: Foundation, lack of
14 foundation, sir.
15 THE HEARING OFFICER: Okay, Mr. Smith
16 and Mr. Fereday, I'll overrule the objection. I
17 think this question relates to conveyance of the
18 system to the city and some compensation for that
19 conveyance I thought I heard Mr. Brownlee testify
20 to.
21 THE WITNESS: Mr. Hearing Officer, my
22 previous answer to the prior question was that
23 the preannexation and development agreement
24 requires us to convey the system to the city. We
25 are not selling the system to the city. We do

Page 211

1 have the ability to enter into a reimbursement
2 agreement whereby through fees or impact fees, if
3 adopted by the city, they would be reimbursed to
4 us as collected from the individual building
5 permits within the community to offset the cost
6 of the system that is conveyed to the city.
7 THE HEARING OFFICER: Is that clear,
8 Mr. Smith?
9 MR. ALAN SMITH: No.
10 THE HEARING OFFICER: Okay. Well, what
11 I was trying to do, I guess, was distinguish
12 between what was characterized as a sale and what
13 was characterized as reimbursement to the
14 developer. And I understood your question, I
15 guess, to be relating to that reimbursement that
16 he had testified about. So, if you have further
17 questions about it, please pursue them.
18 Q. (BY MR. ALAN SMITH) Does the amount of
19 reimbursement you will receive depend on the
20 amount of water that you have under the water
21 right?
22 A. If I could direct you, sir, to Exhibit
23 No. 58, I think we can bring some clarity to
24 this.
25 THE HEARING OFFICER: Well, there was a

Page 212

1 question asked. And do you happen to know the
2 answer without delving into it?
3 Q. (BY MR. ALAN SMITH) If you need to
4 refer to Exhibit No. 58, go right ahead.
5 THE HEARING OFFICER: Okay, here we go.
6 Q. (BY MR. ALAN SMITH) I don't have it.
7 A. Well, the question I believe was asked:
8 Is the reimbursement based upon the amount of
9 money that we invest in the system? And the
10 answer to that would be "Yes."
11 The agreement between the city and
12 ourself is set forth in section 2.2, "Water,"
13 page 24, sections E and F dealing with the
14 assured water supply and the reimbursement. And
15 specifically under paragraph F defines the
16 reimbursement term and the amount of
17 reimbursement that we're entitled to.
18 Q. That didn't answer the question of
19 whether that depends on the amount of water right
20 that you are able to obtain.
21 A. It does not depend upon the amount of
22 water right. It depends upon the amount of cost
23 that we have to invest into the system to
24 construct those items that are eligible for
25 reimbursement.

Page 213

1 THE HEARING OFFICER: Okay, we need to
2 change the tape at this point. I have a
3 question, Mr. Smith. How much longer is your
4 examination? We're past where I really wanted to
5 take an afternoon break here. I'm not pressing,
6 but I'm just wondering because we've been at it.
7 Maybe we ought to take ten minutes and then come
8 back in for a half hour and get it done.
9 MR. ALAN SMITH: I have quite a bit
10 yet.
11 THE HEARING OFFICER: All right, let's
12 take a ten-minute break.
13 (Recess held.)
14 THE HEARING OFFICER: Back on the
15 record. We're recording again. You may examine,
16 Mr. Smith.
17 MR. ALAN SMITH: Thank you, sir.
18 Q. (BY MR. ALAN SMITH) Mr. Brownlee, do
19 you know -- you've indicated it probably would be
20 a lot less than 15 wells, 15 new wells that
21 you're going to have to drill. Do you know what
22 the depth of those wells will be?
23 A. I believe that our wells are drilled
24 down to an approximate depth of about 1,000 feet
25 currently.

Page 214

1 Q. And those are going to be high-capacity
2 wells?
3 A. They would be municipal wells, yes,
4 high capacity.
5 Q. What's the diameter of the casing going
6 to be?
7 A. That is out of my field of expertise.
8 I would think that question would be directed at
9 Mr. Squires.
10 Q. Do you know what size pumps would be
11 installed?
12 A. Once again, that's not my field of
13 expertise.
14 Q. Okay. I notice on page 10 of the
15 second amended application --
16 MR. JASON SMITH: Exhibit No. 42.
17 Q. (BY MR. ALAN SMITH) -- Exhibit No. 42,
18 it states that: M3 Eagle is absolutely committed
19 to mitigating unreasonable and damaging
20 interference as a result of its water development
21 if it would require deepening of wells or
22 lowering of pumps.
23 If M3 is no longer owning a water
24 right, the City of Eagle owns it, what's the
25 absolute commitment of M3 then?

Page 215

1 MR. FEREDAY: Objection, or at least a
2 clarification here. We're not seeing what
3 Mr. Smith is referring to in Exhibit No. 42.
4 Q. (BY MR. ALAN SMITH) Exhibit No. 42,
5 page 10, the second paragraph on domestic wells,
6 the last sentence. It states: "M3 Eagle is
7 absolutely committed to mitigating unreasonable
8 and damaging interference."
9 THE HEARING OFFICER: Okay, just a
10 minute. Well, I'm looking at Exhibit No. 42.
11 MR. JASON SMITH: Is that the second
12 amended application?
13 THE HEARING OFFICER: Well, it says
14 "second amended" on the application. I also have
15 in our files the second amended version dated
16 February 1, 2008, at least that's labeled on the
17 front.
18 MR. ALAN SMITH: That's what I have,
19 February 1.
20 THE HEARING OFFICER: Then I have a
21 second amended application for permit and this
22 says "third amended" version. This is in Steve
23 Lester's handwriting, and underneath it the date
24 is April 9, 2008. So, what document are you
25 referring to?

Page 216

1 MR. ALAN SMITH: February 1st is the
2 one I'm referring to.
3 THE HEARING OFFICER: The one I have,
4 February 1st --
5 MR. ALAN SMITH: 2008.
6 THE HEARING OFFICER: I have two pages.
7 In the original I have two pages.
8 (Discussion held off the record.)
9 MR. JASON SMITH: Oh, it's under tab 4.
10 MR. FEREDAY: Oh, are you under tab 4?
11 MR. JASON SMITH: Yes, try that.
12 MR. ALAN SMITH: I'm sorry, I didn't
13 see the tabs. At any rate, I can withdraw the
14 question.
15 Q. (BY MR. ALAN SMITH) Just let me ask
16 you: Is M3 absolutely committed to mitigating
17 damages if any domestic well owner or irrigation
18 well owner has to lower their well?
19 MR. FEREDAY: Objection, that is not an
20 accurate representation of what is stated on page
21 10 of tab 4.
22 Q. (BY MR. ALAN SMITH) Well, then, let me
23 read the sentence exactly the way it appears,
24 Mr. Fereday. The last sentence: "M3 Eagle is
25 absolutely committed to mitigating unreasonable

Page 217

1 and damaging interference effects that would be a
2 result of its water development whether this
3 would require lowering of a pump in a nearby well
4 and/or even deepening of the well in an extreme
5 case."
6 My question is: If M3 no longer owns
7 the water right but the City of Eagle does, what
8 happens to your absolute commitment then?
9 THE WITNESS: May I answer that,
10 Mr. Hearing Officer?
11 THE HEARING OFFICER: Yes.
12 THE WITNESS: I'm assuming that the
13 conveyance of the water right to the City of
14 Eagle would also convey along with it the
15 responsibilities in accordance with Idaho law to
16 mitigate any impacts that are found to be
17 required to be mitigated. I believe this is
18 speaking in context to the wells that are
19 directly adjacent to the property primarily in
20 the southwestern planning area, if I'm correct.
21 Q. (BY MR. ALAN SMITH) Do you know what
22 the agreement you have with the City of Eagle is
23 with regard to that?
24 A. We do not have a specific agreement
25 with respect to conveyance of the water right

1 because the agreement with the city was finished
 2 in 2007 and the water right was just contemplated
 3 at that time.
 4 Q. So, if the City of Eagle doesn't honor
 5 your agreements, the domestic well owner or
 6 irrigation well owner is pretty well out of luck;
 7 is he not?
 8 MR. FEREDAY: Objection. Again, I'll
 9 refer the questioner to the language here, which
 10 is mitigating "unreasonable and damaging
 11 interference effects." I think it's improper to
 12 ask a follow-up question to the witness that is
 13 not based on what this language provides.
 14 MR. ALAN SMITH: Well, it --
 15 THE HEARING OFFICER: Go ahead,
 16 Mr. Smith.
 17 Q. (BY MR. ALAN SMITH) Well, then,
 18 Mr. Brownlee --
 19 THE HEARING OFFICER: Okay, are you
 20 withdrawing the question or are you giving me a
 21 reason why I can overrule it?
 22 MR. ALAN SMITH: I'll withdraw the
 23 question.
 24 THE HEARING OFFICER: Okay.
 25 Q. (BY MR. ALAN SMITH) Then Mr. Brownlee,

1 if M3 is only absolutely committing itself to
 2 mitigate unreasonable damages, that puts the well
 3 owner in court; does it not? He's got to prove
 4 it's unreasonable?
 5 MR. FEREDAY: Objection, calls for a
 6 legal conclusion.
 7 MR. ALAN SMITH: I'll withdraw the
 8 question.
 9 THE HEARING OFFICER: Okay, let me just
 10 say, Mr. Smith, to your satisfaction --
 11 MR. ALAN SMITH: Pardon?
 12 THE HEARING OFFICER: Just to your
 13 satisfaction, as I read this as an attachment,
 14 there's a commitment made, but I have no idea
 15 what that commitment is. I have no idea what an
 16 "unreasonable and damaging interference" would
 17 be. So, the commitment to me is a statement, but
 18 at least right now it's meaningless to me from
 19 the standpoint of a Hearing Officer in looking at
 20 the application.
 21 Q. (BY MR. ALAN SMITH) Well, my point is,
 22 Mr. Brownlee, that commitment is not very
 23 absolute; is it? It's got to go to court, it's
 24 got to be determined whether there's unreasonable
 25 damage --

1 THE HEARING OFFICER: Well, now,
 2 Mr. Smith, let him answer the first question.
 3 MR. ALAN SMITH: Okay.
 4 THE WITNESS: Is the first question
 5 that the commitment is not absolute?
 6 Q. (BY MR. ALAN SMITH) I'm asking: That
 7 commitment is not very absolute; is it?
 8 A. I'm not sure what you're basing your
 9 opinion on.
 10 Q. Okay, let me ask you this: If I have
 11 an absolute commitment from you to mitigate my
 12 damages, are you accepting strict liability or
 13 are you going to make me go to court?
 14 MR. FEREDAY: Objection, calls for a
 15 legal conclusion.
 16 THE HEARING OFFICER: Sustained.
 17 "Strict liability" has a unique specific meaning
 18 in the law.
 19 MR. ALAN SMITH: That's true.
 20 Q. (BY MR. ALAN SMITH) Will the City of
 21 Eagle be taking over all of your water right once
 22 that agreement is finalized?
 23 A. The preannexation and development
 24 agreement provides for us to convey the water
 25 right to them on a phase-by-phase basis.

1 Q. What does that mean?
 2 A. It means that each time that we would
 3 go in and record final plats or complete a
 4 planning unit master plan, that one of the
 5 requirements that we have is to provide the city
 6 with a water right that provides water adequacy
 7 for that phase. So, we would be conveying the
 8 water right to the city for that particular
 9 phase.
 10 Q. All right, let me ask you this: M3 has
 11 agreed to a very extensive monitoring program to
 12 avoid any problems with other well owners and to
 13 keep track of the drawdowns of the water. If you
 14 convey that property right to the City of Eagle,
 15 what happens to the monitoring program then?
 16 A. Well, currently we have over 20
 17 monitoring wells. We believe that one of the key
 18 components to continually monitoring the aquifer
 19 not only for the purpose of third parties but
 20 also for our own purpose is to keep in place
 21 those monitoring wells. So, one of the important
 22 components of any agreement that we would enter
 23 in to the city would be either us continuing to
 24 monitor the monitoring wells or having some type
 25 of a peer review from our perspective over those

1 monitoring wells if the city took title to them.
 2 Q. If M3 is no longer here, they won't be
 3 monitoring them; will they?
 4 A. Well, I believe that the city would --
 5 as Mr. Thornton read through the comprehensive
 6 plan for the city, it appears that the city has
 7 very objective goals for monitoring and managing
 8 the water resource within their municipality.
 9 So, I would not believe that it would be in the
 10 best interests of the city not to continue
 11 monitoring the aquifer. And I would also have to
 12 think that the city would be complying with
 13 whatever conditions the department imposed for
 14 monitoring requirements and the periodic basis
 15 upon which the reporting should be completed.
 16 Q. So, you don't think there's any danger
 17 of the City of Eagle not honoring your monitoring
 18 agreements?
 19 MR. FEREDAY: Objection, calls for
 20 speculation.
 21 THE HEARING OFFICER: Overruled. You
 22 can answer the question if you know the answer.
 23 Q. (BY MR. ALAN SMITH) If you know. If
 24 you don't --
 25 A. We have no reason to suspect that they

1 would not honor their agreements.
 2 Q. There would not be any obligation of
 3 any of the residential home builders, other
 4 developers to take over some of the M3 project to
 5 do any of the monitoring then? It's all the City
 6 of Eagle's responsibility?
 7 A. We would not assign the obligation to
 8 monitor to anyone other than the city or
 9 ourselves because it's not in the long-term best
 10 interests of the city or the project to have
 11 somebody that has a very short-term view be
 12 looking towards long-term monitoring obligations.
 13 Q. We have right now a defined five-phase
 14 area. If this municipality expands after the
 15 City of Eagle takes it over, will water be sold
 16 off to this other 11,000 acres?
 17 A. No.
 18 Q. All of the water that would be granted
 19 under this water right will stay on that confined
 20 piece of property that shows as the M3, LLC,
 21 Eagle?
 22 A. The place of use for the water right
 23 that we are seeking is only for the M3 Eagle
 24 property.
 25 Q. Does M3 intend to apply for additional

1 water rights?
 2 A. We are looking at how we potentially
 3 will irrigate a viticultural component of the
 4 community and have -- our focus on that is
 5 through surface water rights. So, that is the
 6 only water right that we contemplate in the
 7 future.
 8 Q. Well, M3's application seeks 15 million
 9 gallons for approximately 6,000 acres. How many
 10 more million gallons are you going to need for
 11 the other 11,000?
 12 MR. FEREDAY: Objection, there's no
 13 foundation for that.
 14 MR. ALAN SMITH: I'm asking the
 15 question. If he doesn't know, he can say so.
 16 THE HEARING OFFICER: Okay, I'll
 17 sustain the objection. The reason is: The
 18 development of the 11,000, additional 11,000
 19 acres or what happens to it is really not before
 20 the department at the present time, Mr. Smith.
 21 I'm looking at this particular development at
 22 this particular time.
 23 Q. (BY MR. ALAN SMITH) All right, let me
 24 rephrase the question. Did you not say that M3
 25 owns another 11,000 acres?

1 A. That's correct.
 2 Q. How big a water right are you going to
 3 apply for that land?
 4 A. We have no --
 5 MR. FEREDAY: Objection, relevance.
 6 THE HEARING OFFICER: Sustained. I
 7 don't think we need to start considering water
 8 rights for that 11,000-acre parcel. I'm not even
 9 sure it will be developed. I think there's some
 10 discussion about possible exchange of that.
 11 THE WITNESS: That's correct.
 12 Q. (BY MR. ALAN SMITH) I believe it
 13 states in the application, the second amended
 14 application, that there's an intent to apply for
 15 an additional water right for vineyards. Is that
 16 on this property or is that on the 11,000 acres?
 17 A. That would be on this property.
 18 THE HEARING OFFICER: I think we need
 19 to knock off now if we can. I'm sorry to not be
 20 able to continue for a full day, but let's gather
 21 up our stuff. I don't want to violate -- let's
 22 go off the record.
 23 (Proceedings adjourned at 3:49 p.m.)
 24
 25

1 REPORTER'S CERTIFICATE

2 I, SHERI LUDIKER FOOTE, CSR No. 90,
3 Certified Shorthand Reporter, certify:

4 That the foregoing proceedings were taken
5 before me at the time and place therein set
6 forth, at which time the witness was put under
7 oath by me;

8 That the testimony and all objections made
9 were recorded stenographically by me and
10 transcribed by me or under my direction;

11 That the foregoing is a true and correct
12 record of all testimony given, to the best of my
13 ability;

14 I further certify that I am not a relative
15 or employee of any attorney or party, nor am I
16 financially interested in the action.

17 IN WITNESS WHEREOF, I set my hand and seal
18 this 20th day of April, 2009.

19
20 Sheri Ludiker Foote

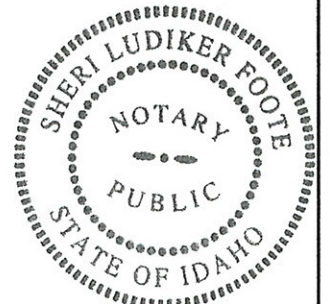
21 SHERI LUDIKER FOOTE, CSR, RPR, CRR

22 Notary Public

23 P.O. Box 2636

24 Boise, Idaho 83701-2636

25 My commission expires January 17, 2010



A				
ability 9:5 25:22 59:21 98:25 106:13 111:8 114:22 116:22 125:16 129:22 132:14 134:20 147:24 157:24 158:3,16,21 159:5 160:4 162:2 177:11 179:14 208:18 209:13 211:1	accuracy 87:2 193:6 accurate 152:12 216:20 accurately 138:22 ACHD 138:12 142:13 achieve 116:20,22 178:19 acknowledge 23:24 39:19 68:22 acknowledged 23:9 acquire 127:6 acquired 88:23 103:4 104:6 106:3 115:17 117:18 156:6 176:20 acquiring 110:19 acquisition 114:17 176:3 acre 102:12 118:15 acreage 119:19 124:14 acres 85:3 97:21 110:17 113:24 117:14,15,22 124:15,17,21 126:11,13,15,17 126:24 127:1,4,21 130:22 135:16,21 135:22 136:24 142:19 156:12,13 176:19 196:25 197:2,24 198:4,6 223:16 224:9,19 224:25 225:16 acre-feet 55:22 59:22 63:13,14 81:8,14 82:12,23 103:6 137:10 159:19,19,25 163:10 180:12 act 55:20 56:5 58:20,23 62:11 96:10 113:3 114:15,18 125:19 125:20 acting 9:1	action 95:12 active 97:23 99:25 101:3 103:12 133:1,11 acts 18:23 actual 34:8 61:17 150:9 164:2 176:2 Ada 2:9 6:10 7:3 12:6,24 20:15 50:21 52:12 55:25 67:18,19 74:19 76:25 84:16,22 85:24 86:2 91:14 93:3 108:8 111:1 126:12 167:4,16 182:23 add 83:21 added 16:4 addendum 79:3 adding 167:20 addition 27:25 57:14 75:19 95:3 111:12 120:15 122:20 181:7 additional 15:22 17:17,19 19:14 28:2,4 61:3 66:10 67:5 76:20 82:6 104:2 127:12,13 137:14 158:4 176:5 181:20 183:8,21 188:21 189:4 200:14,15 207:18 223:25 224:18 225:15 Additionally 91:16 additions 167:15 address 15:5,6 67:1 94:6 125:16 155:8 155:21 164:9 addressed 14:12,14 addresses 142:17 155:6 addressing 155:11 adds 158:4 adequacy 87:1 221:6 adequate 4:19	95:19 160:17 161:14 164:8 166:3 193:5 194:19 adequately 10:15 15:2 18:20 adhere 54:24 adjacent 104:16 105:4 106:5 111:6 113:23 120:24 195:19 217:19 adjoining 4:6 adjourned 225:23 administered 165:11 administrative 32:12 54:22 admissibility 21:7 36:14 admissible 46:2 admission 36:3,9 36:25 37:15,18 38:17 40:19 41:1 51:10,12,20 52:14 139:22 145:8 admitted 3:15 36:21 52:7,22 141:5 143:25 145:17 148:1 153:5 admittedly 73:9 98:13 adopt 178:15,17 adopted 112:18 146:25 151:1 178:14 211:3 adopting 180:14 adult 133:1,11 advance 138:9 advantage 151:13 advantages 69:9 adverse 25:13 30:7 88:3 adversely 88:16 91:3 advise 9:11,13 affect 13:15 88:16 91:4 157:21	163:24 188:25 189:10 200:13 204:10 affirmatively 16:19 affordability 158:8 162:21 affront 31:23 afternoon 213:5 agencies 71:10 agency 32:12 age-restricted 133:3 age-targeted 110:4 ago 36:22 75:23 76:23 86:6 agree 62:2 125:5 177:1,5,10 187:9 agreed 36:23 37:25 72:3 221:11 agreement 37:15 100:1 106:10 111:2,20,23 113:17 116:7 119:25 126:15 135:8,14,14 136:8 141:8,18,23,24 142:2,14 143:4 144:3,7,16 146:19 146:25 147:4 157:10 209:11,14 209:22,25 210:23 211:2 212:11 217:22,24 218:1 220:22,24 221:22 agreements 142:1 218:5 222:18 223:1 agrees 38:8 ahead 13:8 38:5 47:10 168:21 170:15 171:18 172:18 182:6 206:4 212:4 218:15 aid 171:20 Aizpitarte 195:16 Alan 2:16 3:11 6:20 6:20 7:5,7,9,11,13

7:17,22,25 8:2,6 9:11 29:18,21 40:1,4,10 48:19 49:10 50:24,24 51:16,21 53:11,15 54:10 139:12,20 139:24 140:17 143:17 145:11 152:24 196:17,23 197:9,14,23 199:14 200:2,6,8 201:2,18,23 202:7 202:12,14 203:8 203:10 204:24 206:2,5,8 207:8 209:3,20 210:5,11 211:9,18 212:3,6 213:9,17,18 214:17 215:4,18 216:1,5,12,15,22 217:21 218:14,17 218:22,25 219:7 219:11,21 220:3,6 220:19,20 222:23 224:14,23 225:12 Alan's 6:16 alarmed 86:4 albeit 153:24 ALLISON 44:4,8 44:15 45:2 allocation 107:8 142:6 allow 18:18 24:12 25:4,5,16,23 26:10,20 30:24 32:4 92:16 120:8 125:22,23 174:1 187:19 192:3 195:8 201:12 207:8 209:6 allowed 17:8 96:4,6 100:1 116:19 155:5,9 allows 56:5 all-inclusive 104:23 alongside 5:21 151:17 alternatives 108:6	amended 60:12 144:25 148:6 177:25 178:14 214:15 215:12,14 215:15,21,22 225:13 amendment 144:13 amenities 104:21 120:14 122:11 180:24 amenitization 99:1 110:2 amenity 98:21 149:24 150:5 American 100:12 100:22 105:24 110:5 162:12 amortize 98:25 157:24 161:17 amortized 151:11 161:18 amount 57:4,7,24 60:14 72:14 80:25 81:7 88:18,20 89:11 94:21 95:22 100:4 103:24 107:3 124:1 138:2 138:8 155:8 159:22 207:14 211:18,20 212:8 212:16,19,21,22 amounts 157:1 ample 160:3 186:9 amplify 53:14 analyses 72:7 74:24 75:21 118:24 130:12 analysis 67:21 70:5 71:1 75:24 76:10 78:23 119:2 131:7 analyze 160:12 and/or 200:18 217:4 annex 106:4 115:25 116:3 160:20 annexation 106:8 116:4,8 137:24 142:3	annexed 64:11 115:7,19 annual 55:22 81:22 82:21 175:6 annually 63:13 answer 30:9,15,18 30:18 31:7 69:2 69:12 146:2 182:6 199:1 203:10 204:20,21 206:22 207:1,3 208:16,23 209:9 210:22 212:2,10,18 217:9 220:2 222:22,22 answered 30:17 200:20 201:10 209:2,6 answering 30:13 99:5 191:11,13 193:19 194:12 195:15 answers 192:20 anticipate 24:8,20 69:7 133:14 137:14 207:18 anticipated 28:1 56:11 62:21 anticipates 201:4 anti-development 87:14 anybody 38:6 84:2 128:8 161:14 anyway 42:12 168:23 196:10 apologize 190:10 apparently 11:17 11:19 45:1 156:14 appear 9:4,5 188:22 193:5 201:3 APPEARANCES 2:1 appeared 38:25 195:4,6 appearing 2:19 7:18,21 50:25 51:4 86:1 appears 175:23	176:13 197:1,19 216:23 222:6 applicant 27:15 39:24 50:15 55:14 141:25 applicants 60:2 Applicants's 91:18 Applicant's 87:3 application 1:4 4:22 27:17,18,25 49:24 54:15 55:20 59:14 60:13,16 61:2 69:5,21 72:13 80:8,12 81:18,21 84:19 85:21 87:1 90:18 95:8 96:13 107:12 110:12 111:1 112:14,16,18 114:18 116:14 121:7 146:23 148:6,17 157:12 166:5 168:6 180:9 198:22 199:1 207:19 208:8,11 214:15 215:12,14 215:21 219:20 224:8 225:13,14 applications 28:22 61:8 62:15 146:7 146:14,18 applied 67:25 88:19 89:15 146:7 190:8 apply 205:19 223:25 225:3,14 applying 153:22 206:16 appraised 176:1 appreciate 26:24 40:25 42:13 43:13 83:5,17 92:22 139:8 approach 58:19 60:3 68:23 86:21 87:10,13 115:12 124:20 125:18 157:19 158:2	164:1 approached 60:1 111:16 approaching 166:10 appropriate 4:22 16:1 38:1 44:22 49:25 56:14 58:25 81:24 82:17 83:11 85:17 177:12,12 appropriated 90:7 198:24 approval 60:17 64:2 97:25 106:7 111:22,25 135:13 137:16,22 145:19 146:13,14,18 195:7 approvals 58:2 116:20 142:12 146:20,21 approved 58:11 61:7 146:24 147:16 151:8 approximate 205:10 213:24 approximately 56:3 59:15 97:4 97:19,21 102:17 105:2 107:11 112:7,20,21 113:8 113:10,11,20,24 117:8,13,22 122:16 123:18,22 124:14 135:20 144:10 156:18 163:19 175:21 176:6 198:5 205:16 207:22 224:9 April 1:13 20:10,11 36:16 76:7 79:2,2 215:24 aqueous 67:25 aquifer 20:3,5,14 24:23 59:22 60:7 61:6,10,17,19,20 65:1,3,16,20 66:4
--	---	--	--	---

