

HEARING ROSTER OF ATTENDANCE

IN THE MATTER OF APPLICATION TO)
APPROPRIATE WATER NO. 61-12090)
IN THE NAME OF NEVID LLC)
_____)

April 7, 2009
Beginning at 9:00 a.m. (MDT)
Hearing Officer: Gary Spackman

NAME	ADDRESS	REPRESENTING
SPENCER HAFEN	682 W VALENTINO DR MERIDIAN ID 83646	NEVID LLC
DENNIS RIDER	1349 GALLERIA DR, #200 HENDERSON NV 89014	NEVID LLC
Erika Malmgren	251 E. First St, Ste 400 BOISE ID 83702	Perkins Coie
Cleveland Conder	2248 E. Van Orner Meridian Id 83646	Nevid LLC
Steve Reynolds	P.O. Box 250 Mtn Home Id 83647	Land & Water right holder
Bob McLoughlin	IDWR	IDWR-PDO
CHRISTIAN PETZICH	SPE WATER 300 E. MALLARD STE. 350 1349 Galleria Drive #200	NEVID LLC
John Erickson	Henderson NV 89074	Nevid, LLC
Dana Hofstetter	Hofstetter Law Office 608 W. Franklin St. Boise	Dan Van Grouw
Vilay Nigic	IDWR	
Jean Hersley	IDWR	
SEAN VINCENT	IDWR	
Craig Tesch	IDWR	
DENNIS Owsley	IDWR	
Del Koltz	Idaho Water Co. LLC	1135 Valley Rd So Eden, ID

TESTIMONY LOG

IN THE MATTER OF APPLICATION TO)
 APPROPRIATE WATER NO. 61-12090)
 IN THE NAME OF NEVID LLC)

April 7-9, 2009
 Beginning at 9:00 a.m. (MDT)
 Hearing Officer: Gary Spackman

DIGITAL AND TAPE INFORMATION:

DIGITAL TRACK	DIGITAL LOCATION	TAPE NO. & TIME STAMP	TAPE LOCATION	TESTIMONY DESCRIPTION
NO.	HRS-MIN-SEC	TO	FROM	
3	85:00:00	31	320	Gary Spackman - introductions
	9:54	321	777	Dana Hofstetter - opening statement - represents Dan Van Grouw - pro-forest - is concerned to potential impact on his dairy operation
	25:19	778		Dennis Rider ^{witness} representative of Henderson, Nevada. Managing partner Norm Smanko majority holder. 8 partners. Nevid, LLC. Exhibit 9 received into evidence.
	1:00:38	1868	Norm	asked to have exhibit 10 admitted into evidence - Dana asked for clarification of maps. received into evidence.
	1:06:08	2063		BREAK - 10 minutes
	"	2063		Dana Hofstetter x-examine examine Dennis Rider. asked if he had interest in any other properties in Ada or Elmore County. Yes approx 500 acres. questioned number of home being proposed. Will develop as soon as approvals come through.
		3410		Exhibit E - transfer appl. 73789 for future development
		3540		Norm objected on questions related to mitigation for future development
				Gary sustained.