68:13 70:19 71:25 72:17,22 73:1,4 73:11 74:22 75:2 75:6,8,11 77:3,12 77:20,24 78:11,12 78:24 82:13 84:22 87:20 89:4 91:8 103:17 126:4 159:20,22 160:1,3 160:7 161:7,14 164:15 166:4 182:22 188:12,22 200:3 221:18 222:11	182:23 183:11 185:6,11,22 187:6 188:1,23 189:2 199:15 217:20 223:14	asked 4:23 5:11 15:13 17:7 41:17 47:4 50:2 90:25 121:17 195:17,23 195:23 199:24 200:20 201:10,22 206:22 209:1 212:1,7	attached 20:4 132:5	123:22 133:16,18 208:1
aquifers 70:21 85:16,24	areas 77:3 82:16,16 82:20 84:23 88:11 102:2 107:4 116:16 119:18 121:11,12,14,14 121:16 122:1 132:18 146:10 194:11	asking 26:11 190:10 203:13 220:6 224:14	attachment 107:24 219:13	Avimor 124:7,15 170:6,8,12,13 196:25
aquifer's 70:10	arguably 60:18	asks 186:15	attempt 14:25 18:10 63:13	avoid 221:12
area 19:4 24:23 28:17,18 29:1 59:21 61:6,8 62:1 66:6 67:18,20 68:18 69:14 70:9 70:24 71:9,16,18 71:19 73:7 75:14 76:1,3,5,14,25 78:10 83:4 84:22 85:4,17 87:16 91:10,15 95:25 97:16,18,20,24 99:25 100:3 101:4 101:6 103:12,18 103:18 105:7 108:8,11 109:2 112:6,9,10,10,16 112:19 117:3,11 117:13,19,23,24 118:10,11,15,17 118:20,21 119:8 120:15,22 121:1 122:8,14,21,22 123:2,4 127:1 128:23 129:2,13 130:13 131:25 133:22,24 136:23 136:24 142:7,8 156:15 160:11 167:16 176:14 179:23 181:11	argue 15:9 16:3	aspect 32:22	attempted 204:21	avoiding 206:23
	argues 87:8	aspects 24:22 119:16	attempting 30:23 197:21	aware 9:16 23:15 27:23 69:6 85:4 108:7 171:4,11 183:3 190:9
	argument 11:25 12:17 14:5 31:17 32:5	assemblage 97:13 110:18,20	attends 8:15,21	a.m 1:13
	argumentative 31:18	assets 152:9	attendance 9:20	
	arguments 172:17 173:16	assign 223:7	attendant 195:4	B
	arid 84:23 106:23 107:5	assigned 33:22	attended 146:16 168:7	B 3:14
	arises 64:16	assistance 70:11	attention 39:7	back 4:17 6:2 25:23 47:17 48:9 54:4 64:24 66:5 75:5 76:21 78:2 85:19 91:19 93:12 102:21 118:1 124:2 128:9 150:22 164:11 175:16 183:25 186:6 188:16 199:23 213:8,14
	Arizona 99:24 100:5 103:9 104:14 105:11 107:7 109:14 199:4,5,15,19	assisting 4:17,25 50:5,22	attorney 42:25	backbone 149:21 150:4 151:10 157:25
	arrangement 117:23	associate 5:19 50:13	audio 45:12 46:12 84:9 191:19 193:18 194:14	background 94:19 134:13 203:23
	array 132:14	associated 28:22 120:12 189:5 200:16	audiotape 191:9,10 191:16	backing 177:18
	arterial 151:9	association 2:10,14 6:11 7:4,10 12:6 12:25 50:21 52:13 74:20 84:17,20	audit 174:24	backup 5:3
	arterials 136:18	assume 5:5 22:5 24:10 29:9 35:8 87:5 163:3 208:16	audited 175:4	bad 49:21 161:9
	artesian 88:10 181:24 182:5 183:9,11,14,23 184:6,13 185:6,9 185:11,15,21 186:1,17 201:6,15 201:25 202:15,21 202:24 204:4,11	assumed 65:1 78:6	augment 178:24	badly 28:16
	article 173:17	assuming 121:12 132:25 156:8 160:15,20 217:12	August 76:2	bag 100:18
	articles 124:6 174:1	assurance 59:12 95:13 158:10	authored 20:15	balance 105:15 106:16 117:15 176:1
	articulate 12:20	assurances 95:15	authorities 14:3	band 132:20
		assured 101:24 103:20 212:14	authorized 7:19 62:22	bankrupt 99:14 172:12
		assuring 181:24 184:6 185:9	automatically 71:24	bankruptcy 149:6 171:12
		athletic 98:10 150:1	availability 103:5 103:10 159:9 164:12 165:25	Bannock 2:6
			available 17:25 18:1,4 21:3,18 22:6 24:7 60:8 71:8 75:25 76:15 86:19 103:23 159:20 161:6 167:19 179:8 190:1	barely 199:11
			average 72:20 79:16,20,22,23 80:16,24,25 82:4 85:2 107:6,7 117:14 118:14	base 98:21 116:21 135:15 149:25 150:5 151:12

188:5	81:24 83:6,13,15	121:1 122:12,16	bottom 188:20	201:19 202:9
based 51:25 52:3	85:15 86:13 87:7	129:10 136:13	200:9	206:21 209:9
61:16 67:9 70:17	87:14 88:2,12	225:2	boundaries 28:13	210:19 213:18
70:25 71:1,6	92:23,24 108:11	bigger 72:19	78:5 156:21 182:1	218:18,25 219:22
77:13 87:4 91:18	109:2 110:11,18	bill 5:22 7:23 8:2	182:19 184:8	Brownlee's 193:19
98:18 114:23	116:12,13 123:24	8:13 46:13 50:14	185:10 198:25	brunt 13:15
116:19 122:25	124:24 125:2	57:13 151:7	boundary 113:8,9	budget 74:23
131:24 136:25	126:4,7,10 128:19	binder 140:13,14	113:10,14,18,21	budgets 91:9
153:16 158:12,17	132:24 144:21	141:10 144:21	115:23 116:2	buffer 135:25
162:7,14 166:2	155:24 159:3	binders 34:2,9,12	122:1 135:23,24	build 58:17 59:1,6
173:15,16 175:14	169:14 174:15	34:16 35:11 53:20	157:13	62:8 100:8 101:5
181:3 200:21	177:9 178:12	biological 120:22	bounds 57:4	137:1 149:18,20
208:21 212:8	181:16 183:20	121:4	box 2:7 35:9	149:24 150:2,2,8
218:13	184:3,16 186:13	bit 11:21 24:6	boxes 34:24	150:15,17 162:3,7
basically 13:8	188:12 194:18	47:16 53:20 80:8	brand 100:23	162:11 166:1
172:13	197:1 198:23	127:24 151:2	133:5,6	builder 98:7
basin 66:9,10 75:7	199:3,24 201:9	213:9	breach 209:23	100:25 150:20
75:9,16 101:2,15	202:3,20,25	bite 193:18	break 93:9 128:4,6	builders 150:14
101:17,20,22	203:16 204:15,17	Black 179:4	166:15 213:5,12	223:3
103:3 122:18	206:15 207:15	BLM 112:25 113:4	breakdown 166:8	building 107:20
basing 220:8	208:11 212:7	113:13,22,25	breaks 21:5	109:6 150:4
basis 12:21 14:17	213:23 217:17	114:1,5,7,12,12	brief 22:20 93:15	170:11 211:4
14:18 32:1 35:4	221:17 222:4,9	114:16,19 115:24	166:25	buildings 109:8
67:25 70:23 79:17	225:12	115:25,25 120:24	bring 26:22,23	buildout 55:23
87:23 107:8 125:5	believed 73:13	121:5 122:14	40:13 46:16 48:9	59:23 63:4,11
125:9 150:7 152:2	beneath 65:21	127:7 134:7	122:19 138:14	79:16,18,20,21,24
152:10 175:6,22	beneficial 89:11	137:20 179:23	171:9 211:23	81:11,14 82:25
188:3 191:22	161:24 171:7	198:7	bringing 31:19	83:1 98:4 105:1
200:20 206:12	177:13 205:22	blocked 53:21	92:3	120:1 123:17,23
220:25 222:14	206:9,17	blower 4:8	broke 205:9	134:22 137:1,9,13
Beacon 2:21 85:9	benefit 59:7	board 6:23 78:3	brought 83:6 96:18	153:16,18,23
bearing 14:8	best 15:19 21:9	body 91:5	104:4	154:5 158:13,18
bears 27:15	95:12 118:16	Bohn 121:2	brown 112:10	160:10 164:1,2,9
becoming 111:14	152:12 160:14,21	Boise 1:16 2:8 20:9	Brownlee 3:8 5:22	built 59:3 62:20
bed 106:20	178:8,17 222:10	20:14 60:5 65:5	46:13 50:14 57:13	106:18 107:21
Beeman 14:4	223:9	66:8 67:16 73:15	62:4,16 93:19,21	133:12 137:2,3
began 71:17	better 12:20 23:6	73:24 75:13,14	93:23 94:7 128:17	153:17 162:13
beginning 18:2	23:13 42:11 44:3	78:9 112:8 179:3	139:13 141:6	163:8 204:25
57:12 81:18 90:18	70:18 76:3 111:13	187:7,8	145:18 162:4	bulk 114:1
95:10 137:2	127:25 169:4	book 130:25	167:1 169:20	bullets 100:18
behalf 84:15	193:10	174:22	170:2,5 171:4	burden 27:15
belief 101:17	beyond 26:12 27:3	booklet 207:20	174:16 185:20	Bureau 126:21,23
believe 22:12 34:11	35:14 60:23,23	border 112:21	186:16,24 187:17	127:3
37:5 38:16 39:16	182:7 186:2	bordered 14:7	187:21 189:25	business 90:10 94:6
40:4,5 51:16 58:4	187:13	112:24	191:10 192:5,19	94:17 149:8
58:5 59:23 60:14	bicycle 136:18	bore 66:11 76:20	193:8,8,16 194:13	159:24 176:22
61:18 64:20 65:19	big 4:8 65:9 75:16	bores 67:10 70:5	194:16,19,23,25	209:16
66:12 69:22 79:9	80:5 99:18 117:10	borne 79:12	195:4,14 196:24	businessman 109:1

165:24	careful 54:6	91:11 126:7	112:11,15,17	closer 196:16
C	carefully 57:3 58:8	157:18 158:25	113:1 114:2,3,14	club 98:10 150:1
C 2:4 180:1	78:14 90:5 209:8	206:17 208:9,12	115:7,13,20,24	clubhouse 150:1
calculated 58:8	Carlock 115:17	CGISS 73:17	116:2,4 121:10	cluster 120:7
82:23	carrying 100:22	challenged 117:4	124:23 129:20	coat 55:1
calculation 107:3	175:20 176:4	challenges 170:6,9	131:17 132:18	code 27:19 88:7,8
134:22	case 18:3 26:1,15	170:12,13 173:8	135:12 141:18,25	89:13 147:12
Caldwell 65:6	55:17 58:10,25	173:10 179:13	142:17,19 143:5	collect 166:20
75:15	64:15,20 69:20	chance 8:16 15:8	144:19,23 146:15	collected 211:4
caliber 162:3	75:10 83:7,18	31:8,9 111:13	146:16,21,24	collection 91:1
calibrate 77:17	87:19 90:2 127:17	change 151:2 213:2	147:5,7,12,17	collectively 166:9
California 100:19	217:5	changed 173:12	156:25 157:3	color 119:22 139:6
115:18	cases 69:24 76:23	changes 183:23	160:20,20 178:18	Colorado 67:23
call 9:12 13:19,21	casing 214:5	changing 162:14	181:15,25 182:18	105:23 164:22
14:20 15:23 18:10	categories 109:13	162:15	184:7 185:10,12	combative 31:18
24:9 25:5,9,12,22	category 17:2	character 117:1	188:4,7,14 191:12	combination 122:4
26:5 29:5 35:17	cause 93:25 183:9	characteristic	191:19 192:21	122:17 150:23
36:22 39:6 42:23	183:12,23 188:24	198:9	193:17,20 198:14	come 4:13 18:24
45:12 65:21 70:2	189:9 200:12	characteristics	198:17,21 208:25	19:7 21:8 25:23
93:18 128:2 194:8	201:5 202:21	162:15	209:12,16,24	27:1 32:15 55:1,2
194:9 206:14	caused 111:5	characterization	210:18,24,25	82:9 92:15 107:5
called 12:12 13:7	165:13	62:3	211:3,6 212:11	128:9 135:21
13:12 16:25 17:6	CC&R's 155:16	characterized	214:24 217:7,13	151:4 160:17
17:9 24:9,11 30:7	cease 183:13	211:12,13	217:22 218:1,4	192:4 213:7
46:13 150:13	cell 42:7,9	characterizing	220:20 221:5,8,14	comers 63:19
calling 69:7	center 73:15	201:16	221:23 222:1,4,6	comes 21:1 26:16
calls 86:8 121:21	128:20,22 129:3,4	Charles 118:25	222:6,10,12,17	32:13 115:10
136:4 186:13	129:16 134:11	123:24 130:10	223:5,8,10,15	129:1 173:20
190:25 219:5	centers 116:16	132:25	city's 144:13	comfortable 33:23
220:14 222:19	136:22	Charlie 121:2	145:23	34:22 54:21 55:3
cameras 55:5	centralized 108:6	chief 151:25 175:2	civil 146:10	coming 4:2 11:10
Canal 156:16 179:4	108:15,15 109:3	choose 60:20	claim 69:21	19:1 23:3,4 46:9
canals 78:9	centrally 82:3	163:15	claims 61:13	75:12 134:7
Canyon 179:4	centroid 114:5	chose 125:20	clarification 35:8	197:12
capabilities 172:19	certain 37:19 58:2	Church 6:1 57:14	215:2	commence 147:18
capability 100:8	84:8 116:20	123:14 130:16	clarity 211:23	147:20
172:8 173:13	182:15 206:19	131:8	class 48:5 105:14	commend 86:10
capable 171:6	certainly 42:1	churches 116:16	137:5,10 180:13	commensurately
capacity 90:11	69:19 82:6 144:8	CH2M 68:2	clean 25:25	163:9
160:3 208:1 214:4	159:1 162:2	cited 120:11	cleanup 41:2	comment 21:7 66:2
capital 149:4 176:2	172:24 182:13	cities 114:19	cleanups 42:6	91:22 106:24
capitalized 175:19	certainty 87:5	city 55:24 58:1	clear 17:14 65:19	124:10 135:1,3
176:3	certificated 103:13	63:18 64:11,12,12	103:7 211:7	164:24 170:14
capped 104:2	103:15	66:6 71:15 83:8	clerk 34:11	203:14
capture 132:17	Cervino 151:24	83:12 86:2 90:1	climate 107:6	commented 135:5
cards 56:23	152:8 174:25	97:14 99:23 100:1	climates 106:23	comments 6:15
care 87:10	cfs 72:18 79:18,19	100:11 111:3,6,12	close 25:4 166:19	20:4 58:1
careers 68:2	79:24 80:8 81:13	111:15,16,18	197:11	commercial 98:9

107:9,21 109:9,22 109:25,25 115:3 116:16 118:13 123:20 127:20 129:12 130:20 134:11 commingle 176:21 Commission 104:15 105:11 191:12 192:22 commissioned 60:4 60:4,10 62:4 Commissioner 195:17 commissioners 86:3 commitment 214:25 217:8 219:14,15,17,22 220:5,7,11 commitments 10:4 committed 214:18 215:7 216:16,25 committee 74:16 committing 219:1 common 69:14 82:16 102:2 105:16 119:18 180:13 communicated 164:18 165:6 communication 164:24 communities 62:19 94:20 95:2 96:24 97:10 99:20,21 112:4 119:3 120:12 131:13 140:20 163:5,6 community 55:23 58:16 63:21 85:25 94:23 95:16 96:3 97:1,11 98:8,16 98:18,19,21,22 99:3,18 102:3,18 104:18,20 105:3 105:16 107:16,19 107:22 108:20	109:12,24 110:4 111:1,9 118:3 119:6,23 120:2,13 123:1,16,24 124:13,16 125:7 130:6,14,19 132:2 132:5,20 133:1,3 134:7,8 135:19 137:8 142:11,18 142:23,25 146:1,3 147:11,14,15,19 149:21,25 150:6 150:15,18,19 151:7,10,12 153:15,17,21,23 154:6,13 155:18 155:21 156:9 158:6,9,12,14,18 158:20,22 160:8 160:22,23 161:18 162:24 164:1,9 180:16,19 198:13 211:5 224:4 community's 95:18 companies 76:24 96:20 126:12 company 60:5 62:8 62:24 71:15 90:13 94:14,15,16 104:12,12 105:9 105:13 107:13 109:11 119:1 150:21,24,25 151:25 176:23 177:14,15,17 company's 62:17 company-owned 176:10 comparative 86:18 152:2 comparison 124:12 compensation 210:18 competent 91:1 compiled 71:4,5 compiling 59:19 complete 100:8 102:24 221:3	completed 56:17 70:7,19,22 72:9 72:15 89:7 91:7 99:15 104:9 121:3 135:9 137:14 222:15 completely 72:6 151:3 completing 121:3 completion 205:3,6 205:13 complied 131:2 141:11 144:22 151:19 178:4 188:18 comply 150:16 complying 222:12 component 130:5 133:11 150:3 224:3 components 142:24 221:18,22 composite 76:11,16 comprehend 11:23 comprehensive 86:14 112:17,18 144:12,14,19,24 145:1 147:1 160:9 178:1 181:4 182:10 184:1,11 185:3 187:2,10 222:5 comprise 133:22 compromise 92:14 computer 45:13 concentrated 176:10 concept 75:6,18 125:6 128:21 134:16 conceptual 124:21 125:9 134:6 concern 11:20 12:1 12:23 26:18 84:21 121:12,14 concerned 47:19 161:12,13 172:7 173:12 193:7	concerns 10:10 87:24 89:14 conclude 66:20 concluded 165:23 166:2 conclusion 83:2 111:11 160:18 168:17,18 186:13 188:3 189:17 191:1 203:17 206:1,14 219:6 220:15 conclusions 87:4 concur 203:20 conditions 99:12 155:17,23 162:15 180:17 183:14 222:13 conduct 4:24 50:3 60:6 73:17 86:18 conducted 20:5 61:23 73:22,24 75:20 76:24 130:7 130:7 190:13 conducting 5:20 59:16 conference 4:6,12 36:22 43:9 confidence 62:9 confident 58:22,24 configuration 41:7 41:15 42:5 confined 4:10 223:19 conflict 88:6 conflicts 14:6 30:19 confront 193:7 congruent 184:15 184:17 conjunction 75:21 connected 156:25 172:23 connecting 129:1 connection 121:8 121:25 129:2 134:9 connections 122:7 122:8	connector 128:24 consequently 14:23 42:24 92:16 conservation 107:23,25 108:24 154:15,24 155:11 155:15,19 178:18 180:2,6,18 conservative 87:10 163:25 consider 19:6 27:1 27:17 28:14 32:11 33:8 92:24 96:25 118:2 124:18 154:9,11 consideration 89:7 considerations 162:8 considered 112:11 considering 89:10 225:7 consistency 150:19 consistent 87:17 119:12 125:18 132:10 constraints 47:21 107:15 construct 56:15 64:5 143:2 158:16 161:16 212:24 constructed 69:24 70:18 153:24 155:6 189:3 constructing 136:9 169:2 construction 69:8 76:13 78:2 123:16 123:20,21 124:3,4 138:10 147:20 149:6 188:20 consultant 120:21 167:7 consultants 17:10 50:16 60:6 67:5 146:9 147:7 148:4 148:21 159:8,15 165:19 Consulting 57:21
--	--	---	--	---

consumer 162:22	contrasts 25:6	114:10 115:5,7,8	34:24 45:15,21	cross-sectional
consumptive 82:21	contribute 138:19	116:5 120:10,17	55:24 58:17 129:3	76:10
82:22,25	contributed 74:22	126:18 127:14,18	141:8	cross-sections 76:5
contact 168:1,4,15	167:17 168:25	131:10 133:10	course 21:4 59:2	76:16
contain 137:4	contributor 90:14	137:5,6 140:10	64:15 72:1,8,15	crow 112:7
155:16	177:17	141:2 143:6,9	81:17 82:16 95:12	CRR 1:23
contained 38:16	control 115:21	147:22 148:18,19	99:17 102:17	CSR 1:23
60:13	185:4	149:13 156:13,22	105:17 148:25	culture 62:23
contains 34:2	controlled 78:14	156:23 163:14	150:1 191:24	cumulative 125:9
contemplate 161:8	181:25 182:18	164:25 166:12,13	209:15	current 41:14
224:6	184:7,23 185:10	202:7 205:21	courses 118:18	86:24 90:21 105:3
contemplated	185:13	207:11,12,13,17	136:19,20	113:25 122:6
116:5 154:5	convenience	208:7 217:20	court 5:4,11,14	156:12
158:23 218:2	110:13 139:7	225:1,11	19:23 31:13 41:20	currently 82:2
contemplates	conversation 36:12	correspondence	43:2 44:20 49:18	102:13 108:9
157:10	convey 209:12	8:13 12:2 27:20	50:8 219:3,23	113:1 115:6
contemplating	210:24 217:14	corridor 121:24	220:13	117:21 118:19
154:25 156:20	220:24 221:14	122:14	courtroom 54:24	132:17 143:7
contend 87:3	conveyance 142:16	corridors 120:18	covenants 155:17	183:14 205:1
contents 182:13	142:19,20 210:17	121:18 122:9	155:23 180:16	213:25 221:16
187:18	210:19 217:13,25	Cosgrove 86:17	cover 9:21 28:9	curtailment 165:15
context 87:6	conveyed 211:6	cost 136:9 147:24	69:17 151:24	custom 100:24
203:12 204:6	conveying 221:7	148:3 160:4	201:19,23	132:7 162:20
217:18	cooperate 167:10	161:17 207:18	covered 44:1 83:22	cycle 163:18,20,21
contiguous 115:23	copied 22:5	211:5 212:22	covering 9:24	163:22
116:1	copies 20:18 194:1	costly 159:1 160:22	covers 60:19,24	cycles 164:6,10
continually 221:18	194:2	costs 98:25 147:25	CPA 152:8	cyclical 163:18
continue 30:20	copy 14:11 20:20	148:9 157:24	CPAs 175:7	
60:22 97:8,8	35:2,21 139:6	161:18 175:20	craft 100:1	D
111:25 119:15	140:6,15,21,22	176:4 207:22	crafted 106:9	D 3:1
127:23 134:25	171:19 193:24	council 83:12 86:2	create 125:8	Dad 37:6
145:19 222:10	core 82:5 118:2,4,9	111:18 135:12	created 74:4	daily 79:17,20 82:8
225:20	corner 41:21 53:18	146:15,16,21	creating 119:13	Dallas 177:19,20
continues 97:6	134:13	councilmen 193:20	121:24 135:25	damage 219:25
continuing 221:23	corners 54:4	counsel 14:5 50:14	credits 106:13,21	damages 216:17
continuity 10:10,24	corporation 89:18	175:6,7	creek 103:7 106:20	219:2 220:12
79:1 98:18 111:8	90:2 104:14	count 129:21	121:22,25 122:5	damaging 214:19
continuous 71:24	105:11	country 109:14	126:4	215:8 217:1
72:18	correct 5:7 7:13,16	county 2:9 6:10 7:3	criteria 98:19	218:10 219:16
continuously 71:19	15:3 24:2 33:5	12:6,24 20:15	180:15	danger 222:16
contour 71:6	34:14 35:11 37:2	50:21 52:12 55:25	crop 21:16	data 59:18 66:11
contract 150:10	37:6 38:19 51:13	67:18,20 74:19	Cross 3:11	71:5,8,9,24 76:13
contracted 73:14	52:14,15 94:10,11	84:16,22 85:24	cross-examination	76:15,21 77:17
159:7	96:12,15,16 98:2	86:2 91:15 93:3	3:10 10:13 29:20	79:11 87:4,9 88:4
contractors 148:21	101:14,21,23	100:11 101:3,7	30:7 170:3 194:22	88:9,13,20,22
contractual 141:24	103:1 104:24,25	102:9 108:8 111:1	196:13,22 197:8	91:5,8,19 163:4
142:14	108:14,17 109:22	167:5 182:23	cross-examine	168:17
contrary 101:17	112:24 114:3,4,9	couple 6:15 11:4	10:15 29:7 170:1	date 1:13 72:16
				74:5 85:20 91:19

124:16 159:3 205:6,13 215:23 dated 20:10,16 36:16 131:7 215:15 dates 205:3,8 dating 76:21 David 9:19 10:7,22 11:13 13:14 195:16 Davis 97:3,3 day 17:24 78:15 79:22 80:17,17,19 80:24,25 81:3,13 82:24 83:1 85:14 93:4 155:14 163:2 225:20 days 6:6 45:22 78:13,15 deadline 19:13 deal 142:1 154:6,7 dealing 105:8 174:10 212:13 deals 142:2,13,16 142:22,23,25 Debbie 42:3 84:3 Deborah 4:16 41:17 debt 150:24,25 151:3 decade 64:24 decades 24:24 58:17 December 11:6 111:23 135:10 147:3 152:10 175:18 decide 90:6 decided 150:20 deciding 83:12 decision 16:14 86:11 151:1 170:9 170:10 186:19 declaration 97:23 100:3 declared 99:24 decline 183:10,11 202:22	declines 61:17 decrease 180:24 dedication 135:21 142:21 deemed 121:11 143:2 deep 68:12 72:6 76:22 deepened 69:25 189:6 200:18 deepening 214:21 217:4 default 8:25 9:4 defer 15:7 defined 223:13 defines 212:15 definition 184:17 degree 41:23 82:10 203:22 degrees 66:20 Del 133:6 delayed 105:22 delete 54:10 deliver 140:23 delving 212:2 demand 87:21 127:10,19,20 demographic 131:6 demonstrate 56:7 57:23 demonstrated 72:21 demonstrating 168:19 denial 146:22 denied 112:17 Dennis 19:21,25 21:18 22:9 24:10 denominating 140:18 density 85:1 116:21 116:22 117:2,12 117:25 118:1,5 121:15 129:12 134:14 142:4,6,7 denying 12:17 department 1:1,14 15:25 19:16,17	20:1,4 27:16 50:3 56:24 61:3,7 64:2 64:16 68:16 71:11 79:7 83:14 85:22 86:11,17,20 89:6 89:10 90:5 91:6 92:23 103:21 153:19 167:3,10 186:19 205:24 222:13 224:20 department's 65:18 69:8 79:10 101:17 167:15 depend 85:6 93:4 207:25 211:19 212:21 dependent 101:12 188:8,15 depending 105:5 118:15 155:10 depends 208:4 212:19,22 depict 129:4 138:22 depicted 140:4 deposed 13:3,4,4 14:25 16:21 18:5 deposition 12:10 12:10 17:25 46:24 depositional 67:19 depositions 11:20 12:4,8 13:1,11 16:20,23 65:17 depth 146:8 213:22 213:24 derived 81:16 describe 24:20 59:20 116:14 126:22 131:3 141:15 145:25 149:14 151:20 described 109:20 131:22 144:4 153:6 154:21 159:6 describes 142:10 describing 22:12 description 75:1	145:19 deserve 43:2 design 98:18 107:16,18,23 130:19 137:18 147:10,15 150:16 150:17 153:14,16 155:20 180:15 designated 103:14 103:16,17 designation 97:22 103:20 designed 136:18 designing 136:13 desirable 132:15 desire 83:3 157:17 detail 33:2 146:8 detailed 19:2 59:19 69:1 details 11:1 determine 70:10 88:13 95:12,19 118:24 determined 219:24 detrimental 204:13 develop 62:8 76:4 86:22 95:15 98:16 108:20 118:6 124:24 127:6 129:22 130:2 134:17,20 161:25 179:11 181:23 184:5 185:8 198:8 developed 77:8 99:10 100:10 101:25 106:1 115:1 118:5,8,13 176:20 183:4 198:12 208:18 225:9 developer 125:7 172:23 211:14 developers 85:10 91:13 119:5 172:10,14 208:20 223:4 developing 96:21 122:12 131:12	158:5 178:23 181:3 development 24:24 56:16 58:6,19 64:14 83:16 87:16 87:17 89:9,17 90:22 94:18,22,24 95:2 96:5,6 97:9 98:9,12 99:2 101:13 102:13,14 105:21 110:16,23 111:2,7,20,23 115:3,3 116:6 117:25 118:17 119:2,24 120:8,13 124:7 126:14 131:5 134:14 135:8,14 136:1,2 136:7 141:17,22 144:16 146:19,25 147:4,18 157:9 163:12 164:15 172:8 173:22 179:14 180:5,15 183:7,8,21,22 189:3 190:2 199:17,21 200:13 200:15 209:11,25 210:23 214:20 217:2 220:23 224:18,21 developments 85:12 86:1,5 96:24 109:8,15 141:21,22 154:16 199:4 develops 90:16 133:5 diagrams 76:11,16 diameter 214:5 dictate 120:5 dictates 162:24 difference 98:24 differences 91:14 different 39:3 108:13 116:25 117:18 118:11,23 119:10 147:8
--	--	---	--	--

154:4,12 159:13 173:10 194:11,11 201:16 206:16 differently 189:24 differing 121:4 differs 31:3 difficult 43:5 98:13 difficulties 149:9 172:16 dilute 26:21 dipping 77:12 direct 3:9 25:17 27:3 94:3 182:7 187:13,19 194:13 211:22 directed 214:8 direction 41:22 65:15,18,25 66:16 66:18 67:3 138:17 165:20 187:8,11 187:25 directly 12:8 24:12 28:25 123:14 138:19 217:19 director 4:24 5:23 50:2 57:13 58:21 85:22 86:10 directors 6:23 disagree 33:3 disappeared 14:6 discharge 106:19 disclosure 18:16,17 18:21 disclosures 175:11 discuss 69:9,25 99:5 153:13 168:16 discussed 29:12 37:18 77:19 127:2 129:11 146:8,17 148:11,25 151:18 168:8 discusses 135:6 discussing 129:9 138:17 168:6 discussion 3:3 39:23 44:24 196:11 216:8	225:10 discussions 92:8,11 92:13 111:17 disk 45:13 dispersed 85:2 disposal 21:11 disposition 113:25 disrupt 25:7 disruption 43:4 45:5 disseminate 203:23 distance 198:6 distinct 117:1 distinctive 77:2 distinctively 193:18 distinguish 211:11 distribute 21:17 distributed 14:11 distribution 153:15 154:1 district 101:8 106:5 106:8 142:15 151:7 Dittus 24:22 68:15 diversification 176:15 diversion 81:23 82:7 87:25 diversions 55:22 79:16 divert 89:2 diverted 81:11 divide 81:9,12 division 168:24 document 19:17 20:7,13,19 21:22 22:22 23:8,11 36:14,15 38:20 39:4 47:2,4 52:19 52:21 60:19 73:9 140:12 141:1,7 143:21 145:14 147:10 148:15 153:2 170:20 174:19 187:4,15 215:24 documentation	19:13 193:12,15 documents 19:19 20:2 21:3 23:3,4 23:16,19 34:5 35:10 37:16,19,23 38:9 39:2 48:8 52:14,18 83:24 84:1,7 140:4 170:19 doing 23:5 39:11 75:23 90:10 106:9 121:2 124:12,13 125:4 145:22 159:11 168:16 181:7 183:13 198:3 201:14 208:22 dollars 161:15 175:22 domestic 69:13,14 70:9,16,21 108:9 178:6,7,16 179:25 181:19 201:5,24 204:5 215:5 216:17 218:5 Donaldson 73:23 Donna 86:17 door 4:8 197:11 double 39:2 208:9 208:10 Douglas 74:14 169:17 downloaded 84:10 downtown 102:11 112:8 downturn 99:12 173:6 down-zoned 100:14 down-zoning 98:3 Dr 6:1 15:15 17:12 22:19 23:25 50:15 57:14,18 66:3,21 67:12,15 73:23,25 74:15,22 76:25 78:22 81:15 86:17 131:8 164:13,16 165:3	draft 76:4 144:15 drainage 66:9,10 122:13,18 136:13 draw 198:11 drawdown 75:2 204:9 drawdowns 61:11 72:21 188:24 189:5,9 200:12,17 204:3,13 221:13 drawing 78:3 drill 72:3 207:19,23 213:21 drilled 76:8 104:1 213:23 driller's 75:25 drilling 59:16 75:22 76:22,24 drinking 82:14 188:9 drip 155:7 Drive 94:8 driven 134:21 drives 130:22 dropped 35:19 drops 201:25 Drury 15:11 16:18 dry 69:21 149:22 202:24 203:1 due 42:21 duly 93:24 duplicate 38:6 77:17 duplicated 39:12 duplicating 39:13 duplication 39:15 54:17 duplicative 209:8 duration 8:24 dwarfs 61:4 dwelling 56:2 82:1 125:1 127:16 135:15 150:9 162:5,9,10 163:7 dwellings 154:18	181:2 212:13 Eagle 1:6 2:2,13,14 2:18,22 5:23 6:21 6:23 7:2,7,8,9 50:25 52:13 55:20 55:24 57:13 58:1 59:11,14,23 60:9 61:22 63:9,24 64:10,12 65:3,5,7 65:8 66:19 67:5 69:11,14 70:9 71:13,14,15,18 72:3 73:14,18 74:2 76:5 77:18 78:20 79:12 80:23 81:21 82:2,17 83:8,11,17 84:18 85:21 86:2 87:25 88:11 89:17 90:13 90:22 94:8 95:4 96:19 100:9 102:6 108:1,8 109:2 110:8,16 111:3,6 111:12,15 112:3 113:1 114:2,2 115:6,7,13 116:4 121:10 122:21 123:9 124:19,23 129:21 131:5,18 132:16 133:22,23 135:3 138:1 141:18,19 142:14 142:17 143:5,21 143:23 144:19 145:1,15 147:2 148:20 152:1,8,18 153:3 156:12,24 157:3,6 160:20 167:14 169:13,20 169:22 176:11,18 177:3,25 184:1,11 185:12 187:2,10 188:8,14 191:12 191:19 192:21 193:17 195:17 198:14,21 208:25 209:24 214:18,24 215:6 216:24
--	---	---	---	---

E

E 3:1,7,7,14 178:6
180:20,21,21

217:7,14,22 218:4 220:21 221:14 222:17 223:15,21 223:23 Eagle's 36:16 51:11 56:10 57:16 62:23 69:20 72:17 79:15 96:14 112:11 144:23 156:25 198:17 223:6 Eagle-Star 182:23 188:23 189:2 earlier 76:18 77:21 144:4 154:14 162:4 207:15 early 11:24 12:16 18:16 24:18,19 47:17 59:7 71:22 easements 121:6 137:19,21 east 1:15 86:5 94:7 126:19 eastern 113:7 126:25 economic 58:12 60:10 86:7 87:15 98:14 99:12 123:15 130:16 131:6 162:8 164:4 164:6,10 173:12 economics 131:5 146:11 economy 88:17 105:22 124:2 172:9 173:6 176:15 Ed 6:1 22:16 68:22 95:11 103:6 104:3 107:3 161:3 167:6 168:14 edge 44:20 105:6 112:25 educational 107:9 142:24 158:17 203:23 Edward 20:15 Edwards 2:20 6:22 8:5,6 30:1,2 35:24	35:25 37:8,9 40:21,23 48:20,21 49:13,14 51:3,4,4 51:23,24 140:1,2 143:18,19 145:12 145:13 152:25 153:1 Ed's 169:4 effect 57:1 66:4 143:8 145:3 195:16 204:13 effective 160:4 effects 72:17 74:8 75:2 88:3 193:21 195:19 217:1 218:11 efficiencies 108:22 efficiency 4:7 27:4 efficient 26:19 efficiently 25:19 effluent 82:14,15 102:1 105:14 106:13,17,20 125:13 137:1,4,11 180:4,13 effort 62:13 72:16 77:13 86:15 102:23 167:2 169:13 efforts 83:7 eight 113:20 205:17 either 16:4 18:9 28:9 95:2 110:24 117:1 176:2 179:8 194:25 198:10 207:3 221:23 elaborate 156:1 elegance 63:2 element 119:19 elementary 136:5 elements 142:24 elevators 4:13 eligible 212:24 eliminate 13:9 else's 38:6 emeritus 67:16 emphasis 81:20	employ 108:3 employed 118:25 120:21 123:11 employer 158:11 employers 130:1 employment 118:7 123:8,10,14,17 129:16,24 134:19 158:14 encompassed 111:21 encompasses 110:17 112:19 encourage 58:3 155:15 180:5,18 189:23 190:3 ended 38:7 152:3 ends 38:19 energy 4:7 150:21 enforced 155:22 180:16 engineer 57:18,20 engineered 153:18 163:1 engineering 57:22 60:11 137:22 146:11 148:12 engineers 5:25 50:16 Engineer's 148:9 enhance 208:14 enlargement 64:3 ensure 5:10 30:10 60:7 62:5 71:2 entailed 145:22 enter 174:12 209:13 211:1 221:22 entered 21:23 116:7 entertain 195:12 entire 9:7 57:7,8 62:10 64:6 73:7 75:25 78:15 95:21 96:6 101:15 112:16,19 122:16 129:22 144:15 158:14 203:13	entities 76:22 86:8 entitled 17:5,15 31:25 112:6 116:24,25 165:12 212:17 entitlement 100:14 116:18 142:4 162:14 198:4 entitlements 90:15 97:7 110:21 131:19 135:7 175:19 176:4 entitling 57:6 entity 64:7 89:22 150:10,11 entrance 134:7 entrepreneur 161:20 entry 144:2 Environmental 153:20 envisions 82:2 Equest 113:7 equestrian 122:17 122:22,22,25 123:3,6 136:22 equip 207:23 equipment 5:2 50:6 equity 90:14 150:24 152:10 158:2 error 159:21 escaped 161:23 especially 68:13 129:18 172:8 establish 28:12 56:6 estate 94:18,22 98:12 141:20 163:17 176:10,14 estimate 104:5,6 123:21 148:3 estimated 123:18 evaluate 74:4,7 evaluated 73:8 78:7,8 evening 196:3 event 17:4 45:7,8	eventually 56:1 161:21 everybody 7:1 23:9 33:22 42:2 everybody's 5:10 evidence 10:11 12:9 26:16 36:21 37:13 39:20 40:17 45:21 46:3,8 49:5 51:8 52:5,7,23 58:24 61:9,18 62:12 64:20 66:7 66:12 74:13 76:6 78:25 83:18 88:5 88:13 91:1 92:10 92:12,17 140:5 141:4,5 143:11,22 143:25 145:16,17 148:2 153:4,5 171:22 172:24 173:21,24 174:1 174:12 evidenced 87:12 90:24 164:3 exact 144:11 159:25 exactly 216:23 examination 3:9,11 24:8 26:7,13 29:4 31:6 94:3 187:19 187:20 213:4 examine 29:5,9 30:5 46:7,17 94:2 213:15 examining 128:15 197:7 example 59:8 61:1 61:14 63:11 69:17 133:4 142:4 153:20 162:17 163:21 examples 90:5,8 172:10 exceed 104:5 exception 36:10 51:17 exceptional 87:10 exchange 36:8
--	---	---	--	--

38:15 106:12,20 126:24 127:4 225:10 exchanged 17:22 106:10 excuse 38:12 61:22 72:2 81:9 122:21 148:8 179:17 executed 143:5 147:5 exhibit 34:8,25 35:3 36:25 51:17 74:1 79:5 95:9 96:13 107:25 110:11 116:14 130:24 139:1,4 140:9 141:1,3,5,9 141:13 143:11,21 143:25 144:20 145:6,8,15,17 148:1,2,5 151:16 151:17,21,22,23 152:6,7,12,20 153:3,5 170:16 171:18 174:14,16 174:23 177:23 182:11,21 183:25 187:2 188:16 191:7,8,9 200:1,5 200:6 211:22 212:4 214:16,17 215:3,4,10 exhibits 33:22 34:2 34:17,23 35:13,20 35:25 36:4,8,9 39:19,25 40:3,8 40:22 45:12 51:8 51:10,11,13 52:3 52:4,6,10,22 73:19 78:19 110:10 151:21 174:10 203:15 exist 61:16 77:13 existed 78:5 existing 60:9 76:13 82:18 87:20 104:3 155:25 156:2 160:10 179:15,21	180:10 181:12,16 183:8,22 186:10 189:6 200:17 expanded 181:11 expands 223:14 expect 69:11,25 81:3 187:17 193:9 expense 62:13 79:12,13 expensive 102:19 experience 67:24 68:19 69:13 70:5 94:19 100:4,7 102:5 106:22 107:14 109:6,16 experienced 68:7 70:4 99:13 experiences 105:18 expert 14:20 15:12 15:18,22 16:12,18 17:15 18:14,17,18 19:7 26:11 50:17 65:17 66:3,21 67:13,18,20 203:4 expertise 214:7,13 experts 5:24 14:21 14:24 15:1 17:8 17:20 18:1,4 25:16 57:11 66:14 66:20 146:10 160:25 explain 27:11 31:12 explained 58:21 78:18 80:9 explanation 19:2 54:14 expletives 54:3,11 exploration 18:18 exploratory 59:16 72:4 75:22 explore 15:1 72:6 101:7 192:5 194:23 exploring 36:4 express 14:24 30:21 31:2 33:11 extend 164:5	extending 77:3 extends 65:4 66:4 164:7 extension 115:9 extensive 22:25 61:20 65:1 97:7 101:2,15 104:4 107:13 136:16 221:11 extensiveness 75:11 extent 43:19 55:2 82:20 135:1 193:4 exterior 107:10 extrapolate 88:25 extreme 217:4 eyes 41:5 <hr/> F F 212:13,15 fabric 111:15 faced 173:8 facets 158:20 facilities 59:9,9,10 158:17 facility 106:15 123:3,6 153:22 facing 164:4 fact 61:9,20 89:17 158:12 161:8 185:23 203:19 factor 132:9 factored 130:19 factors 27:16,18,21 27:24 28:7,11,13 135:2 163:24 facts 16:13 27:5 57:23 fail 11:23 12:7 172:25 fair 154:8 faith 59:15 fall 109:13 falls 156:15 familiar 47:5 96:1 126:1 133:5 167:2 171:10 187:9 188:1 199:5,7,14 199:18	familiarity 95:7 199:21 family 7:18 far 6:24 8:7 11:16 35:22 47:19 58:10 60:23,23 65:4 70:7 81:5 166:6 187:11 farm 85:2 117:21 Farmers 117:20 156:3,5,9,16,19 180:11 farms 85:5 farthest 113:7 fashion 27:5 faulting 67:18 fax 11:11,15 feasibility 119:2 130:8 feasible 98:12 108:19 188:22 Feather 80:1,2,4 February 60:12 215:16,19 216:1,4 fee 209:19 feed 45:17 53:3 feel 21:22 54:21 68:21 110:8 172:12 173:7 feeling 162:17 fees 209:14,15 211:2,2 feet 72:5 122:15 130:20 213:24 felt 66:10 73:3 169:10 fend 172:13 Fereday 2:4 3:9 5:4 5:7,16,17,18 6:5 9:16,17 11:14 13:19,21 14:15 15:3,21 16:10,15 16:16 22:4 23:22 23:24 24:14,17 25:10,11,15 26:1 26:2,9,24 27:23 28:6,12 29:4 31:21 32:2 33:25	34:7,16,20 35:7 35:13 38:24 40:17 41:9,10 42:1 48:14,15,24,25 49:4 50:10,11,12 52:1,9 53:4,5,19 54:7,16 55:11,12 55:13 83:21 91:21 93:10,17,18 94:2 94:4 127:22 128:5 128:11,15,17 138:25 139:4,13 139:16 140:7,10 140:16,17,19 141:2,6 143:10,24 144:1 145:5,18 152:20 153:6 166:14,17,25 167:1 169:24 170:1 171:20,24 172:1,21 182:3,10 186:2,14 187:12 187:15 189:16 190:16,25 191:21 193:3 194:17 197:4,18 200:19 201:7 203:2 205:25 206:11 209:1 210:3,7,8 210:12,13,16 215:1 216:10,19 216:24 218:8 219:5 220:14 222:19 224:12 225:5 Fereday's 35:20 49:7 fewer 162:8 163:8 field 71:22 77:18 214:7,12 fifth 161:19 figure 81:20 file 34:24 35:9 90:17 filed 4:21 36:12 49:24 55:19 58:10 59:14 112:13,16 144:8,9,12 149:5
--	---	---	---	--

171:11	67:23 148:12	49:7	193:5,10,13	200:21 201:10
files 48:8 84:1	first 20:3,18 29:4	following 25:25	194:19 195:3	209:7 211:16
215:15	29:10 38:16,19	179:24	203:3 210:3,8,10	Furthermore 92:17
filing 11:24 39:1	75:3,3 77:16	follows 88:1 93:25	210:13,14 224:13	future 28:2 55:18
61:1 85:20 144:14	93:17,24 94:23	follow-up 218:12	founded 94:16	56:8,11,21 57:4
filings 147:8	97:1,11 106:7	foot 71:4	founder 94:13	57:11,24 58:7
fill 23:19	125:1,2 202:5	footage 162:19	founding 94:13	59:13,25 60:3
filled 165:12,13	203:11 220:2,4	FOOTE 1:23	four 34:12 72:3	62:21 63:2,10,19
final 86:13 114:17	fiscal 131:6	foothill 179:12,13	76:8 82:3 113:10	79:14 86:21 89:12
114:23 120:1	five 48:2 56:17 85:8	179:20	117:18 205:12,16	96:8 126:8 130:3
137:22 142:3	116:25 128:9	foothills 74:20 89:4	fourth 161:19	144:14 164:10
221:3	154:4,7 163:19	112:10 117:3	framework 20:9,14	173:14 183:16,24
finalized 220:22	166:18 204:25	134:14 144:15	75:21	206:15 208:22
finance 56:14 59:6	205:1,9 206:9,18	181:11,18,19	frankly 14:3,6 23:2	224:7
147:25 150:23	207:9,9	forecast 131:6	58:14 172:23	
151:9 158:3	five-phase 223:13	foreseeable 89:12	free-flowing 185:5	G
169:21	five-year 205:23	form 64:7 125:23	frivolous 14:7	G 178:21 179:17
financed 153:12	fixtures 155:2,5	139:6 160:22	front 1:15 37:21	181:23 182:2,17
162:3	Flack 115:17	format 84:10	53:4 56:24 57:7	184:4,5,10,19,21
financial 90:11	flat 163:23	formation 101:7	86:1 125:17	184:24 185:3
95:16 151:4,25	flattest 117:9	104:13	174:16 215:17	GAAP 175:14
152:1,2,15,17	flies 28:21	formed 84:20	frontage 113:6	gaining 58:2
160:21 169:21	Floating 80:1,2,4	104:11	full 9:2 10:7,7	gallons 78:13 79:19
170:6,9,11,13	floor 4:11,14 43:10	former 68:2	18:18 55:22 56:16	79:22,25 80:24,25
171:5 172:7,18,22	flow 65:15,18,21	forming 105:9	57:1 59:23 60:6	81:10,12 82:5,24
173:13 174:18,24	66:15,18 74:10	formulated 161:4	63:3,11 72:7 73:3	83:1 85:13 104:7
175:2,4,5,8	183:12 185:12	forth 11:25 27:19	79:16,17,20,21,24	104:8,10 208:2
177:11,18	186:1 187:7,11,25	27:21 104:23	81:7,11,14 82:24	224:9,10
financially 172:15	flowing 88:10	135:7 141:24	83:1 98:4 137:9	game 121:1 122:2
financing 149:14	104:8,9 181:24	147:12 162:21	153:16,18,23	gaps 9:21,25
149:17 150:3,22	182:5 183:14	203:17 212:12	158:17,21 159:8	Garden 66:6
151:6 153:7,8	184:6 185:6,9,11	forum 83:11	164:8 183:8,22	garnered 100:4
find 41:18 42:4	flows 66:8 67:2	forward 9:10 29:4	225:20	Gary 1:11 4:23
63:12 74:8	fluctuates 105:4	83:7 85:11 86:12	fullest 82:19	49:25
finding 161:13	fluent 172:11	90:22 98:13 100:2	fully 61:10 62:8,8	gather 87:9 225:20
fine 16:1,5 19:9	fly 112:7	100:22 101:1	72:9 84:4 157:24	gathering 59:18
23:17,21 25:20	focus 124:20,23	149:12 158:4	171:7 177:12	134:18
26:3 29:14 55:3	150:21 197:12	162:19 171:9	full-time 10:3	geared 110:2
finish 197:14,15	224:4	forwarded 146:15	fund 85:23 90:11	general 15:14,18
finished 30:11,13	focused 124:17	for-profit 89:17	fundamentals	16:12 17:1,13
49:5 218:1	focuses 125:2	90:2	130:5	24:21 27:2 75:18
finishes 29:6	focusing 196:25	for-sale 132:6	funded 74:2	111:19 112:11,13
Finova 149:4	197:2,24	found 4:3 13:24	funding 90:15	124:22 125:10
fire 111:10 118:7	folks 4:1 13:4 16:5	90:17 107:6	136:8	141:15 146:23,24
136:6,9 142:23	16:6 128:7 130:16	163:22 217:16	fundings 151:4	178:13 194:10
158:19	177:3,8 185:21,25	foundation 40:15	further 54:18 61:5	generally 131:22
Firemen's 177:19	193:22	173:20 186:3	64:25 78:4 89:14	167:2,6 187:7
firm 5:18 50:12	follow 10:16 29:21	187:12 191:23	122:5 169:24	190:3
				generate 108:23

125:13	47:19 48:14 54:14	105:17 118:18	103:1,2 107:17	32:24 33:12 93:22
geochemical 67:8	86:12 90:22	136:19,20 149:25	125:25 126:1	171:1 202:3
67:23 76:12	115:15 116:11	good 31:19 42:5,10	167:5 178:24	handheld 70:25
geochemist 164:22	122:5 129:6 134:3	49:20 55:6 58:3	179:15,22 180:2	handing 171:2
geochemistry	138:4 142:5 143:1	59:14 76:14 83:5	180:24 181:6,25	handle 26:16
67:25	153:19 161:5,24	93:2 124:11	182:18 184:7	hands-on 68:19
geologic 72:6	164:6 168:21	169:10 177:2,8	187:6,25 188:7,8	handwriting
geological 68:3	169:1 170:15	184:25	189:4 191:14	215:23
71:10 76:11	171:17 172:18	gotten 77:25	193:21 200:14,16	Hanson 115:22
geology 67:19	177:23 178:2	governance 111:9	group 12:24 68:6	116:3
geophysical 67:7	182:6 187:1	Governor 85:22	68:11 77:6 90:19	happen 30:24
67:20 70:5 72:7	188:16 189:13	governs 147:10	115:18	54:25 78:5 212:1
73:16 76:12,20	202:24 203:1	grade 71:1	groups 13:16	happened 19:5
geophysicist 15:24	206:4 212:4,5	gradient 117:7,9	Group's 77:7	39:5 163:6
Geosciences 68:16	218:15 219:23	gradients 70:11	growing 63:19	happening 43:5
getting 27:4 33:2	220:13 221:3	grading 75:7,9	growth 57:15,17	happens 63:5 73:5
44:12,17 105:21	225:22	102:19,23 137:18	83:4,10,12 87:18	162:24 217:8
166:18 168:12,13	goal 178:11	147:13 149:23	132:9	221:15 224:19
Gibson 4:16 41:17	goals 178:6,15,20	graduate 70:13	guess 5:3 11:22	happy 42:18
84:3,5	222:7	74:14	13:20 14:16 15:7	hard 139:6 197:12
give 7:5 24:22 32:3	goes 123:25 129:9	grant 64:23	15:10 16:9 19:20	Hartley 121:7
42:21,24 96:19	189:1	granted 57:5 89:22	20:21 22:8 26:8	129:1
110:8 140:21	going 10:16 13:7	90:1 91:11 101:24	41:19 43:22 45:22	harvested 102:20
159:5,14 160:24	15:14 35:22 38:6	157:18 223:18	47:7 52:2 172:17	hate 174:2
161:1 164:19	55:16 56:21 58:16	granting 18:7	182:5 196:9	hay 84:24
172:9 182:1 186:5	64:24 82:11 91:22	87:11	211:11,15	head 9:19 10:14
given 12:13,17	100:19 102:1	grazing 84:24	guidelines 107:19	11:13 27:13 40:23
58:14 80:14 86:24	111:5 113:17	greater 89:24	147:15 150:16	49:14 68:16
119:14 129:18	114:18 117:10,14	117:6 118:15	155:20	heading 178:5
132:14 138:23	118:13 120:14	133:21,23 182:22	Gulch 60:7 65:2,20	Head's 12:2
155:22 163:4,20	121:9 124:2,24	greatly 208:14	70:19 73:11 75:6	hear 25:24 30:16
Givens 2:3 5:18	125:8,12,13,14,15	grew 19:4	77:2 117:11,11	43:5 55:16 56:19
50:12 55:13	128:24 132:5,18	gross 117:13	122:13,17 129:10	57:14 60:21 61:11
gives 158:1,10	134:8 135:11,15	ground 59:5 63:22	136:13 166:4	62:1 73:19 80:5
giving 191:11	137:15 147:6	159:18 183:12	188:22	157:15 199:12
218:20	153:24 157:21	grounds 33:3 172:2	guy 100:18	210:11
Glanzman 67:22	159:17 160:5	192:1	guys 23:4	heard 22:17,21
67:23,24 164:21	162:18,19,20,22	groundwater 2:9		42:6 61:15 84:18
glare 197:11	162:23 166:11,17	6:10 7:4 12:6,25	H	91:19 191:24
go 5:9 7:1 13:8	171:1 172:11	50:21 52:12 55:21	H 3:14 179:10,17	194:16 200:24
21:23 25:18 26:12	179:20 181:21	59:18 60:8 65:15	181:9	210:19
26:17 27:22 28:4	183:25 199:23	65:21 67:14 68:1	habitat 121:10	hearing 1:11 4:1,5
28:10 29:4,10,24	201:4 213:21	68:6,7,11,17 70:8	122:19 125:15	4:21,24 5:8,15,17
30:4 32:16 33:18	214:1,5 220:13	70:23 71:8 77:6,7	137:17 147:14	5:20 6:3,4,7,13,17
37:11,20 39:18	224:10 225:2	82:19 84:16 85:14	half 44:13 175:22	6:25 7:8,11,14,20
40:8,20 41:3 42:3	Gold 100:19	86:23 87:22,25	191:18 198:2	7:23 8:1,4,8,15,24
42:7,9 43:11	golf 82:15 98:10	88:14,15 89:3	213:8	9:6,7,14,18,23
44:16 45:20 46:15	99:16 102:16	91:3,9 101:9,12	halls 43:9	10:9,11,17,25
			hand 25:6 26:21	

11:3 12:22 13:12 13:18 14:1 15:4 16:15,16 18:8,20 19:10 20:22 21:4 21:20,24 22:2,4,8 22:14,23 23:2,12 23:15,18,22,23 24:4,9,18 25:1,11 25:14,18,20 26:3 26:25 27:6,8,14 29:16,19,23 30:3 31:5 32:20 33:1,6 33:13,16,17,21,25 34:10,12,15,19,21 35:2,6,7,16,23 36:1,6,18,24 37:3 37:7,10,17 38:12 38:21,24 39:6,17 39:22 40:2,7,11 40:24 41:16 42:2 42:11,22 43:18 44:6,10,18,25 45:4,6,6,19,23,25 46:5,14,21 47:1,7 47:11 48:1,4,6,10 48:13,16,18,20,22 49:1,3,8,12,15,18 49:23 50:1,4,11 50:18,23 51:2,6 51:15,19,22,25 52:8,16,24 53:13 53:16 54:8,9,12 55:7,11,12 64:18 66:24 71:21 74:11 80:17 81:4 83:2 83:20 84:6,14 90:9 91:21 92:1,3 92:5 93:7,11,14 93:20 94:1 100:7 110:14 111:18 127:22 128:3,6,13 134:4 138:25 139:5,8,11,15,18 139:21,25 140:3,8 140:11,21,23 141:3 143:10,13 143:16,18,20 144:6,17 145:5,7	145:10,12,14 152:21,23,25 153:2 166:16,21 166:24 169:25 170:18,22,24 171:21 172:5,20 172:21 173:4,15 173:19 174:13 182:6,8 185:1,2 185:16 186:4,11 186:15,23 187:14 189:18,22 190:18 191:2,5 192:2,14 192:18 193:23 194:3,5,20 195:11 195:22 196:14,19 197:6,10,17 199:8 200:4,7,23 201:12 201:20 202:1,5,8 202:13 203:6,9 204:19 206:3,7,13 206:20 207:2,5 209:4 210:6,15,21 211:7,10,25 212:5 213:1,11,14 215:9 215:13,20 216:3,6 217:10,11 218:15 218:19,24 219:9 219:12,19 220:1 220:16 222:21 224:16 225:6,18 hearings 111:21 135:11 144:2,4 145:20 146:6,16 168:5 heavily 188:8,14 height 149:6 held 44:24 93:13 145:24 159:2 166:23 196:11 198:6 213:13 216:8 help 69:2 100:7 172:18 190:24 191:15 helped 70:13 119:10 helpful 66:11	helping 6:11 heritage 100:20 herring 81:13 he'll 5:1 29:5,5 high 2:12 62:9 123:25 136:5 159:2 214:4 higher 73:12 82:8 118:5 129:12 208:12 highest 87:1 highlight 135:9 highly 67:6 68:7 highway 80:4 113:6 113:24 121:8 128:25 129:1 156:15 high-capacity 188:21,24 189:9 199:25 200:12 201:3 214:1 high-end 132:7 Hill 68:2 Hills 77:18 hillside 137:18 147:13 hinders 158:16 hired 71:2 103:6 159:7 historic 100:16 105:6 historical 131:24 163:4 historically 84:24 history 96:19 106:8 162:12 207:21 hit 132:3 HLI 71:4,4,17 75:5 75:24 hold 197:1 holding 177:14 hole 76:20 196:9 Holt 5:23 50:15 57:18 81:15 home 107:10 132:7 150:20 170:11 223:3 homebuilders	119:4 Homer 112:22,23 homes 93:5 107:20 117:19 133:4,6 149:19 150:9 155:6 162:18,20 162:23 honest 90:20 honestly 43:4 honor 193:3 218:4 223:1 honoring 222:17 hope 4:3,18 41:12 66:24 69:1 hopefully 26:6 hoping 8:16 horizon 55:18 56:7 56:8,12,19,22 57:8,12,24 58:7 59:25 96:9 125:24 154:9,12 157:23 158:22 163:16 horizontal 77:11 hour 44:13 127:25 128:9 166:18 213:8 hours 78:15,17 81:2 93:9 196:5 household 107:4,8 households 85:5 housing 115:3 121:23 131:25 132:12,19,20 162:16 huge 86:7 89:2 hundreds 88:25 hydraulic 76:12 Hydro 20:4,12 60:4 67:4 68:10,22 70:3,8,15 71:2,4,7 71:13 72:25 73:8 75:19 76:19 77:6 78:1,7,21 79:4 95:11 103:7 165:18,20 183:4 184:12,20,22 hydrogeologic 20:8 20:14 59:21 67:7	75:20 86:14 87:2 91:8 190:13 hydrogeological 59:17 101:2 188:4 hydrogeologist 67:16 68:5,9,15 70:4 103:8 160:25 188:11 hydrogeology 67:13 68:18 hydrological 60:25 62:5 hydrology 159:15 203:4 <hr/> I <hr/> Idaho 1:2,14,16 2:8 2:13,18,22 20:9 20:15 27:19 47:22 50:2 62:22 67:13 68:17 70:12 71:11 71:12 74:3 88:7,7 89:13,25 90:9 94:8 96:10 107:4 131:4 138:14 164:13 167:3 168:9,15 173:7,11 204:14 205:23 217:15 idea 16:25 32:25 100:16 108:13 133:20 219:14,15 identification 14:22 140:25 identified 7:1 14:20 14:22 15:22 16:11 17:3,10,12 19:21 34:3 83:24 88:6 88:19 141:1 143:21 174:17 176:7 177:16 178:5 184:11 189:18 identifies 175:18 176:9 179:11 180:1 identify 6:19 15:12 18:22 19:23 41:1 47:5 112:2 134:4
---	---	---	---	---

172:18 177:13 186:8 identifying 177:11 184:12 IDWR 3:4 22:13 49:17 IDWR's 22:21 38:14 171:4 illustrate 162:13 176:5 illustrates 97:1 135:4 illustrating 134:10 impact 13:9,13 121:13 123:15,19 125:11,11 131:6 160:6 179:21 181:5 186:10 190:3 209:14,18 211:2 impacts 86:7 87:7 102:22 111:4,6 123:15 125:8,14 125:15 191:14 217:16 impeachment 12:11 46:22 imperative 86:25 imperfect 90:7 implement 58:23 107:15,23 108:1 155:13 implementation 181:22 184:4,10 implemented 154:15 importance 11:23 75:8 important 73:3 87:19 88:21 90:8 92:23,25 125:6 130:5 177:11 221:21 importantly 91:10 imposed 222:13 improper 218:11 improve 78:4 improved 61:5	improvement 101:8 improvements 59:6 59:11 114:24 inadmissible 92:11 inadvertently 17:21 inappropriately 13:11 inception 152:4 include 34:17 154:25 155:18 201:9 204:5 included 39:2 72:16 76:17 175:12 including 37:2 69:14 71:20 73:11 74:5 76:22 89:19 123:9 173:7 income 152:2,10 incompatible 58:12 58:20 inconvenience 4:15 increase 121:15 127:9 175:23 increasing 116:18 118:1 135:22 175:21 increment 157:19 incremental 154:2 increments 157:18 205:10 incurred 149:3 independent 74:7 74:21 85:23 86:24 89:5 130:12,14 independently 168:16 index 162:21 indicated 8:14 24:6 57:12 66:2 83:13 207:15 213:19 indicates 66:17 indicating 115:16 117:18 127:2 indicative 68:24 170:11	indisposed 35:18 individual 7:16 13:10 35:4 51:5 98:23 154:18 192:7 211:4 individually 2:15 2:19 51:1 195:12 individuals 6:2 13:2,5,16 16:21 17:3 industrial 109:7 188:9 inexpensive 114:20 info 79:6 information 9:10 15:16,20 16:2,7 16:14 18:24 21:10 21:10,14 31:19 32:8,9 38:15 46:16 60:15,17 61:3 64:17 71:5 72:14 73:10 74:5 81:16 86:25 88:23 90:16 92:22 101:16 130:15 169:1 171:5 175:11 203:24 informed 34:25 80:22 infrastructure 57:21 60:10 62:18 98:20,25 124:4 129:23 149:20,22 150:5 151:7,9,10 153:9,10,11 154:10,12 157:25 158:1 161:16 198:12 initial 78:1 initially 18:4 144:8 initiated 3:4 49:17 injured 190:23 injury 65:13 66:24 90:23 165:13 185:25 186:17 189:14,20 190:4 190:15 inside 102:18	107:21 119:21,22 122:24 124:18 150:15 151:10 155:6 180:14 insolvency 89:21 installed 214:11 instance 66:2 104:25 105:9 instances 118:3 instantaneous 80:7 80:10,11,18 82:8 institution 158:2 instruct 167:9 206:21 instructions 159:14 160:24 164:19 insufficient 66:7 88:4,13 integrated 121:20 intend 13:19 14:19 18:11 19:3 41:10 63:15 108:2 151:13 223:25 intended 56:25 intends 64:10,11 intent 9:3 15:10 25:12 32:7 41:9 225:14 intention 8:20,25 10:6 21:9 39:13 90:19 106:4 interest 28:15,16 28:23 42:18 83:5 88:6 89:24 109:3 interested 84:2 interesting 65:16 99:9 107:1 interests 27:4 28:18 222:10 223:10 interface 122:13 interference 61:14 214:20 215:8 217:1 218:11 219:16 interior 107:9 internal 151:4 interpret 185:3	interpretation 178:10 179:17 180:6,8 181:1,13 182:2 183:17 185:17,24 189:11 204:22 interpreted 73:25 76:25 interruption 84:12 intersection 80:3 128:23 129:8 134:9 interview 43:8 intimately 167:7 introduce 133:10 introduced 50:7 introduction 191:22 invest 161:15 212:9 212:23 invested 176:2 207:14 Investigate 178:22 181:9 investigating 179:2 Investigation 73:16 investment 58:15 investors 62:6 95:14 involve 101:9 109:9 involved 62:14 95:10 106:24 116:17 123:9 145:20 146:9 167:7 169:6 176:23 199:4 involvement 68:12 involves 155:4 irrigate 82:20 224:3 irrigation 78:16 82:19 99:16,19 102:2 105:16 117:21 127:20 137:8 148:10 155:1,7,7,25 156:2,7 180:4,13 180:23 201:6,24
--	--	---	--	---

204:5 216:17 218:6 issue 12:3 81:13 95:8 142:18 164:4 issued 75:5 114:23 186:19 issues 28:16,19,23 33:7 89:18 142:2 146:11,12 149:3 199:22,22 ITD 138:13 items 137:16 138:11 147:17 212:24 i.e 178:17	keep 31:13 34:3 66:25 168:24 191:19 221:13,20 keeping 23:5 key 64:15 221:17 kick 22:9 kind 18:21 24:23 32:19 37:14 54:7 62:12,13 64:2 68:24 92:17 98:12 115:11 119:19,19 159:13 160:24 169:7 199:17 kinds 67:8 69:4 75:2 92:8 104:21 155:2 Kling 78:16 117:22 156:4 knew 22:24 knock 47:17 225:19 know 5:15 8:22 9:24 10:14 11:14 13:19 14:8 16:21 18:11 21:20 23:10 26:13 29:8 32:19 32:23 33:11,12 36:2,13 37:19 41:5 46:15 47:1 47:10 61:13 65:2 80:3 86:16 90:9 98:22 106:25 107:14 125:7 126:5,9 133:4 137:24 161:10,21 163:4 164:3 167:17 170:8 171:13 175:12 177:24 179:16 182:19 187:17 190:12 192:2,6,10 192:15 195:9 198:15 199:19 203:18 206:25 207:3,7 212:1 213:19,21 214:10 217:21 222:22,23 224:15	knowing 158:24 knowledge 18:19 32:10 145:2 148:14 152:13 167:12 179:1 182:14 208:22 known 73:17 74:5 74:10 85:15 97:10 100:12,22 114:14 115:18 117:10 119:1 156:4 169:7 knows 182:5 189:19	91:13 149:15 153:7 172:8,10,14 largely 84:22 larger 85:9 102:7 109:23 largest 59:3 large-scale 85:12 late 8:12 11:7 14:14 lately 124:6 latest 148:15 latitude 26:10,20 32:12 law 43:2 62:22,25 100:5 199:6 204:15 205:24 217:15 220:18 Lawrence 2:5 5:19 27:23 32:2 34:4,8 34:14 36:6,23 37:16,17 38:12 41:14 50:13 52:9 52:15 139:3 140:14 Lawrence's 53:22 Lawton 7:24 8:2,13 8:17 lay 17:1,4 19:6 20:23 40:15 layers 77:11,12 lead 29:17,19 138:9 leadership 77:7 leading 94:22 144:2 lease 114:16 117:23 179:9 leave 29:11 54:15 leaving 172:12 led 86:7 left 5:22,24 17:21 36:15 56:4 137:25 legal 32:1 186:13 186:18 189:17,20 191:1 204:21 205:25 206:14 219:6 220:15 legislature 151:8 lender 99:13 149:4 149:5	lending 158:2 length 122:16 158:23 lengthy 20:20 73:9 187:16 lesser 118:25 123:25 130:10 134:14 163:12 Lesser's 132:25 Lester's 215:23 letter 8:21 103:5,10 151:24 letting 19:7 let's 6:25 7:1 21:18 24:5 27:8 49:16 128:7,9,13 134:24 176:8 193:2 196:16 213:11 225:20,21 level 43:1,13 71:8 72:9 124:22 125:9 levels 70:8,10,23 71:3,14,25 87:5 121:4 132:3 Lexington 77:18 liabilities 152:9 liability 176:23 220:12,17 library 136:6 life 110:3 Light 2:21 85:9 lighter 112:9 lights 28:20 limine 14:13 17:7 limit 28:13 81:22 81:24 83:3 limitation 83:16 limited 9:6 10:8 18:15 81:23 84:24 90:14 109:25 118:12 150:4,24 150:25 156:14 157:23 176:23 201:13,15 limits 100:11 114:3 Linder 121:7 128:23 line 29:15 62:22
J		L		
James 20:16 67:12 74:15 169:16 January 85:19 Jason 2:24 6:21 35:18 37:5 200:1 214:16 215:11 216:9,11 Jeff 4:25 5:13,18 15:21 16:10 50:5 50:12 55:13 97:3 97:3 JEFFREY 2:4 Jerry 2:24 6:11 50:22 Jim 164:13 job 149:19 John 2:11 6:1,9 22:10 37:19,21 45:10 47:2 50:20 57:14 123:14 130:16 judicial 44:22 July 70:7 72:25 73:14 76:18 152:4 191:13 192:21 196:6 jumped 38:5 June 70:15 102:15 junior 165:12,15 juniors 165:14	land 84:23 90:15 109:1 114:1,12 115:2 120:5 126:20,21,24 127:3,5,6,17 175:19,24 176:3 178:8,15 198:16 208:14,17 225:3 landowner 141:25 lands 114:20 122:14 landscape 99:17 landscaping 149:24 155:2 Lane 2:12 113:7 lanes 136:19 language 17:11 218:9,13 large 56:15 61:19 64:23 72:14 89:20	L 2:20 163:23 label 140:12 labeled 140:8 215:16 lack 86:24 108:22 158:10 169:3 191:23 210:13 lacks 210:10 laid 195:3 lakes 94:25 97:5,12 99:7,9 101:12 109:20,24 136:24 137:2,3,4,7 149:3 162:12 land 84:23 90:15 109:1 114:1,12 115:2 120:5 126:20,21,24 127:3,5,6,17 175:19,24 176:3 178:8,15 198:16 208:14,17 225:3 landowner 141:25 lands 114:20 122:14 landscape 99:17 landscaping 149:24 155:2 Lane 2:12 113:7 lanes 136:19 language 17:11 218:9,13 large 56:15 61:19 64:23 72:14 89:20		
K				

112:20 113:14,18 135:24 172:16 202:19 linear 129:10 136:13,15 lines 73:23 list 7:2 13:24 15:13 16:4 17:21 37:21 37:22 38:3,7,8,16 38:17,19 39:15 77:25 107:25 listed 17:20 52:18 52:20 listen 33:9 45:14 84:11 listening 26:17 45:15 59:19 lists 17:22 38:15 literally 58:17 85:13 litmus 169:3 little 4:9 24:5 45:18 47:16,17 53:20 80:8 117:11 127:23 151:2 189:24 196:16 live 57:3 livelihoods 93:5 living 105:2 123:11 LLC 1:6 2:2 55:20 141:19 143:21,23 145:15 152:9,16 152:18 153:3 176:18,18,20,21 223:20 LLP 2:3 50:12 local 28:15,17,18 29:1 88:16 locally 67:15 located 34:9 55:23 80:3 82:3 88:11 88:23 97:15 101:3 103:11 126:19,25 170:25 176:14 locating 158:11 location 1:14 48:8 locations 136:21 Logic 20:4,12 60:4	67:4 68:10,22 70:3,8,15 71:2,4,7 71:13 72:25 73:8 75:19 76:19 77:6 78:1,7,21 79:4 95:11 103:7 165:18 183:4 184:20 logical 162:1 Logic's 165:20 184:12,22 Lone 42:10 long 6:14 43:15 47:14,19 130:18 longer 90:12 127:24 132:13 202:9 213:3 214:23 217:6 222:2 long-range 160:8 long-term 56:7 69:12 84:21 125:24 130:6 178:16 223:9,12 look 15:17 73:4 78:4 95:19 103:9 119:10 120:13 129:5 130:15 132:11 133:23,24 134:6 144:20 151:16 155:11 158:11 159:16 160:7,10,14 161:6 162:11 168:16 172:15 174:15 175:25 178:15 179:5,19 209:8 looked 11:10,10 74:23 110:20 164:2 167:20 168:22 172:10 looking 34:13 38:3 38:13 95:23 98:13 107:1 111:4 113:5 121:11 122:7 130:1 131:24 137:13 158:13 164:15 175:17	184:10 203:19 215:10 219:19 223:12 224:2,21 looks 55:6 86:21 96:24 119:2 Loren 17:18 70:2 losing 185:25 loss 88:10 184:13 lot 13:9,9 15:16 23:3 37:12 61:25 79:11,11,12 100:24 155:9,10 187:16 199:17 213:20 lots 68:18 loudly 199:10 low 163:21 lower 103:15 117:2 117:17,24 216:18 lowering 214:22 217:3 low-flow 155:1 luck 218:6 LUDIKER 1:23 lunch 128:7,15 Luncheon 128:12	management 86:23 97:24 99:25 101:4 103:12,18 126:21 126:24 127:3 178:8,17 managing 5:23 57:13 94:14 138:1 222:7 manner 90:21 map 40:5 71:6 77:1 112:5,6 March 20:17 78:20 marching 161:2 margin 159:21 Mark 68:9 marked 3:15 141:12 145:15 153:3 market 95:25 119:16 130:8,13 132:3,15,23 133:21,25 151:2 162:15 163:17,18 marketplace 97:8 market's 132:8 mass 70:14 102:19 massive 85:17 master 58:16 62:19 94:23 96:2,25 97:9 98:15,22 99:2 108:20 109:12 110:25 118:3 119:3,5 120:11 122:25 124:13,15 137:21 140:20 143:3 146:22 161:17 163:5 221:4 Master's 74:2 material 75:10 155:8 187:16 204:16,17 materially 160:6 179:21 math 81:6 matter 1:4 27:15 69:18 70:7 84:18 165:21 174:7	192:5 matters 3:3 25:24 27:1 32:11 41:3 47:12 145:21 max 104:7 maximum 116:22 135:16 142:7 162:5 mean 13:3 17:13 25:4 32:20 46:16 101:20 111:6 117:5 119:13 132:4 161:10 162:1,19 174:4 221:1 meaning 220:17 meaningful 67:6 meaningless 219:18 means 9:24 30:8 31:6 80:19 87:14 87:19 103:22 175:12,13 182:19 195:10 221:2 meant 103:13 153:13 182:17 measured 70:8,24 70:25 71:1,3,14 measurement 70:14 71:5 measures 107:15 107:22,25 154:15 154:24 155:12,12 155:19 mechanism 125:21 136:8 151:6 media 42:20 45:7,8 medical 110:3 meet 82:8 87:1 181:10 meeting 168:7 193:17,22 195:5 meetings 145:23,25 147:6 167:22 196:4 member 6:22 7:18 members 15:25 80:23
M				
		magnetometer 67:21 main 12:23 128:24 134:9,19 136:17 151:9 mainline 153:25 157:25 maintain 31:22 43:5 maintained 71:9 major 33:8 90:14 98:25 99:1 119:4 119:5 122:9 138:13,14 158:10 177:17 majority 85:5 88:22 making 13:12 17:14 66:8 194:24 197:20 manage 64:13		

memo 79:5	mindful 27:7	modeler 68:7	109:15,22	143:5,22 145:15
memorandum	mine 178:2	modelers 78:2	municipal 55:19	147:2 148:10,20
19:15,15 20:11	minimum 119:23	modeling 67:14	56:5,6,15 61:8	152:1,8,16,18
22:13 24:1 36:16	135:17	68:14 72:16 86:15	64:8,23 79:13	153:3 156:12,24
36:17 79:3	mining 99:24	86:18 168:10	81:20,22,25 84:18	164:15 165:20
memos 78:22	minus 124:17	models 91:9	90:1 125:19 126:8	167:14 169:13,20
mention 42:14	125:3 144:11	modest 72:22	178:24 183:9,22	169:22 171:6
mentioned 61:24	169:14	modified 144:17	189:4 200:15	172:19,24 175:1,4
70:3 74:6 75:4,23	minute 21:2 35:19	146:20	207:22 214:3	176:18 177:1,4,12
76:8,18 77:4,20	75:23 78:13 79:19	moment 80:15	municipalities	179:1,5 186:8
78:11 79:5 97:12	79:25 82:5 95:5	196:6 206:3	89:16	188:23 189:2,12
108:5 126:20	104:7,8,10 139:15	money 124:2 158:7	municipality	190:8,13,23
128:18 130:11	191:17 195:23	169:12 177:14,18	132:16 157:6	191:15 195:18
132:24 137:12	208:2 209:4	212:9	208:25 222:8	197:2,25 198:20
141:7 144:19	215:10	monitor 221:24	223:14	198:20,22 201:4
153:10 162:4	minutes 45:15 48:2	223:8	mutual 84:20	204:24 205:22
164:14 196:3	93:12 116:11	monitored 78:14	myriad 28:23	206:8 207:10,14
met 164:12,16	127:25 166:18	monitoring 59:18	130:15 142:1	208:13,19 214:18
165:1,2,4 169:16	193:16,24 194:2,3	62:1 71:9,17,19	M3 1:6 2:2 5:23 7:2	214:23,25 215:6
169:18	194:4,6,10 213:7	72:10 73:6 130:17	13:7 16:9,10 20:6	216:16,24 217:6
meter 154:18	misconstruing	221:11,15,17,18	22:15 34:14 36:16	219:1 221:10
metropolitan 97:16	176:16	221:21,24 222:1,3	38:17 46:13 51:11	222:2 223:4,20,23
97:18	misnomer 138:3	222:7,11,14,17	52:13 55:20 56:10	223:25 224:24
Michael 2:5 5:19	missed 9:16 201:1	223:5,12	56:13 57:2,6,13	M3's 36:9 39:15
38:8 39:10,14	misspoke 38:18	months 79:8 85:20	57:16 59:1,11,14	83:7 88:5,9,15
50:13	61:24	146:17 152:3	59:23 60:4,9,19	89:19 91:2 147:24
microphone 44:7	mitigate 91:13	moot 14:4	61:22 62:23 63:9	174:17 190:9,21
53:1,7,9,12,17	102:22 121:13	morning 4:3 11:12	63:15,24 64:5,10	192:22 195:20
196:16	181:5 217:16	12:3 39:11 55:5	65:3,7,21 66:5,8	224:8
microphones 53:3	219:2 220:11	157:16	66:19 67:5 69:11	
54:2	mitigated 104:2	motion 14:13,15,17	69:20 71:13,18	N
middle 42:11 136:5	217:17	14:19 17:7 18:7	72:3,17 73:14,18	N 3:1,7
miles 55:24 73:23	mitigating 111:13	motions 11:4	74:2,8 78:20	NACFA 13:2 74:20
88:12,25 97:15	214:19 215:7	move 26:20 27:6	79:12,15 80:23	169:7
102:11 112:7	216:16,25 218:10	43:25 48:7,10	81:21 82:2,11,17	NACGUA 10:3
113:8,11,11,20	mitigation 120:19	53:8,20 54:12	83:16 84:18 85:11	13:3,4 17:9 37:19
198:5	121:10 137:17	95:18 100:2 158:4	85:18,21 87:25	38:14
million 59:15 79:21	147:14	190:20 196:16	88:20,22 89:2,8	NACGUA's 39:1
80:24,25 81:12	mix 102:16	201:14	89:11,17 90:13,22	39:19
82:24,25 166:10	mod 74:10	moved 4:10 85:11	91:18,20 94:9	name 1:6 4:23 5:10
175:20,22 176:6	model 72:22 74:4,7	4:10 85:11	96:14,19,20 102:6	5:13 6:16 7:5
207:16 210:2	74:7,9,17,21 75:1	moves 65:22	108:1 109:4 110:8	15:24 19:25 49:25
224:8,10	75:4,17 77:9,9,10	47:25	110:16 112:3	55:13 94:5
millions 85:13	77:15,16,22 78:3	75:15 118:1	114:2 115:6	named 16:17 17:19
161:15	78:8 91:12 101:20	MP3 84:10	120:16 123:9	naming 17:17 39:3
mind 66:25 121:20	101:22 164:15	multiple 52:18,20	124:19 126:11	narrate 24:13
174:9 197:11	168:16,18,19	71:20 72:8 87:24	131:5 135:3	narrative 192:24
minded 108:24	169:2,2,17	multiply 81:7,9	140:19 141:19	200:22
		multi-family		narrow 132:20

nation 119:4	206:16 208:22	Norman 2:20 6:22	numbers 38:4 39:3	obscure 53:7
nationally 119:1	negative 179:21	north 2:9,12 6:10	52:17	observations 19:5
natural 120:9	195:19	7:3 12:6,24 50:21	numerical 74:9	obtain 56:9 59:12
nature 18:13 26:17	negotiations 92:9	52:12 55:24,25	77:8 101:20	90:21 95:13 106:6
179:13 192:11	neighbor 177:2,8	65:8 67:18,19		114:19 125:22
198:9	neighborhood	74:19 76:25 83:17	O	127:16 137:20
near 44:7 80:3	122:10 124:25	84:22 85:9,24	object 31:21 32:24	142:12 156:8
183:6 188:19	neighborhoods	91:14 93:3 97:15	33:16 38:11 91:22	159:8 212:20
nearby 217:3	150:14	100:9 108:8,8	172:1 182:3	obtained 71:7
nearly 71:23 79:8	net 117:14	112:21 122:5	189:21 191:21	76:20 103:20
necessarily 15:7	nets 71:20	126:12 136:2	193:4 200:20	125:25 126:3,6
27:22 32:21 43:2	network 71:18	167:4,16 176:10	203:2	137:19 146:13,21
necessary 95:15	72:10	182:23 187:6	objecting 32:19	193:17
124:4 137:20	networks 142:10	northerly 65:24	objection 32:2,3,4	obtaining 89:20
138:12 147:18	never 31:19 69:3	northern 84:16	32:6 33:4,11 92:6	138:12 143:1
161:16	73:2 96:4 163:20	113:9 118:10	140:2 143:17,19	158:24 181:20
need 15:5,6 18:25	165:1,2	northwest 65:22,23	145:8,9,11,13	obviously 22:15
26:9 27:22 29:2,8	new 17:6 27:18	66:11 133:2 188:2	152:22,24 153:1	168:25 192:14
31:12,13,22 32:5	65:8 67:9 73:10	northwesterly	171:21 173:23	occasions 58:22
32:8,11 33:7 35:1	87:11,21 88:23	66:19 118:21	186:2,12,24	199:20
40:8,15 41:3	101:20 104:9	Nos 37:1	187:12 189:17,23	occupations 10:3
44:16 45:5,9	179:25 213:20	Notary 1:25	190:16,25 194:17	occur 64:4 127:5
47:12,24 48:2	news 161:9	note 17:9 38:25	194:21 197:4,16	132:12
52:25 53:8 64:17	newspaper 171:14	52:16 88:21	200:24 201:7	occurred 74:6
65:14 69:23 80:15	173:17 174:1	112:12 176:8,9,17	205:25 206:11	167:22
81:16 86:14 87:15	Nimmer 74:23	noted 22:24	209:1 210:3,5,12	occurring 86:5
92:5 128:8 129:15	nine 78:13,15	notice 8:25 9:4	210:16 215:1	October 131:7
129:21 130:21	Nixon 54:11	107:24 214:14	216:19 218:8	152:3,5
163:9 172:4 186:6	noise 28:21	noticed 39:7	219:5 220:14	offer 35:1 39:25
186:24 197:8	non-allowance	November 34:6,18	222:19 224:12,17	40:3,8,12 57:10
199:9,11 207:20	185:5	37:24 71:23	225:5	90:24 139:1
207:24 212:3	non-irrigation	151:23	objectionable	143:11 145:6
213:1 224:10	79:23	number 39:11 67:6	191:25	152:20 172:2
225:7,18	non-municipal	70:12 71:21 72:19	objections 21:21	offered 52:2,11
needed 11:25 63:4	89:21	76:22 80:11,22	31:24 33:8 139:9	91:4,10 132:19
82:7 87:9 95:24	non-participation	81:10,10,15 82:1	139:19 143:14	171:22
163:12	9:7	97:25 116:19	195:12	offering 37:12
needs 28:2,12	non-potable 180:23	120:10 127:9	objective 68:23	171:24
53:18 55:18 56:8	non-residential	130:20 134:22	180:7,21 181:14	offers 62:11 91:17
56:9,11,22 57:4	127:21 130:23	135:15 139:2	222:7	91:23 92:10
57:11,24 58:7	135:17 142:9	144:11 146:5,5,17	objectives 158:15	office 109:7,9 118:6
59:11,25 60:3	noon 127:23 128:8	158:19 159:16,17	180:1	130:21 134:11,12
62:21 63:3,10	Norm 8:5,6 15:11	159:25 162:5,10	objects 40:18	137:25
79:14 82:9 87:17	51:4	163:7,12,23 189:8	obligated 209:12	officer 1:11 4:1 5:8
96:8 124:21 126:9	normal 163:4	199:20 201:16	obligation 8:18	5:15,17 6:4,7,13
130:4 153:11	209:15	numbered 36:10	27:11 198:19	6:17,25 7:8,11,14
156:8 165:25	normally 46:23	51:12 52:11	209:23 223:2,7	7:20,23 8:1,4,8
169:1 181:10	195:2	numbering 33:23	obligations 63:21	9:14,18,23 10:9
			223:12	

10:25 11:3 12:22 13:18 14:1 15:4 16:15,16 18:8 19:10 20:22 21:20 22:2,4,8,14,23 23:2,12,15,18,22 23:23 24:4,9,19 25:1,11,14,20 26:3,25 27:8,14 29:16,19,23 30:3 33:1,6,13,16,17 33:21 34:1,10,12 34:15,19,21 35:2 35:6,7,16,23 36:1 36:7,18,24 37:3,7 37:10,18 38:13,21 38:24 39:17,22 40:2,7,11,24 41:16 42:2 43:18 44:6,10,18,25 45:4,19,25 46:5 46:14,21 47:1,7 47:11 48:1,4,6,10 48:13,16,18,20,22 49:1,3,8,12,15,18 50:1,11,18,23 51:2,6,15,19,22 51:25 52:8,16,24 53:13,16 54:8,9 54:12 55:7,11,13 66:25 71:21 74:11 80:18 83:2,20 84:6,14 90:9 91:21 92:1,5 93:7 93:11,14,20 94:1 100:7 110:14 127:22 128:3,6,13 134:4 138:25 139:6,8,11,15,18 139:21,25 140:3,8 140:11,22,23 141:3 143:10,13 143:16,18,20 145:5,7,10,12,14 151:25 152:21,23 152:25 153:2 166:16,21,24 169:25 170:18,22	170:24 171:21 172:5,20,21 173:4 173:15,19 174:13 175:2 182:6,8 185:1 186:4,11,15 186:23 187:14 189:18,22 190:18 191:2,5 192:2,14 192:18 193:23 194:3,5,20 195:11 195:22 196:14,19 197:6,10,17 199:8 200:4,7,23 201:12 201:20 202:1,5,8 202:13 203:6,9 204:19 206:3,7,13 206:20 207:2,5 209:4 210:6,15,21 211:7,10,25 212:5 213:1,11,14 215:9 215:13,20 216:3,6 217:10,11 218:15 218:19,24 219:9 219:12,19 220:1 220:16 222:21 224:16 225:6,18 Officer's 39:6 185:2,17 offset 107:16 211:5 offsite 123:10,14 Oh 6:17 34:7 139:16 148:8 161:10 207:4 216:9,10 oil 76:24 okay 4:1,3,20 5:8 6:4,13,25 8:4 9:15 9:23 10:25 11:2 12:22 18:8 19:9 19:12 21:19 23:14 23:21 24:4 25:1 25:14,20 26:3 29:1,23 30:1,2 31:15,22,24 32:16 33:15,20,21 34:7 34:15,19 35:6,16 35:23 36:1 37:3,7 37:13 39:17 40:2	40:24 42:6 43:14 43:21 44:3 45:2,4 45:24 46:4,14,20 46:25 47:6 48:3 48:12 49:1,8,12 49:16 50:18 51:2 51:6,19,22,24,25 52:24 54:20 55:4 83:20 84:6 93:8 93:20 119:15 128:11 131:2 135:4 139:25 140:3 148:8 151:19 166:21 170:15 171:9,15 172:20 174:8,13 174:22 179:10,24 180:20 181:21 182:20 183:2 184:3,25 185:17 185:18 188:16 190:6 191:6 192:13,16,18,24 194:20 195:25 196:8 197:9,17 198:14 199:8,23 200:10 201:12,20 202:13 204:19 206:7,20 207:7 209:5 210:15 211:10 212:5 213:1 214:14 215:9 218:19,24 219:9 220:3,10 224:16 onboard 16:12 once 25:4 103:10 105:25 106:18 116:2 134:19 138:4 181:1 188:11 214:12 220:21 ones 84:5 148:25 one-mile 114:5 135:25 one-time 149:17 ongoing 120:25 137:15 138:2	149:16 167:22 179:7 onsite 123:10,17 open 36:15 56:4 84:23 90:20 102:17 111:8 117:16 119:24 120:1,6,8,9,12 121:24 122:9 135:18,19 180:14 opening 48:23 49:7 49:11 83:13 92:19 157:16 164:14 opens 89:18 operate 64:7,13 operated 160:19 operating 5:2 50:6 178:19 operation 114:24 142:15 operations 90:16 opine 203:19 204:14 opines 66:21 opinion 17:5 30:22 31:2,3 88:21 108:25 148:9 163:22 169:21 176:12 188:5 189:25 194:16,18 203:24 220:9 opportunities 110:21 129:24,25 178:23 opportunity 8:10 9:8 16:22 20:24 21:6 25:23 26:5 29:7 31:4 40:18 46:7,18 83:18 84:17 92:22 121:18 132:17,22 160:21 169:11 186:5,7 opposed 70:20 optimal 41:15 options 110:24 178:22 179:2 181:10	order 7:19 11:6 12:17 16:20 17:14 18:6 24:5,14 27:9 29:8,24 31:22 33:23 38:14 51:7 59:6 150:17 159:18 163:25 194:9 203:23 orders 24:6 161:2 organization 169:5 organizations 74:19 168:2 oriented 15:16 original 85:20 208:11 216:7 originally 17:19,20 37:23 208:9 Osiensky 20:16 67:12 74:15 164:13,16 169:16 Osprey 2:17 ought 5:9 21:8,22 22:8 53:5 182:12 195:3 213:7 ourself 142:15 212:12 outset 153:12 outside 43:20 64:1 100:11 101:3 102:10 103:11 123:12 132:18 145:23 out-of-order 27:5 overall 82:21 105:15 106:15 110:9,15 114:21 119:17,21 124:14 126:11,13 127:10 130:9,19 134:21 135:5 143:3 145:25 208:1 overappropriation 86:6 overhead 41:4,7,8 overlying 70:20 overnight 48:9 overrule 182:8 194:21 210:16
---	---	--	--	--

218:21	parade 44:19	particular 11:17,21	pending 11:4 14:13	50:22
overruled 187:20	paragraph 184:24	12:18 21:22 28:3	202:9	petition 11:5,7,18
195:1 203:6,9	185:3 189:20	28:22 63:22 70:4	penetration 132:23	11:19,21,24 12:18
206:13 222:21	202:16,17,18	92:18 161:2 165:7	Pension 177:19	14:2,7
overseen 105:10	203:11,14,17	177:15,22 195:5	people 4:6 26:14	petitioned 85:21
oversight 16:4 39:5	204:1,2,7,8,16	221:8 224:21,22	28:18 32:10 42:15	petitions 11:5
39:8,10 74:15	212:15 215:5	particularly 26:11	43:3,8,20 54:1,21	PGG 77:22 78:2
overstating 194:8	parallel 184:17	28:14 65:23	84:10 90:9 105:2	PGSA 65:20
overview 24:23	parameters 78:9	parties 5:13 8:11	138:4 155:13	phase 57:8 59:8
owned 69:15 124:7	paraphrase 28:15	9:15 12:5,9 18:20	172:12 194:12	95:20 96:5 124:18
197:25	parcel 56:3,4 98:8	18:25 20:19,23	195:19	125:2 134:23
owner 216:17,18	100:13 105:25	21:6,22 23:8,10	Peppersack 4:25	154:7 205:4,7,11
218:5,6 219:3	113:4,15 115:21	26:4 36:2 37:24	5:13 27:13 50:5	205:13,16 206:10
owners 90:22 91:14	156:11,13 225:8	37:25 39:19,24	55:9,10 140:24	221:7,9
93:3 97:14 171:11	parcels 85:3,9	40:25 48:11,22	percent 85:6	phased 58:11,19
221:12	97:13 98:6 110:18	50:7 51:9,11	102:17,23 107:11	157:19 170:7
owning 109:1	156:6	54:19 55:3 61:3	117:6,8,9 119:23	phases 59:2,4,7,13
176:19 214:23	Pardon 8:1 219:11	90:20 92:9 139:5	120:1 132:10	116:12 149:18
owns 214:24 217:6	park 106:4 113:2	221:19	133:25 135:17,19	150:23 153:17,24
224:25	113:18,19 114:8	partner 94:13,14	135:20 156:18	154:2,4,7 161:19
Owsley 19:22,25,25	115:1 122:1,7,11	97:5,6 149:7	percentage 133:21	204:25 205:2,19
21:19,25 22:7	129:10,11 134:7	150:11 151:5	perfectly 16:1	207:9
24:11	135:22,24 136:2,3	175:8	performed 159:3	phase-by-phase
	136:11,14,15	partners 97:2,3	period 72:2 90:12	150:6 220:25
	142:21 150:2	109:11	99:11 103:25	phasing 118:24
	198:15,19	partnership 175:7	130:18 132:13	119:11 128:18
P	parks 114:23	176:21	152:4 205:11,23	130:3 137:3
P 2:5	119:18 142:18	parts 110:10	periodic 222:14	142:22 157:14
Pacific 68:5,11	part 21:12,14 45:5	150:10	permit 1:5 63:23	Phoenix 97:16
77:5,7	56:4 72:10 84:1	party 7:21 8:18,24	114:23 148:6	102:11 103:12
pad 149:23	89:20 105:14	9:2 18:23	153:20,22 157:2	105:6
pads 150:13	106:15 111:14	party's 30:6 92:14	215:21	phone 42:7
page 3:2,7 175:9,10	113:17 115:22	patterns 83:12	permits 138:12	phones 42:9
175:16 176:8	117:23 124:15	Paul 15:11 73:23	211:5	physical 24:21
178:3,5 179:24	127:25 131:18	Payette 65:9 66:9	Perry 106:4	103:4,10,23 161:6
181:22 182:24	136:7 146:25	75:7,9,16 79:1	person 44:4,6 53:9	physically 47:24
183:1,6,7 184:2,3	147:16 148:17	179:4	53:9 174:23	pick 53:9,18,21,24
187:3,5 188:17,19	172:16 173:25	paying 98:20	personal 19:5	54:3,7
199:25 200:2,7,8	182:9 195:7	payment 148:20	31:23 32:9	picture 73:3
200:15 202:16	participant 158:3	peak 80:7,11,11,18	perspective 95:17	piece 63:22 223:20
203:14 204:3	participants 42:25	81:1	95:18 99:10	Pierce 60:7 65:2,20
212:13 214:14	149:10	Pearson 17:18,24	125:10 165:24	70:19 73:10 75:6
215:5 216:20	participate 8:23	70:2	168:23 185:2	77:2 166:4 188:21
pager 24:1	9:6	pedestrian 122:18	221:25	piezometer 71:20
paggers 42:9	participated	peer 168:13 169:7	persuade 81:5	piezometers 72:9
pages 1:6 216:6,7	120:25	169:10 221:25	pertain 202:15	Pines 2:14 6:21,23
paid 149:10	participating 9:2	peer-reviewed	Peter 68:4	7:6,7,8,9 50:25
panhandle 115:11	121:1 149:5	74:21 91:8	Peterson 2:24 6:12	Pinnacle 170:10
paper 44:1				
papers 17:24 58:10				
124:6				

place 4:4,20 49:23 57:16 63:16,24 72:4 81:19 140:24 143:7 156:9,10,14 156:19 157:8,11 162:6 193:9 221:20 223:22	162:25 163:5 205:1	189:13	181:18 185:14 225:10	137:22 187:20 200:24
placed 43:23,24	planning 28:20	plus 100:15 105:14	posted 79:9	premium 120:12
placing 65:3	55:18 56:7,12,19	111:21 113:8	posting 84:8	preparation 138:20
Plain 86:6	56:22 57:8,12,22	120:1 124:17	potable 106:12	prepare 18:20 19:1
plan 56:14 57:2	57:24 58:3,7	125:3 144:11	181:10	prepared 19:15
82:10 89:9 98:23	59:25 60:11 62:18	166:10 169:14	potential 88:2	47:3 78:22 79:4
102:5 110:9,15	83:5 95:3 96:8	180:13 203:14	114:16 119:8	96:23 131:4,9
111:19 112:13,17	98:20 110:22	Plymouth 65:8	123:3 127:3	138:17 148:12
112:19 113:25	111:18 112:12	point 5:12 6:14	142:14 173:13	152:1,7 174:24
116:15 118:19	113:1 119:1 122:6	15:6 16:24 30:19	179:7 185:25	175:14 183:4
119:17,21 121:10	123:2,4 124:9,16	35:8 36:4,13,23	191:14 193:21	prerogative 25:21
121:21 122:25	124:22 135:12,18	38:25 54:17 64:12	198:7	49:9
125:10,17,24	136:19,23,23	65:14 84:8 99:8	potentially 17:1	Prescott 94:25 97:5
127:15 128:18,20	137:21 142:6	116:11 117:12	38:11 45:11	97:12,14,23 99:7
128:22 129:14	143:3 146:6 154:9	134:18 152:16	127:11 149:25	99:9,23,25 100:2
130:6 136:4	154:11 157:23	163:21 173:9	160:13 168:15	100:10,12 101:11
137:17 143:3	160:8 163:15	197:20 203:21	179:3 224:2	109:20,24 149:3
144:12,14,20,24	178:8 191:12	213:2 219:21	power 138:14	162:12
145:1 146:1,22,23	192:21 195:17	points 14:3 78:24	155:22	present 2:24 15:2
146:24 147:1,14	198:3,15,20	82:7 98:17 132:4	PowerPoint 96:18	17:15 20:21 35:22
154:16,17 155:24	217:20 221:4	police 111:10	128:19 134:3	41:7 42:4 62:6
158:21 160:9,10	plans 83:17 85:12	136:10 142:23	138:16 140:5,19	83:18 92:22
161:4 178:1,13,14	114:24 136:21	158:19 177:19	140:20 149:1	140:12 185:7,13
180:15 181:4,15	137:21 179:12	policies 178:18	PP&G's 169:4	192:6 224:20
182:10 184:1,11	198:7,18	179:11 180:14,18	practical 90:21	presentation 19:20
185:4 187:3,11	plant 101:25 154:3	181:23 184:5	practices 178:9,17	24:15,16,18 25:3
208:19,24 209:3	155:8	185:8	preannexation	25:8,25 27:9 41:9
221:4 222:6	planting 102:21	policy 151:1	111:2,20,22	47:2 49:5 51:7
planned 55:23 56:1	plants 102:22	poorly 189:3	113:16 116:6	92:17,18 93:16
58:16 59:5 62:19	153:15	popular 122:21	119:24 126:14	96:23 128:4 149:1
63:21 69:10 85:25	plat 137:22	population 85:1	135:8,13 136:7	presented 10:12
94:20,23 96:2,25	plats 221:3	97:18 105:1,3	141:8,17 142:3	42:19 60:24 87:23
97:9 98:15 99:2	played 192:10	portable 41:18	144:3,16 146:19	139:23
102:15 103:24	playgrounds	portion 65:7	147:4 157:9	presenting 45:21
104:18 108:20	119:18	106:11 117:4,9,17	209:11 210:23	194:12
109:12 110:25	playing 6:3	126:25 134:15	220:23	preservation
117:24 118:3,11	please 19:24 30:24	147:1,2 156:17	predicated 87:18	178:16
118:20 119:3,6	31:20 42:13 43:12	163:20 182:17	predict 159:24	preserve 100:20
120:11 122:24	93:21 94:1,5 95:9	portions 209:17	predicted 75:3	180:25
124:13,15 131:12	116:17 128:21	position 41:13	77:23	preserving 179:14
132:2 140:20	129:6 131:3 135:3	43:17 53:6 92:14	predominantly	press 42:16
155:18 161:17	141:9 143:12	94:12 190:9	162:19 188:13	pressing 213:5
	144:20 151:16	positioned 115:16	prefer 49:10	pressure 148:10
	196:20 197:16	positions 158:19	preference 25:2	183:10,12 184:13
	211:17	possibility 89:19	prejudice 18:23	185:15,23 186:17
	pleased 86:16	209:21	preliminary 3:3	201:25 202:15
	plenty 69:23	possible 48:7 162:7	47:12 72:21 75:4	pressures 183:23
		168:24 173:3		

202:21	18:6 36:20 89:21	119:9,13 132:5,6	130:2,9 132:14	112:3,5,14,24,25
presumably 17:1	195:13	132:6,7,21 133:11	133:2,12 134:15	113:13,19,22,23
24:19	problems 21:15,21	134:21 150:18	135:3,5 137:10,12	114:2,6,7,13,16
presume 29:13	199:15 201:5,9	158:8	138:5,7,15 143:8	114:21,25 115:6,9
pretty 44:2 166:19	221:12	production 79:17	147:2,13,21,24	115:12,15,17,17
218:6	procedural 21:15	79:21,22 82:3,6,8	148:22 149:2,4,5	115:19,21,22,24
prevalent 99:19	32:22	82:22 84:25	149:7,9,10,11,12	115:24 116:1,3,9
108:11	procedure 116:8	100:25 104:5	149:15 150:11	116:24 120:23,24
prevent 45:6	procedures 181:24	productive 65:10	154:5,22 156:1,17	120:24 121:19
preview 55:16	184:6 185:9	productivity	156:18,22 157:22	122:6 137:24
previous 61:21	proceed 92:20	207:25 208:4	160:13 161:25	151:11 156:3,4
190:22,23 210:22	proceeded 60:21	products 98:17	162:9,11 165:8	157:13 160:15
previously 12:13	60:22	131:21	166:1 169:22	175:18,25 177:4
27:21 50:7 61:21	proceeding 9:3	profession 131:12	176:6,25 188:2,23	179:23 195:20
65:1 68:10 73:13	42:8,23 44:23	professor 67:16	192:22 201:4	198:8,25 217:19
97:11 130:11	54:22 55:15	profit 161:20	204:24 205:9	221:14 223:20,24
132:24 154:20	proceedings 42:20	program 79:14	223:4,10	225:16,17
price 98:17 132:4	225:23	106:2 151:14	projected 57:15	proponent 99:18
210:1,10	proceeds 21:24	221:11,15	107:12 114:7	proposal 96:14
primarily 64:19	process 15:16	progress 72:12	205:3,6,14	proposals 91:24
217:19	32:20,25 40:13	prohibited 208:21	projecting 180:12	propose 26:25
primary 141:23	42:22 58:1,23	prohibits 63:15	projections 131:20	108:1
149:20,24	86:15 90:19 91:17	project 24:21 41:19	projector 41:4,23	proposed 57:19
principal 50:15	95:3 103:14,14,16	41:22,23 56:1,15	projects 62:24	79:15 87:25 88:5
68:5,11 94:9	104:13 107:2	56:16 58:2,5,6,13	76:23,24 95:5	88:15 90:11 91:5
principles 86:23	111:19,25 112:12	58:15 59:2,3	96:3,3,21 99:4	173:23
87:18	112:15 116:21	60:10 62:7,10	100:6 102:4 103:9	proposes 54:15
print 174:3	121:9,12 124:3,11	63:23,24 64:1,6,7	109:9,11,13,21	109:4
prior 16:19 36:7	124:16,22 131:19	64:8 65:22 66:23	131:13 148:24	proposing 120:7
85:20 115:14	135:10,11 138:1	72:17 74:9,12	153:7 161:5	prospectus 20:3
161:5 162:12	143:1 144:6,17	75:22 77:8 78:7	176:22	protect 18:25 26:15
184:5 205:15	145:20,22,24	81:25 90:12 94:24	project's 57:19	54:4 178:7
210:22	149:14,16,17	95:4,20,21 96:7	59:7 158:3	protected 49:20
private 17:10 85:10	153:7,8 158:5,24	97:17,20 98:4,11	promote 92:7,13	89:25
87:15	158:25 167:8,23	99:10,13,14,15,15	109:3 119:12	protecting 181:11
proactive 86:21	168:3,5 195:7	100:9,12,24,24	129:24 180:2,21	protection 92:25
probability 119:25	produce 102:1	101:1,24 102:8,9	proof 27:16 28:3,6	93:2
163:1	183:16	102:12,12,14,20	proper 16:14	protest 4:21 7:15
Probable 148:9	produced 20:3,8,11	103:11 105:1,13	properly 69:24	12:5 49:24 87:13
probably 13:21	69:1 71:6 73:1	105:20,22,24	properties 104:17	87:23 91:17
45:21 46:2 48:1	76:10 79:7 101:16	106:16,18 108:2	110:5 113:14	protestant 51:5
56:18 61:16 82:4	106:14 208:3	110:8,9,15 111:5	property 20:6 65:7	protestants 6:18
98:4 117:14	producer 80:5	111:11 112:8	65:22 73:19 87:15	13:10,20,22 14:19
118:14 127:24,25	produces 80:2	113:12 118:22,24	88:24 97:14 98:9	16:17 17:23 18:3
161:12 175:13	producing 67:11	119:10,17 120:16	101:5 103:4,5	26:10 27:10 29:3
190:17 191:17	105:13 137:9	122:8 123:9,21	104:3,6,16 105:25	29:14,17 36:7
194:1 213:19	product 98:7	124:19 127:1,10	106:3,6 110:1,17	37:16 53:7,25
problem 16:8,17	100:25 118:12	129:17,19,22	110:19,22,23,25	57:25 58:9 59:20

66:3 69:16,19 74:18 78:23 80:9 80:21 81:2,6 83:3 83:9 84:15 93:1 157:17 161:11 168:2 169:6 194:22 protocol 32:19 prove 103:22 160:16 205:22 206:9 219:3 proved 206:18 proves 160:15 provide 59:22 93:4 94:5 104:15 114:18 120:14 139:5 169:11 174:20 183:15 194:1 221:5 provided 34:1 35:10 59:24 61:2 73:9,25 78:18 79:7 88:20 91:2 95:13 144:15 provider 81:25 providers 56:6 160:11 provides 114:19 115:22 116:8 121:25 132:16 135:14 136:8 160:21 218:13 220:24 221:6 providing 91:7 106:23 171:5 192:20 198:18 proving 171:6 prudent 108:24 public 1:25 28:15 28:16,23 56:24 63:20 80:23 87:12 88:6 89:24 109:3 111:21 113:3 114:15 120:15 123:5 135:10 136:6,16 144:1,4 144:6 145:22 168:5 193:22	196:4,5 198:11 PUD 137:16 147:9 pull 35:3 121:23 pulse 130:17 Pulte 133:6 pump 80:15,23 159:18 217:3 pumped 80:16,17 80:19 137:7 157:2 157:3 pumping 72:17,18 72:19 73:4 74:8 79:23 81:1 82:4 163:11 201:4 208:1 pumps 82:12 183:15 214:10,22 purchase 179:9 purchased 85:10 purchases 90:15 purports 173:16 201:8 purpose 18:16 70:9 74:3 92:12 98:15 141:23 159:11 176:19,24 178:12 184:23 192:15 221:19,20 purposes 12:11 46:22 113:3 114:15 188:10 Pursley 2:3 5:18 50:12 55:14 pursuant 209:10 209:24 pursue 211:17 pursuing 60:3 96:11 161:1 put 12:24 28:6 44:8 44:11 45:18 55:4 56:23 59:5 62:12 62:13 75:21 77:14 85:14 89:11 159:13 165:18,20 169:12 176:5 177:12 191:16 puts 17:2 219:2 putting 24:20	39:12 62:14 109:16 154:9 171:6,7 p.m 225:23 P.O 2:7 <hr/> Q <hr/> quadrant 133:2 qualified 203:22,24 qualifier 117:7 qualify 209:18 quality 68:25 69:5 76:3,15 153:20 quantity 69:4 89:3 quarters 42:17 question 22:11 24:13 28:8 30:8,9 30:10,14,16,17,20 30:25 32:18 33:10 46:23 64:16 66:16 66:16,22 67:1 69:2 75:11 99:6 121:17 150:22 164:11 171:20 177:16 184:9 185:19 186:18,25 187:22 189:7,24 193:1,19 195:15 195:18,23 196:15 197:5,8,15 200:19 200:21,25,25 201:1,7,13,21,21 202:2,6,10,11 203:3 204:20 206:6,22,23,24 207:1,6 209:5,9 210:17,22 211:14 212:1,7,18 213:3 214:8 216:14 217:6 218:12,20 218:23 219:8 220:2,4 222:22 224:15,24 questioner 218:9 questioning 27:2 174:3 182:12 196:13 questions 10:13 24:12 26:8,11,18	30:20 31:7,7,8 43:18 69:12 94:4 111:24 119:17 146:2 147:23 167:25 168:12 169:24 170:4 172:17 177:21 191:11,13 192:8 192:17,20 194:12 196:23 199:23 202:3 209:7 211:17 quick 30:23 44:2 quickly 55:1 quiet 44:17 quite 11:21 22:24 53:6 65:19 92:7 186:21 213:9 quote 201:8,8 <hr/> R <hr/> rabbit 196:9 raise 32:24 33:12 93:22 raised 12:3 167:25 raises 10:9 11:19 Ralston 15:15 17:12 22:19 66:3 66:21 78:22 Ralston's 23:25 ran 38:3 78:3 160:19 196:9 ranch 77:23 97:10 100:12,17,20,22 102:9 105:23,24 110:1,5 156:5 162:13 ranches 85:6 ranching 100:20 range 72:5 132:10 160:1 rangeland 85:9 Ranger 42:10 ranging 85:3 rate 80:7,11 81:23 216:13 rates 105:12 180:5 reach 80:13 read 37:10 171:13	183:19 193:6 216:23 219:13 222:5 reads 148:5,9 ready 48:14 55:8 93:15 105:21 real 66:16 94:18,22 98:12 141:20 163:17 173:20 176:10,14 reality 86:9 really 10:15 33:6 43:4 63:5 68:21 75:10 77:6 100:21 104:19 133:24 138:7 150:4 174:4 213:4 224:19 reanalysis 73:1 77:20 182:22 rearrange 4:4 rearranging 4:18 reason 15:21 31:16 32:4 46:5 182:9 186:12 218:21 222:25 224:17 reasonable 87:21 128:4 reasonably 28:1 56:10 62:21 89:12 reasons 31:11 60:20 61:16 rebuttal 25:4,5,18 recall 26:14 71:21 144:10 168:7 169:5,8,12 195:15 195:25 196:2,6 202:10 recalled 195:24 recalls 194:24,25 receive 23:25 57:6 138:4 173:24 211:19 received 8:12 22:17 27:20 36:11 37:13 39:20 40:16 52:5 97:22 135:13 140:5 141:4 143:22 145:16
---	--	---	--	--

146:18,22 153:4	reduction 185:15	122:7,10 129:11	remains 96:14	representatives
recess 28:9 44:12	186:17	135:22 136:11,15	remarks 55:15	13:1
93:13,15 128:7,12	refer 19:19 95:9	142:20 150:2	83:14 164:14	represented 7:3,4
128:15 166:22,23	97:20 110:13	regulated 104:11	remeasurement	84:15 111:11
166:25 213:13	112:1 130:24	104:14 105:9,10	70:17	representing 7:12
recharge 78:9	141:9 147:25	reimbursed 209:17	remedied 17:23	10:2 13:17 27:10
85:16 188:9,13	149:21 212:4	211:3	remember 15:24	55:14
recharging 75:13	218:9	reimbursement	31:6 187:22	request 28:4 74:18
reciprocal 37:15	reference 22:1,5	209:13,18 211:1	192:20 193:1	87:6 144:9
recognize 27:3	92:19 117:12	211:13,15,19	195:1,20	requested 85:18
42:16 56:21	118:4 123:1	212:8,14,16,17,25	remembered 47:13	101:6 169:7,9
122:23 141:12	130:13 205:15	relate 184:22 185:4	reminding 196:18	requesting 89:2,8
148:4 179:12	references 128:20	related 25:24 28:3	remodeled 101:15	207:10
187:15	referencing 202:22	28:6,16,24,25	101:19	require 85:13
recognized 63:7	referred 139:14	69:12 110:3 118:7	remote 126:18	107:18 183:15
67:17	141:7 177:24	129:16,17 130:21	163:2	189:5 200:17
recognizes 63:9	185:15	134:19 146:11,12	rental 132:6	214:21 217:3
recollection 168:10	referring 35:9,10	147:2 170:6	reopen 16:23	required 18:17
recommendation	40:14 96:17	199:22,22	reorient 41:22	58:15 88:7 99:21
146:14	170:18 203:12	relates 210:17	repeat 189:16	119:11 205:23
reconcile 184:14	215:3,25 216:2	relating 93:24	202:2	217:17
record 5:9 20:21	refine 78:4	191:14 204:4	repeatedly 80:10	requirement
21:12,14 31:13,22	reflect 68:25	211:15	80:22	142:11 155:4
32:13 37:11 39:18	146:20 180:17	relation 112:4	rephrase 202:12	160:9 204:15
41:3 44:24 49:21	reflected 180:9	relationship 114:21	224:24	requirements 28:3
50:9 53:11 62:17	reflection 73:18	173:21 174:6	replaced 189:6	58:13 104:22
77:15 95:6 96:20	regard 41:15 63:16	185:14	200:18	119:11 120:6
99:6 196:11,20	69:18 78:23 83:10	relative 121:6	report 20:7 22:16	136:25 142:5
213:15 216:8	99:5 109:20	125:11 168:5	66:22 72:12 74:13	147:11 171:5
221:3 225:22	120:20 123:10	relatively 24:18	75:25 76:17,18	221:5 222:14
recorded 42:19	124:7 128:18	114:20	123:25 131:8,15	requires 56:22
46:1 54:5 71:24	135:2 143:8	relevance 14:4	131:18 132:25	137:3 206:17
recorder 53:3	148:21 157:16	172:2,3,6,25	183:3,18 184:12	210:24
recorders 5:3	159:15 167:4	173:5 191:22	185:16 203:13,15	requiring 159:2
43:22,23	168:9 189:17,20	225:5	REPORTED 1:21	researchers 70:13
recording 3:4 5:2	217:23	relevant 32:10 33:7	Reporter 5:4,11,14	reserve 25:22 49:4
27:12 42:8 49:16	regarding 4:21	87:9 92:24 96:22	6:19 19:23 31:14	49:11
49:17,22 50:6	20:5 27:16 49:24	reliance 180:24	41:20 44:21 49:19	reserved 43:10
53:17 55:8 93:14	190:1 191:13	reliant 188:13	50:8	reservoir 137:8
128:14,14 166:24	192:22 193:20	relied 131:11,15,18	reporting 222:15	residences 122:23
199:11 213:15	195:18	relies 102:25 108:8	reports 19:14	residential 85:2,12
recordings 191:19	regardless 66:15	reluctant 192:9	65:17 68:25 76:1	89:9 98:17 102:16
records 67:11	66:18	rely 103:2 202:23	76:3 78:18 86:13	107:10,20 110:6
70:16 76:21	regards 87:24	relying 161:4	88:9 89:5 131:11	116:19 117:2,19
recreational 113:3	195:18	183:14	represent 119:3	117:25 118:5,10
114:15 116:16	region 179:12,20	remain 114:12	representation	118:12 121:23
121:19 122:2	regional 59:10	120:9	216:20	123:19 127:19
red 81:13	113:2,18,19 114:8	remaining 124:23	representative 98:7	129:12 136:1

142:8 149:19	result 81:1 167:22	48:13 49:15,19	165:10,11,12	163:18
150:3 155:9 223:3	214:20 217:2	54:13 55:7,8,19	171:7 179:8	Rush 100:19
residents 95:17	results 73:24 77:23	56:9 57:5,7 58:11	181:20 183:9,23	
101:6 120:16	resume 45:23	60:1,15 61:8	185:21 198:24	S
123:11 146:2	retail 109:7 129:17	62:22 63:3,8,10	224:1,5 225:8	S 3:7,7,14
160:23	129:25 130:21	63:17 64:4 65:12	right-hand 83:25	safety 110:3
resolution 90:25	134:12,19	65:12 69:5 79:13	rigorously 68:23	sale 210:1,10
91:5 145:1	retain 98:8	79:18 80:13,14	rigors 54:23	211:12
resolve 190:24	retained 5:4 86:17	81:8 84:19 85:17	riparian 122:19	sales 132:17
191:15	retrieve 44:14	85:21 87:13 89:8	risk 176:13	sand 60:7 65:2,10
resort 89:22 90:3	return 57:5 115:14	89:11,15,20,23	River 65:9 66:9	65:20 70:19 73:11
110:2	reuse 59:9 82:11,13	90:1 93:22 95:7	75:13 78:10 179:4	75:6,17 77:2
resource 87:22	99:16,18,19 102:4	95:13 96:4,5,9	179:5 187:7,8	166:4 188:22
108:25 180:25	107:17 108:23	102:24 110:12	Riverside 94:7	sat 161:3
222:8	109:4 137:11	112:20 115:16	road 2:17,21 6:14	satisfaction 219:10
resources 1:1,14	154:20 180:22	116:13 117:20	85:10 112:23	219:13
20:1 28:17,19,25	181:8	119:21 123:21	121:6,7,8,22,24	saturated 75:17
50:3 71:11 83:15	reused 106:17	125:23 126:1,6,7	121:25 129:9	save 37:12
85:23 86:11 89:6	reusing 82:15	126:9 127:1,12,13	roads 104:23 111:7	saw 11:10
91:6 103:22 167:3	reveal 8:9	127:16,18 128:13	129:8 136:17	saying 32:14
205:24	revegetated 122:19	130:3,4 135:18	roadway 59:10	179:19 184:16
respect 13:20 19:12	reversal 31:17	136:20 143:2	142:10	195:20 199:10
28:14 37:15 42:21	review 11:5 20:24	144:18 156:8	Rob 69:8,11	says 24:2 131:4
43:1,3,14 167:14	21:4,6,13 60:7	157:6,12,17	Robert 118:25	185:8 189:8,8
217:25	65:18 73:5 121:6	158:25 170:7	123:24 130:10	199:25 202:21
respond 31:4 43:17	147:8 159:8	173:18 174:22	132:24	204:9 215:13,22
173:2 186:25	165:17 168:13,14	177:13 180:11	Robin 74:22	scale 58:15 95:16
193:15 206:4	169:3,8,10 170:16	182:9 190:7,15,20	robust 61:19 160:3	102:7 111:9 113:5
responded 78:21	179:7 191:24	192:3 194:2 196:8	Roger 24:22 68:15	129:18 141:21
79:2	195:7 221:25	196:14 200:11	role 6:3 31:17	158:6
response 8:16 11:8	reviewed 19:17	202:3 204:1	roll 194:9	scanned 14:14 84:2
15:9 19:14 20:10	23:16 70:15 71:7	206:16,17 207:15	room 4:7,8 43:9	84:4,7
22:21 24:1 36:17	72:13 75:24 83:24	208:13,17,19,22	47:15 50:17	scheduling 38:14
38:14 69:20 74:17	147:16 175:5	211:21 212:4,19	rooms 4:12	Schirmer 97:2,4
79:4 85:25 139:12	reviewing 95:23	212:22 213:11	rotations 155:1	school 136:5,6
186:5 209:6	174:19 187:4	214:24 217:7,13	Roughly 133:15	schools 116:17
responses 22:12	204:8	217:25 218:2	roundabout 134:8	118:8 136:5
responsibilities	Richard 67:22	219:18 220:21,25	route 56:22,22	Schwartzman 68:4
217:15	164:21	221:6,8,10,14	157:21	science 86:22
responsibility	right 5:1 6:7,24 8:8	223:13,19,22	RPR 1:23	160:15
30:12 223:6	10:6 11:3 15:7	224:6,23 225:2,15	rule 32:5 33:19	scientific 68:23
restricted 163:11	16:6,6 19:21 23:1	rights 55:20 59:13	64:16 66:17 92:6	101:22
198:23	23:14 24:4 26:15	81:23 82:18,19	92:10 191:3	scope 26:12 27:3
restrictions 142:7	27:8,18 29:2,23	87:7,11,15 88:4	run 45:13 78:16	87:6 153:23 182:7
155:17,23 180:17	30:5 33:21,25	90:6,17 91:4 93:1	113:19 161:25	186:3 187:13
restricts 157:10	34:9,21 40:24	106:11 125:19	205:11	Scott 5:25 57:20
restructured	41:2 43:14,24	126:1,6 155:25	running 5:1 41:8	97:2,4 107:2
149:11	45:9 46:2 47:9	156:3,5,6 160:7	runs 78:3 113:13	screen 41:13,18
				112:6

SDR 78:12	seismic 67:21 73:18 73:20,21,23	septics 101:5	136:9	simpler 158:25
sealed 72:9	seized 80:21	series 89:5 98:16	shared 23:8 37:25	simply 69:23 85:14 120:4 174:2 192:10 194:15
Sean 19:21 24:11	seldom 89:15	serious 60:1 62:23 62:24	sharp 47:18	single 7:15 52:21 53:1 60:15 85:14 90:14 177:17
season 79:23	selected 70:16 73:5 175:10	seriously 79:14	Shea 133:3,5	single-family 118:12 132:7
seasonal 105:6	selection 70:17	serve 56:9 63:19 64:6 137:7 160:13 179:14,20	sheet 176:1	single-purpose 176:18
seated 94:1	self-adjusting 63:6	served 89:25 198:9	SHERI 1:23	sir 40:1 95:6 171:3 210:14 211:22 213:17
Seattle 68:6,12	self-evident 159:12	serves 90:23	shining 41:4	site 66:19 102:21 117:4,8,10
second 20:7 60:12 105:23 148:5 188:6 202:10,16 202:18 214:15 215:5,11,14,15,21 225:13	self-imposed 121:22	service 104:15	short 166:14 191:9	sits 112:3 113:23 117:3
secondary 53:17	self-supporting 104:20	serving 57:16 179:22	shortly 4:2 11:12 36:12 128:8	sitting 44:5,7 53:1 113:12 204:8
secondly 203:16	sell 63:14 150:10 150:13 170:10 198:20 208:19,24	set 11:25 22:2 27:18,21 34:1,10 44:20 45:16 48:5 53:17 76:15 81:25 81:25 135:7 141:24 150:15 153:25 162:5 203:17 212:12	short-term 223:11	situation 63:18 87:8 167:5 172:22
section 27:19 72:7 113:10 178:21 179:11,25 180:1 181:22 191:10 212:12	selling 109:7 210:25	setback 121:21,23 147:11	show 7:15,15 56:10 58:24 61:18 64:21 64:22 65:10 66:7 78:25 79:1 91:2 136:21 151:22 152:15 172:14 173:21	six 164:7 205:12,17
sections 212:13	semi-judicial 42:23	setting 59:21 105:11 210:9	showed 198:16	sixth 4:11,14 43:9
Sedona 199:15,19	send 8:10,25 9:3	settlement 91:17 91:23,24 92:8,11 92:11	showing 76:11	six-shooter 100:18
see 7:1 14:2 27:2 41:13,14 54:23 56:25 57:5 73:19 96:18 125:22 129:7 132:22 134:13 168:17 172:25 176:8 184:18 185:13 190:14 193:2 216:13	senior 87:7,20 88:3 91:4 93:1 160:6 165:11 189:14 190:15	setup 4:18	shown 73:12 112:5 112:9 126:15 131:21	size 85:16 111:9 126:5 129:15,18 129:23 141:21 155:10 162:18 214:10
seeing 71:21 151:2 215:2	seniors 165:14,14	seven 113:8,20 163:19	shows 116:12 152:17 223:20	sized 136:25 153:12
seek 56:18 111:2 127:12,19 165:14	sense 62:25 82:13 86:20 96:10 125:10 162:1	seven-mile 135:23	shrink 162:18,22 162:23	sizing 153:10 154:1
seeking 28:1 114:15 121:7 130:4 223:23	sensible 86:22	sewage 59:10 82:14 104:22 106:14 108:7 109:3	shrut 185:5	skilled 68:6
seeks 55:21 208:13 224:8	sensitive 53:24 54:2 92:7	sewer 101:8 104:12 104:15 105:12 106:5 108:15 111:7 137:23 142:13,15 148:10 149:22 153:9,15 154:3 198:10	side 46:7 83:25 100:5 136:1,2	Sky 2:12
seen 11:15 47:2 69:3 73:2 159:23 163:5	sensitivity 78:8	shaking 27:13 40:23 49:14	signature 77:2	slated 115:2
sees 56:13	sent 8:11,21 11:15 22:19,20	shallow 70:20 73:16	signed 11:6 14:10	slide 96:23 97:1 112:1 115:14 116:12 128:18 129:6 131:22 135:4,6 140:5
segment 119:14	sentence 204:2 215:6 216:23,24	share 83:6 133:21 134:1 135:23	significance 11:23 12:7,16 14:2 76:14 129:14	slides 96:18 110:10 129:4 134:2,24 139:22
segmentation 119:9 132:3,15	separated 122:18 198:5		significant 58:14 61:11 66:1 73:10 88:3 94:21 95:22 98:24 99:22 100:4 111:12 123:19 124:1 138:2,8 146:5,8 158:6	small 45:14 85:5 104:20
	separately 7:21		similar 82:16 96:1 99:12 102:5 129:20 151:5 153:9 168:18 198:8	smaller 99:2 141:22
	separates 114:1		simple 63:2	smallest 59:3
	separation 114:5 129:19			
	September 76:7			
	septic 106:1 108:5 108:9,21,23			

Smith 2:16,24 3:11 6:18,20,20,21 7:5 7:7,9,12,13,17,22 7:25 8:2,6 9:11 29:18,21,25 35:17 35:18 37:3,5 39:23 40:1,4,10 48:18,19 49:9,10 50:23,24,24 51:15 51:16,21 53:2,11 53:15 54:10 139:11,12,18,20 139:24 140:17 143:16,17 145:10 145:11 152:23,24 196:15,17,23 197:9,14,17,23 199:8,14 200:1,2 200:6,8,25 201:2 201:14,18,22,23 202:7,12,14 203:8 203:10 204:24 206:2,5,8 207:8 209:3,20 210:5,11 210:15 211:8,9,18 212:3,6 213:3,9 213:16,17,18 214:16,17 215:3,4 215:11,18 216:1,5 216:9,11,12,15,22 217:21 218:14,16 218:17,22,25 219:7,10,11,21 220:2,3,6,19,20 222:23 224:14,20 224:23 225:12	somewhat 63:17 126:17 161:4 199:7 son 6:21 7:16 soon 30:21 sophisticated 77:10 77:15 sorry 4:14 6:17 34:4 44:18 47:13 84:12 133:17 139:16 143:22 148:8 152:19 168:1,20 170:21 207:4 216:12 225:19 sort 114:11 sought 96:4,5 sound 44:17 178:8 193:18 sounds 19:9 106:22 source 85:7 181:18 sources 75:12 179:3,6,15,19,22 180:3,22 181:12 south 136:1 179:23 southeast 65:5 southern 112:25 113:9,14 122:1 123:4 135:24 136:23 southwest 20:9 115:10 187:8 southwestern 123:2 136:22 217:20 space 4:9 41:24 43:8 53:18 56:4 102:17 105:16 109:9 111:8 117:16 119:24 120:1,6,8,9,13 121:24 122:9 135:18,19 180:14	134:18 196:19 199:9,10,12 speaker 191:17 speakers 45:14,17 45:18 speaking 52:20 116:2 217:18 speaks 183:20 201:11 202:20 203:18 special 81:19 89:16 89:23 121:12,14 specialist 69:8 specific 121:16 125:11 168:7 194:24 204:10 205:8 206:23 217:24 220:17 specifically 68:1 110:22 112:14 168:6 192:23 196:2,6 203:18 212:15 specificity 159:25 specified 63:22 speculate 63:10 speculating 203:5 speculation 89:19 222:20 Spencer 20:8,16 67:15 165:3 spent 11:9,20,22 14:9 59:15 95:22 166:6 210:2 split 202:4 spoke 36:7 111:14 114:8 spoken 54:3 197:18 spokesman 6:20 spokesperson 50:25 sponsored 89:6 spray 155:7 spreadsheet 175:17 Spring 77:23 78:11 square 88:25 113:11 130:20 134:16,17 162:18	Squires 6:1 20:16 22:16,25 60:5 67:3 68:22 95:11 103:6 161:3 167:6 167:9 168:14 185:16 214:9 stability 132:8 Stacey 74:14 169:17 staff 19:15,15,16 19:17,19 20:25 21:11,11 22:13 23:12 24:1,7,8,10 24:25 36:17 67:4 79:4 147:7 stand 53:1 93:21 201:13 standard 59:24 87:2 103:15 159:2 standards 82:15 107:19,20 137:5 137:17,18,19 147:9,13 175:15 standpoint 124:13 219:19 stands 176:24 Stanley 57:20 148:3 Star 65:6 88:11 start 24:22 30:21 38:2 47:24 49:16 54:18 100:21 105:21 128:14 129:5 138:6,10 158:5 174:2 225:7 started 22:12 94:17 94:18,24 97:12,17 102:14 107:1 110:19 151:2 158:24 197:19 starting 85:19 97:5 111:21 162:6 starts 131:25 132:12 138:7 Star-Eagle 183:11 185:22 state 1:2 39:18 40:18 67:17 73:15	73:24 88:9 94:5 99:23,24,24 142:12 173:11 189:1 stated 186:8 187:10 190:8 216:20 statement 17:13 46:1,24 48:23 49:7 92:19 152:1 152:2,9 157:16 174:18,25 178:13 183:18,20 184:19 184:20,21 186:16 188:6,10 189:8,12 192:25 193:11 197:21,22 203:20 203:25 204:8 205:15 219:17 statements 175:3,4 175:5,13 190:22 192:8 194:24 202:14 states 175:10 176:17 178:7,22 180:21 181:23 182:17 183:7 184:5 187:6 188:20 189:2 200:11 203:1 204:17 207:20 214:18 215:6 225:13 Statesman 173:21 stating 87:17 189:12 193:1 station 118:7 136:10 stations 136:6 statistics 135:5 status 17:6,6 152:15,17 statute 57:6 59:25 63:3,14 89:16 90:7 statutes 209:19 stay 43:15 223:19 steeper 117:5,6 step 86:15 144:5
--	---	--	---	---

Steve 5:23 50:15 57:18 107:2 215:22	167:16,18,20,21 188:4 190:13	suggested 58:9 165:7 168:14	191:25	63:5 64:6,10,13 108:6,7,16,21,23 142:13,16,17 154:17,20 156:19 156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
stick 159:17	study 79:11 85:23 91:6 101:2,15 103:3,9 121:1 130:11 168:10	suit 55:1	supposed 14:21	142:13,16,17 154:17,20 156:19 156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
sticker 140:25	studying 167:4	Suite 42:10 94:8	sure 8:10 10:21,23 13:6 17:12 21:3 22:7,18 38:5,7 39:4 56:16 66:25 69:18 74:10 114:17 137:24 146:4 159:21 160:2 161:23 166:16 172:5 173:4 182:16 183:1 184:21,22 186:21 187:24 188:3,14 192:12 194:8 198:17 204:14 220:8 225:9	154:17,20 156:19 156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
stipulate 12:9 36:14 41:1 51:20	stuff 110:3 225:21	summarized 15:4	surface 82:18 106:11 117:20 178:23 179:2,6,8 180:3,10,22 181:5 181:9,20 183:13 224:5	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
stipulated 36:8,25 38:1,10,17 51:9 51:12,17 52:13	style 96:9 117:25	summary 91:25 92:21 135:7	surprised 16:10	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
stipulating 36:3	subdivision 98:23 99:3	summer 73:21	surround 177:4	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
stipulation 52:3	subject 30:22 57:11 65:16 69:18 126:14 182:12 192:5 194:11 198:25	SunCor 85:11 124:8 125:25 170:10	surrounding 177:3	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
stood 60:18 111:13	subjecting 204:7	SunCor's 170:9	survey 68:3 71:1,10	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
stop 33:18 72:1 76:19 83:4 128:1 144:18	subjects 18:11,12 182:15	SunCor/Avimor 124:8	surveyor 71:2	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
storage 82:9,10 136:25	submit 15:13 20:2 64:17	super 150:13	surveys 73:18	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
straight 31:13	submitting 204:7	supervision 74:15	suspect 222:25	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
straightforward 207:6	submitted 22:16,25 24:3 34:5,17 37:23 61:4 72:13 79:6 121:5	supplement 156:7	sustain 93:5 173:23 186:11,12 189:22 224:17	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
Strategies 181:23	submitting 204:7	supplementing 181:7	sustainability 84:21	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
strategy 184:4,10	subjects 18:11,12 182:15	supplies 106:23 178:24,25 183:15 189:4 200:16	sustainable 87:18 87:20	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
stratographic 75:20,24	submitting 204:7	supply 55:21 62:10 62:18 64:6,8,10 64:18,21 65:12 66:17 69:10 88:14 95:20 101:24 103:21,23 104:22 108:6,15 157:3 160:17 161:6,14 166:3 179:2 181:10 190:1 212:14	swapped 114:12 126:20 127:5,17	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
straw 159:18	submitting 204:7	supplying 181:12 181:19	swift 30:22	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
Street 1:15 2:6	submitted 22:16,25 24:3 34:5,17 37:23 61:4 72:13 79:6 121:5	support 55:23 60:9 62:7 65:12 66:13 66:23 88:15 103:23 124:5 158:14 166:4 188:10	sworn 12:13 46:24 93:24	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
streets 59:9 104:23	subsequent 6:6 95:1	supported 75:5	symphony 42:12	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
stressed 57:25	subsequently 10:14 112:15	supporting 61:10 184:20	system 20:15 61:6	156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
strict 220:12,17	substance 91:23 96:14	supports 60:17 74:25 75:1,18 87:20		156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
strike 54:13 92:18 204:20	substantial 56:3 91:1	suppose 60:18		156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
strongly 87:8	substantially 175:11			156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
student 74:14	subsumed 12:5			156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
students 70:13	subsurface 73:17 76:5,6			156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
studied 119:7 120:23	successfully 62:25 77:22 109:16			156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
studies 59:17,19 60:11,22,25 62:5 65:10 67:7,7,8,9,9 67:21 68:24 69:1 69:4 70:6 86:12 86:18 95:24,24 120:11,22,25 121:5 130:8,14 137:20 160:16 161:1 164:12 165:18 166:3,7,9	sufficiency 64:17 66:17 69:3			156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
	sufficient 60:8 62:6 64:22,23 65:11 66:23 88:14 190:2			156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23
	suggest 9:9 61:15 81:2			156:25 157:1 160:18 177:20 178:19 209:12,17 210:18,24,25 211:6 212:9,23

T

T 3:7,14
tab 148:2,7 151:18
151:21,23 216:9
216:10,21
table 30:5 34:9,13
44:3 50:14 53:8
56:23 189:5
200:16 204:3,13
tabs 216:13
take 4:13 13:14
23:10 28:7 58:16
86:20 93:9 100:16
100:19 101:12
103:10 109:19
110:25 127:15
151:13 154:3
163:25 166:14,21
174:11 190:12
213:5,7,12 223:4
taken 12:4 128:12
165:17 203:12
takes 79:13 223:15
talk 24:5 27:9 29:3
33:19 45:9,19
47:12 52:25 72:23
116:10
talked 10:2 21:1
36:2 51:7,8 197:7
talking 75:16 92:2
104:19 119:20
204:12
talks 194:10 204:3
Tamarack 89:22
90:3 171:11
172:22 173:8
174:10

tanks 154:2	211:16	thereof 182:13	215:22 221:19	45:16 128:1	
tape 3:4 49:17 53:3 191:24 213:2	testifies 20:25 46:19	thesis 74:2,16	third-party 86:14 150:14 168:13 169:9	139:17 185:20 194:14 210:19	
tapes 70:25 199:11	testify 8:23 12:13 17:5,8 18:10,12 18:14 19:3 23:20 24:10,25 25:2,16 30:24 31:2,4,9 57:15,19,21 62:16 66:13 68:3,8 81:4 182:14 189:19,25 210:19	thing 29:2 42:14 49:20 52:25 54:20 132:11 159:16 161:21 171:13	Thomas 174:25	thoughts 166:20	
target 135:18	testifying 31:10 40:15 46:6 68:19 81:15 193:12 197:21	things 8:12 26:20 32:14 45:9 106:25 111:10,13 120:11 121:20 132:1 137:25 138:3 155:1,3,13,14 159:6 164:5 168:22	Thornton 2:11 3:10 6:8,9,9,14,16 9:18,19 10:1,19 11:2 12:18,19,23 13:23 15:9,10 18:9 19:9 22:11 22:15 23:1,7,14 23:17,21 24:2,14 26:4 29:9,11,22 29:25 32:18 33:5 33:10,15,20 34:22 34:23 35:9,12,15 36:18,20 37:2,22 38:18,23 39:9,21 45:11,24 46:4,10 46:20,25 47:6,9 47:23 48:3,6,12 48:16,17 49:2,4,6 50:19,20,20 51:13 51:14 53:2 55:6 83:21,22 84:13,14 91:25 92:2,20,21 93:8 139:9,10 143:13,15 145:7,9 152:21,22 157:15 170:1,4,20,23 171:1,3,17,23,25 172:3,6 173:2,5 173:18,25 174:8 174:14 182:20 185:1,18,19 186:4 186:7,21 187:1,24 189:23 190:6,7,17 190:20,21 191:2,4 191:6,7 192:3,13 192:16,19 193:14 193:25 194:4,7 195:2,9,14,25 196:8,12,15 199:24 222:5	thousand 93:3	
targeted 133:1	testimony 3:8 12:14 15:1 17:16 18:14,15,19 19:8 19:12 21:1 24:5 24:13,15 25:3,8 25:17,24 26:22 27:10 45:23 48:24 55:16 56:19 57:10 60:21 61:12 69:17 73:19 80:6 93:16 131:23 138:23 146:9 191:11 192:11,12 196:5	think 5:9 8:17 9:20 11:24 12:19 13:11 14:4 15:8 18:23 22:17,23 23:7,9 25:6,18,21 27:19 27:23 28:5 29:24 32:1,14 33:22 34:4 35:1 42:4 45:5 46:11 54:16 62:2,10 65:14 68:24 71:20 79:18 80:17 83:23,25 84:3,9 92:5 110:9 125:6 126:20 129:5 132:13 138:4 139:20 144:3 148:2 161:11 162:11 170:9 172:3 173:5 173:11 176:16 177:21,25 179:18 180:8 186:7 189:19 191:25 192:4,7 194:22 195:2 196:12 200:23 209:5 210:17 211:23 214:8 218:11 222:12,16 225:7,9 225:18	three 18:4 19:22 20:2 38:15 58:17 71:23 79:8 82:2 95:1 109:23 118:11 136:4 164:5,6 208:3	three-dimensional 77:8	
tariffs 105:11	Texas 177:20	thinking 41:20,21	three 18:4 19:22 20:2 38:15 58:17 71:23 79:8 82:2 95:1 109:23 118:11 136:4 164:5,6 208:3	tidal 85:25	
task 83:14	text 147:1	third 20:13,19 22:1 22:5 133:10 161:19 202:18	Thomas 174:25	tides 173:12	
tasks 159:15	texts 192:6		Thornton 2:11 3:10 6:8,9,9,14,16 9:18,19 10:1,19 11:2 12:18,19,23 13:23 15:9,10 18:9 19:9 22:11 22:15 23:1,7,14 23:17,21 24:2,14 26:4 29:9,11,22 29:25 32:18 33:5 33:10,15,20 34:22 34:23 35:9,12,15 36:18,20 37:2,22 38:18,23 39:9,21 45:11,24 46:4,10 46:20,25 47:6,9 47:23 48:3,6,12 48:16,17 49:2,4,6 50:19,20,20 51:13 51:14 53:2 55:6 83:21,22 84:13,14 91:25 92:2,20,21 93:8 139:9,10 143:13,15 145:7,9 152:21,22 157:15 170:1,4,20,23 171:1,3,17,23,25 172:3,6 173:2,5 173:18,25 174:8 174:14 182:20 185:1,18,19 186:4 186:7,21 187:1,24 189:23 190:6,7,17 190:20,21 191:2,4 191:6,7 192:3,13 192:16,19 193:14 193:25 194:4,7 195:2,9,14,25 196:8,12,15 199:24 222:5	tie 55:1,4	
tax 151:11,14 152:2 152:10 175:6,7	thank 4:16 48:12 55:12 83:19,20 84:17 93:5,7 140:7 143:20,24 169:25 178:21 179:24 181:21 188:6 196:14,17 199:12 204:23 213:17		Thornton's 193:11	time 4:20 5:12 10:5 10:7,7,21,24 11:21,22 13:6 14:9,15 15:6 16:20 19:6 28:8 31:14 36:9 37:12 47:10 49:23 62:13 86:4 87:8 90:12 91:11 95:23 99:11 100:17 101:18 105:5 110:24 116:2 119:14 128:4 130:18 132:13 138:9 140:12,21 147:6 150:20 155:14 158:4,6 164:8 165:17 168:12 170:5 183:10 185:7,13 189:12 193:9 197:20 218:3 221:2 224:20,22	time-consuming 159:1
team 68:25	thanks 4:2 43:14 49:16 170:5 190:6		thought 4:5,9 10:16 22:21 25:19 43:6	timely 148:20	
technical 18:13 20:11 25:16 32:9 32:22 34:5 36:16 79:3 86:25 87:4 147:10	theoretically 208:3			times 52:18,20 90:4 98:14 141:8	
technically 116:1				title 144:25 222:1	
techniques 74:10				titled 20:8,13 182:21	
tell 8:9 9:5 46:1 54:1 93:24 128:21				today 4:10,19,24	
ten 152:3 213:7					
tenants 129:25					
ten-minute 213:12					
term 103:18 169:4 212:16					
terms 9:24 15:15 16:13 25:17,17 59:24 60:24 75:10 78:7 88:23 95:6 96:21 116:15 141:16 157:8 165:24 172:7 176:14,15 177:7 185:20,24					
Terraview 115:19 115:23					
terrible 31:14					
test 20:3,5 72:4 76:9,17 77:20,24 77:24 78:12,12,13 78:16 169:3					
testified 93:25 135:2 154:14 155:24 157:14 169:15 182:4 195:5,6 196:24 199:3 210:4,9					

4:25 5:19,24 6:11 6:18 7:24 8:3,17 9:22 10:8 22:6 28:5 43:10 47:17 47:20 49:20 50:1 50:5,7,22 72:4 97:19 131:23 138:23 145:3 193:11 today's 97:8 told 19:18 Tom 151:24 152:7 tomorrow 4:12,13 24:19 47:18,19 138:6 top 175:10 183:6 200:14 202:16 204:2 topographically 117:4 topography 118:16 120:4 total 124:25 159:20 touch 9:9 town 90:2 102:10 105:4,6 134:17 track 23:5 62:17 95:6 96:20 99:6 130:13 221:13 tracked 23:13 trade 198:7 traded 100:17 trades 123:20 trading 10:18 traffic 28:21 125:14 146:12 trail 121:25 trailhead 123:4,6 trails 122:2,3,10 136:16 142:18 train 10:16 43:6 training 4:7 transaction 151:5 175:8 transfer 156:8,10 156:11,21 transferring 157:5 translates 158:7,8	transmissivities 73:12 Treasure 78:6 119:7,9 131:25 133:24 treated 137:5 180:3 180:12 treating 82:14 treatment 59:10 101:25 106:14 153:21 154:3 trees 102:20,21 trends 131:24 trial 13:12 triggers 121:15 142:20 Trilogy 133:5 trip 71:22 triple 49:20 Tri-City 97:20 troubles 124:8 true 101:11 220:19 trunkline 138:15 truth 14:8 93:24 try 10:7 32:7 42:4 54:21 88:24 106:4 126:24 134:17 168:23 181:4 201:14 216:11 trying 9:20 13:8,14 15:19 16:2,13 40:25 172:14 173:9 177:5 179:18 191:4 193:7 211:11 turbine 4:8 turf 82:16 155:9 turn 42:12 64:10 110:7 182:21 206:21 turndown 172:9 turned 13:24 Tuthill 86:10 twelve 205:18 two 5:2 10:17 15:22 18:5 20:18 23:25 35:11 39:3 43:10 53:23 58:22 60:24	76:6 77:1 93:9 104:4 113:14 118:14,14,18 121:19 136:6,12 136:19,20,21 138:8 151:20 159:14 164:5,7 174:10 184:14 202:3,4 216:6,7 twofold 31:11 two-phase 130:2 type 58:11 81:24 83:16 89:23 98:11 109:7 115:2 122:10,19,22 125:13,14 129:20 132:19 133:11 134:11,21 155:5 155:10 161:20 170:7 198:18 209:15 221:24 types 59:17 94:22 95:23,24 102:16 107:14 111:10 118:8,11 120:5 125:8 155:14 201:17 typical 46:16 141:20 typically 80:2 138:8 149:18 155:20 T-O 50:16 <hr/> U U 74:17,23,25 75:17 169:13 ultimately 31:1 63:7 64:9 97:22 101:23 128:25 130:22 136:14 142:25 158:8 160:19 163:8 167:20 unable 81:5 unbiased 89:5 91:7 uncertain 90:4 uncertainty 158:1 uncontrolled 185:7	undefined 89:3 underlying 85:16 underneath 175:17 176:8,9 180:20 181:22 187:5,5 188:7 215:23 understand 9:20 12:1,7,15 14:16 26:2 35:1 38:10 39:15 46:11 51:9 52:9 58:4 64:2 69:19 83:3 90:13 100:8 157:1 163:10 165:10 understandable 10:20 understanding 14:18 36:19 38:13 52:19 61:5 108:10 157:11 understands 57:2 63:23 80:18 understood 7:18 35:5 61:21 211:14 undertaken 167:4 undeveloped 84:23 Unfortunately 80:21 Union 117:21 156:3,5,16 180:11 unique 63:18 179:13 220:17 unit 65:10 75:17 117:13,15 118:14 137:21 143:3 221:4 United 61:22,24,25 68:16 71:11,16 80:1,5 160:12 209:21 units 56:2 82:1 97:21 98:1,3,5 100:14,15 102:12 102:15 116:15,19 116:21,23 118:15 123:23,25 124:23 125:1,3 127:9,16 133:7,9,13 134:22	135:15 142:5 144:10 150:9 162:5,9,10 163:7 163:13 University 47:22 67:12,17 70:12 74:3 164:13 168:9 168:15 University's 73:15 unprecedented 60:14 67:6 88:18 88:20 unquantified 89:4 unreasonable 186:10 214:19 215:7 216:25 218:10 219:2,4,16 219:24 unwarranted 87:5 unworkable 58:14 upcoming 147:8 updated 72:23 upstairs 4:5,11 47:18 48:11 upwards 133:7 URS 120:21 use 11:20 12:3,10 21:9 34:25 41:11 45:17 46:22 63:16 63:25 77:12 82:18 82:21,22,25 89:12 107:3,7,7,10,11 107:12,22 108:24 113:25 121:19 122:22 123:5 125:12 127:21 130:23 134:11,12 150:23 151:6 155:11,25 156:9 156:10,14,19 157:8,11 177:13 178:8,15 180:2,12 181:4 183:16 205:23 206:9,17 223:22 useful 59:24 users 2:9,14 6:10 7:4,10 12:6,25
--	--	---	--	---

50:21 52:12 56:25 84:16 87:21 160:23 181:12 186:10 189:15 190:15,22,23 191:14 uses 57:19 60:9 63:12 82:1 86:22 107:9 110:1 118:7 118:8 120:5 129:12,17,17,20 129:20 130:21 134:19 135:17 142:9 171:7 180:23 181:17,19 utilities 138:13,15 149:23 198:10,11 utility 63:20 105:9 105:12 utilization 180:22 utilize 114:22 169:2 utilized 102:1 156:7 utilizes 99:16 utilizing 106:1 107:17 180:10 Utting 68:9 U.S 68:2 71:10	vast 88:22 veracity 174:3 verbatim 194:9 verifiable 86:23 verify 174:5 version 21:25 148:15 215:15,22 versus 98:23 107:4 130:3 viability 158:13 view 18:13 30:19 58:18 66:5,7 98:11 132:8 223:11 village 104:20 117:1,2 118:4 124:18 125:2 128:20,20,22,22 129:3,4,16 134:11 134:16 villages 116:25 village-by-village 125:5 Vincent 24:11 vineyards 225:15 violate 225:21 virtually 69:15 visible 41:25 vision 145:25 visit 43:7,11,20 vital 86:15 viticultural 224:3 voice 31:25 32:3 33:13 53:10,22 193:19 voiced 31:25 volition 5:6 volume 1:5 64:23 81:7,22 131:1 voluntary 155:12	18:10,23 19:2,7 20:22 21:2,13 25:7,25 26:10,13 26:21 27:2 28:5 29:9,12,17 30:3 40:11 41:6 42:14 43:7,7,12,16,20 43:25 44:10,20,21 45:3 46:21 48:11 49:21 52:10 54:4 54:13,14,20,21 55:3 58:3 84:11 92:7 111:24 191:3 206:4 225:21 wanted 11:22 22:18 25:9 35:17 39:6 47:9 74:20 150:21 160:2 164:8 166:19 171:9 213:4 wanting 159:21 wants 19:19 45:1 warmed 49:19 WARREN 44:4,8 44:15 45:2 wasn't 8:10 187:24 210:9 wastewater 101:25 153:21 154:22 180:3 water 1:1,14 2:14 4:22 7:9 20:1 27:18 28:1,17,19 28:24,25 49:25 50:3 55:19,19 56:5,6,8,9,25 57:5 57:6,19 58:6,11 59:8,9,13 60:1,15 61:8,22,25,25 62:6,9,17,22 63:3 63:4,6,7,8,10,17 63:25 64:3,5,8,10 64:18,21 65:11,12 65:12 66:15,17,23 67:2 68:17 69:5 69:23 70:10 71:3 71:11,11,14,14 74:23 75:12 79:13	79:16 80:5,13,14 81:8,21,23 82:12 82:14,18 83:15,15 84:19 85:7,17,21 85:23 86:8,11 87:7,11,13,21 88:3,18 89:6,8,10 89:15,20,23 90:1 90:6,17 91:4,6 93:1,4 95:7,13 96:9 99:19,25 100:5 101:4,7 103:12,21,21 104:11,15,22 105:12,15 106:5 106:11,12,15,20 106:23 107:11,17 108:6,15,23,25 109:4 110:11 111:7 116:13 117:20 125:12,19 125:23 126:6,9 127:10,13,16 130:3 137:6,23 142:17 146:11 148:6,10 149:22 153:8,14 154:1,13 154:14,17,18,25 155:1,14,15,18,25 156:2,19,24 157:5 157:12,17 159:8 159:14,22 160:4,5 160:6,11,12,22,25 161:12,25 163:9 164:11 165:10,11 165:25 166:7 167:3 170:7 171:6 177:13 178:6,23 179:2,6,8,11,19 179:25 180:3,5,10 180:22,23 181:5,8 181:10,12,12,16 181:20 183:9,15 183:16,22 185:21 186:9,10 188:9 189:5,13,14 190:1 190:2,7,15,22,23 198:10,15,18,21	198:24 199:5,15 199:22 200:16 202:24 204:3,12 205:24 207:15 208:13,17,19 209:17,21 211:20 211:20 212:12,14 212:19,22 214:20 214:23 217:2,7,13 217:25 218:2 220:21,24 221:6,6 221:8,13 222:8 223:15,18,19,22 224:1,5,6 225:2,7 225:15 watershed 88:17 Water's 71:16 80:1 water-saving 107:15,22 wave 85:25 way 4:14 7:14 11:9 25:7 26:15,22 30:16 41:24 44:1 46:16 56:13,14 65:5 66:5,8 67:1 68:10 75:13,14,15 77:19 80:1 90:21 90:23 128:25 136:12 159:13,23 165:8 167:19 184:14 186:18 190:10,17,18 192:7 197:24 198:22 202:25 204:6 216:23 ways 92:13 120:8 192:4 Webb 133:6 website 81:17 83:23 84:9 websites 79:10 week 8:12 11:7 35:21 36:22 45:23 welcome 42:18,20 43:11,15,20 45:7 182:13 wells 59:8,16,18 64:24 65:4 69:10
V				
V 163:23 valley 20:9 57:16 65:9 77:23 78:6 78:12 89:1 119:8 119:9 131:25 133:24 179:15,22 181:17 valuable 89:25 value 114:20,21 175:20,24 176:1 208:14 varies 122:15 various 12:4 59:17 60:20 147:6 148:21 154:2 vary 10:5 varying 132:3,4 146:10 176:22	visit 43:7,11,20 vital 86:15 viticultural 224:3 voice 31:25 32:3 33:13 53:10,22 193:19 voiced 31:25 volition 5:6 volume 1:5 64:23 81:7,22 131:1 voluntary 155:12			
	W			
	W 2:21 3:7 wait 30:12 195:22 waits 30:11 walk 146:1 walking 136:17 want 10:21 14:8 16:6,23 17:14			

69:13,15,21,22 70:9,16,21 71:15 71:15,16,19 72:4 72:5 73:6 76:4,9 76:13 82:3,7 85:4 85:6 88:11 93:4 101:4 104:2,3,5 108:9 178:7,16 181:25 182:5,18 183:8,12,13,21 184:7 185:6,10,11 185:22 188:21,24 188:25 189:6,9,10 195:19 199:25 200:12,13,17 201:5,6,6,15,24 201:24 202:23 204:4,5,5,10,11 207:19,24 208:4,8 213:20,20,22,23 214:2,3,21 215:5 217:18 221:17,21 221:24 222:1	135:23 136:12 137:9 140:23 149:23,24 150:1 166:21 we're 9:20 10:16 15:19 16:2,5 17:12 27:12 29:14 32:20,21 35:2,22 42:7 47:23 49:19 49:22 55:8 58:22 58:23 75:16 91:22 93:14 100:21 102:21 124:12 125:8 128:14 136:13 138:11 159:17,20 161:11 164:4 166:9,18,24 172:13 173:9,12 176:22 177:5 186:22 196:12 204:12 206:16 212:17 213:4,15 215:2	William 3:8 93:18 93:23 94:7 willing 42:3 62:12 81:21 127:23 Willow 121:22,25 122:5 126:4 wish 39:25 40:3 48:23 wished 15:23 withdraw 18:22 160:4 206:5 216:13 218:22 219:7 withdrawal 14:24 18:21 103:24 107:17 160:5 186:9 193:21 withdrawals 88:5 88:15 91:3 181:6 withdrawing 218:20 withdrawn 14:5,23 201:21 202:6 withdrew 16:19 18:5 witness 9:13 10:15 12:12 13:24 15:18 17:13,18,19,22 19:6 29:6 30:6,6,9 30:11,13,15,18 31:1 34:11 40:13 41:6,12,25 43:24 46:6,8,17 93:17 94:2 128:16 131:2 141:11 144:22 151:19 174:5 178:4 182:4,11,16 187:23 188:18 197:10 202:1 203:4 204:23 206:15,25 207:4,7 209:10 210:21 217:9,12 218:12 220:4 225:11 witnesses 13:7 14:20,23 15:11,12 15:14,22 16:3,9 16:11,12,12,18	17:1,2,4 18:9,17 18:19 19:11 24:20 25:5,9,12,13 26:6 26:12 29:5,8 41:11 42:23,25 46:12 50:17 54:16 wonder 41:16 53:5 wondering 53:19 213:6 Wonders 5:25 57:20 Wood 20:8,16 67:15 73:25 76:25 165:3 word 184:23 201:9 words 10:11 54:8 173:11 177:16 185:4 work 8:16,18 11:1 13:15 15:17 32:15 40:12,19,25 46:15 47:8,21 61:21 62:17 68:13,18 90:20 91:13 94:18 99:22 104:4 118:25 119:6 130:15 137:15 138:2,6,8 142:11 149:23 150:12,17 166:10 167:15 168:24 169:4,4 174:25 179:5 192:16 worked 35:5 39:10 39:14,16 67:12,14 67:22 68:1,13 91:12 99:14 103:8 165:19 169:17 working 10:23 47:21 67:4 71:13 77:5 95:11 107:2 107:14 115:25 125:4 126:23 138:11,13 177:2,7 works 118:16 worksheet 105:15 worldwide 67:25 worth 36:4 58:19	138:9 worthy 32:14 112:12 write-up 194:13 writing 58:21 78:21 written 12:20 47:3 83:25 174:2,4 181:16 183:18 204:7 wrote 194:15
<hr/> X <hr/>				
X 3:1,14 xeric 155:2				
<hr/> Y <hr/>				
Yavapai 102:9 yeah 6:9 34:23 35:18,19 36:20 37:22 39:9 50:20 53:21 170:16,20 197:6 year 59:22 80:20 81:3,11 86:13 105:5,21 123:23 124:1 132:12 133:8,9,13 137:10 147:9,17 151:8 175:21 years 56:17,17,18 61:9 63:12 67:24 68:17 69:22 71:23 72:18,20 76:21,23 79:8 85:8 86:6 97:4 133:13 138:9 159:23 163:19 164:5,7,7 190:14 205:12,17,18 206:9,18 207:9,9 year-round 79:17 yesterday 4:4 Young 15:11 16:18				
<hr/> Z <hr/>				
zoning 28:20 110:22 111:18 135:12 138:5 144:9 146:6				

178:15 191:12 192:22 195:17	11,000-acre 225:8 11:15 93:12 110 94:8 12 76:4 112:7 182:21 188:17 200:5,6 12,000 125:1 144:10,11 12,000 144:9 13 76:13 141 3:21 143 3:20 145 3:19 15 1:13 68:17 76:21 76:23 80:25 81:13 93:11,11 135:20 198:5 207:19,24 208:6,8 213:20,20 224:8 15,000 105:4 150 136:14 153 3:18 16 73:1,7 77:20 113:6 117:13 121:8 128:25 129:9 134:10 156:15 178:3,5 182:22 200:2 16-aquifer 76:17 169 70:8 17 178:3 179:24 17,000 126:13 176:19 197:3,25 170 3:10 18 135:10 164:2 181:22 184:3 18-hole 136:20 1863 106:10,11 19 188:19 204:1,8 196 3:11 1981 94:17 1983 94:18 1992 20:17 1993 94:24 1996 55:19 56:5 58:20,23 62:11 89:16 96:10 125:19	1997 20:10 1998 94:25 97:23	2009 1:13 78:20 86:19 89:7 21 20:10 152:4 210 100:14,15 226 1:6 23 71:19 80:8 81:13 24 78:15 81:2 212:13 240 188:17,19 199:25 200:2,7,8 241 182:24,25 183:1,6 200:15 202:16 204:3 245 127:21 130:22 135:16 25 73:22 117:6,9 207:9 25,000 124:14 196:25 250 123:23 132:23 133:19 255 38:20,22 39:20 52:11,17,22 26 97:4 26th 34:6,18 37:24 270 191:8,9 2720 2:7 28 113:11 159:23	32 97:13 320-acre 113:15 322 1:15 325,851 81:10 34 111:21 135:10 196:3 365 81:12 37 84:15 93:1
<hr/> \$ <hr/> \$2 59:15 166:10 207:16 210:2 \$50,000 169:14 \$67 175:20 \$7.4 176:6 \$850,000 207:22	<hr/> 0 <hr/> 06 76:7 08 76:8 08-20 145:1	<hr/> 2 <hr/> 2 78:20 117:15 132:10 175:9 205:13 2,000 85:4 98:5 2,100 102:11 2,100-acre 105:24 2,300 102:12 2,324 102:15 2,400 123:18 2,715 135:22 2,718 97:21 98:3 2.2 212:12 20 56:18 63:11 119:23 135:17 137:13 151:23 183:6 202:17,18 205:10 221:16 20-year 164:2 200 38:2,21 39:19 52:11,17,22 122:15 196:5 200's 38:4 39:3 200-acre 136:14 200-255 3:22 2004 151:1 2005 110:19 152:4 152:5 2006 70:7 71:17 72:2 73:14,21 76:2 85:19 111:22 151:24 152:3 166:11 2007 61:2 70:15 72:12 75:5 102:15 111:23 116:7 135:10 137:16 144:25 152:11 175:18 177:25 178:14 191:13 192:21 218:2 2008 11:6 60:12 71:23 72:2,3,25 76:18 90:25 131:7 152:10 215:16,24 216:5	<hr/> 3 <hr/> 3 132:10 176:8 205:19 3,000 76:1 162:7 3,003 116:21 135:15 142:5 3,400 98:3 3-D 77:1 3:00 39:11 3:49 225:23 30 63:11 133:12 207:10 30-year 56:18 89:9 137:13 154:11 163:15 205:10 300 100:15 133:19 203:14 31 152:3,5,10 175:18 3135 2:17	<hr/> 4 <hr/> 4 3:3 72:12 79:24 133:25 205:19 216:9,10,21 4,000 79:19 102:20 208:2 4.6.2 178:6 4.6.3 179:25 4.6.4 181:22 4.8 82:24,25 4:00 47:16,23,24,25 40 67:24 85:3 102:17 120:1 130:24 135:19 40.05.d 64:16 400 40:4 122:15 42 95:9 96:13 107:25 110:11 116:14 148:1,5 151:17,21,23 208:9 214:16,17 215:3,4,10 42-202B(3) 88:7 89:13 42-203A 27:19 88:8 425 40:5 44 52:4,6 45 36:11 37:2 51:17 51:20 52:1 79:5 127:25 450 104:7 46 52:4,6 46-50 3:17 48 78:17 49 3:4
<hr/> 1 <hr/> 1 1:6 11:6 36:10,16 37:1 51:10 52:4,6 154:7 175:16 205:7 206:10 215:16,19 1st 20:11 79:2 216:1,4 1,000 72:5 213:24 1,050 104:8 1,150 97:21 1,275 103:6 1,500 63:14 82:5 1,600 189:2 1,800 79:25 82:12 98:5 137:10 180:12 1-44 3:16 1/100 71:3 1:00 128:10 10 56:17 72:18 93:11 198:5 214:14 215:5 216:21 10-acre 156:5 100 85:6 97:19 117:22 136:24 100-year 103:24 11 85:19 110:18 11,000 126:17 127:4 198:6 223:16 224:11,18 224:18,25 225:16	<hr/> 1 <hr/> 1 1:13 68:17 76:21 76:23 80:25 81:13 93:11,11 135:20 198:5 207:19,24 208:6,8 213:20,20 224:8 15,000 105:4 150 136:14 153 3:18 16 73:1,7 77:20 113:6 117:13 121:8 128:25 129:9 134:10 156:15 178:3,5 182:22 200:2 16-aquifer 76:17 169 70:8 17 178:3 179:24 17,000 126:13 176:19 197:3,25 170 3:10 18 135:10 164:2 181:22 184:3 18-hole 136:20 1863 106:10,11 19 188:19 204:1,8 196 3:11 1981 94:17 1983 94:18 1992 20:17 1993 94:24 1996 55:19 56:5 58:20,23 62:11 89:16 96:10 125:19	<hr/> 3 <hr/> 3 132:10 176:8 205:19 3,000 76:1 162:7 3,003 116:21 135:15 142:5 3,400 98:3 3-D 77:1 3:00 39:11 3:49 225:23 30 63:11 133:12 207:10 30-year 56:18 89:9 137:13 154:11 163:15 205:10 300 100:15 133:19 203:14 31 152:3,5,10 175:18 3135 2:17	<hr/> 5 <hr/> 5 85:3 91:11 117:15 126:7 157:18 158:25 176:9	

205:20 206:17	<hr/> 7 <hr/>	94 3:9		
5,000 63:12	7 77:24 78:12,12	95 156:18		
5,400 82:23	7,100 56:2			
5.8 79:21 80:24	7,150 162:6			
81:12	7,153 116:23			
50 36:10 37:1 51:10	127:16 135:16			
52:4,7 72:18,20	142:5 162:9,25			
50,000 97:19	163:1,2,8			
52 3:16,17,22	7.5.2 187:5 188:7			
5264 2:12	7.5.2's 188:3			
533 94:7	70 76:2 107:11			
54 3:18 151:16,22	73 117:8			
152:6,7,12,20	74 175:21			
153:3,5 174:17,23	75 102:23 107:11			
55 80:4 126:19	750 104:10			
129:1 134:10	78 187:3,5			
57 3:19 70:16	<hr/> 8 <hr/>			
144:20 145:6,8,15	8 151:18,21,23			
145:17 177:23	8th 79:2			
184:1 187:2	8:00 11:12			
58 3:20 141:9,13	80 113:24			
143:11,22,25	800 38:5 72:5			
211:23 212:4	123:25 124:17,21			
<hr/> 6 <hr/>	126:24 127:1			
6 133:25	133:7,9 196:25			
6,000 102:21 105:2	800,000 102:22			
105:4 156:12,13	832 38:7			
197:2,24 198:4	833 38:9			
224:9	83616 2:13,18,22			
6,000-acre 56:3	83701-2720 2:8			
6,005 110:17	843 171:18,18			
126:15	847 170:16,16,20			
6,500 55:22 163:10	170:22,23 171:10			
6,535 59:22 81:8,14	171:21 172:2			
81:20 159:19	858 38:9			
6,536 159:19	880 135:21 142:19			
60 102:11	884 2:21			
600 123:25 133:7,9	<hr/> 9 <hr/>			
600-plus-acre	9 79:18 148:2,7			
100:13	191:13 192:21			
601 2:6	215:24			
63-32573 1:5 4:22	9,000 125:1			
49:25 84:19	9.02 79:19			
64 97:13	9:00 1:13 4:2 47:18			
650 125:3	90 1:23 97:15			
66 3:21 139:3,4	900 78:13			
140:9 141:1,3,5				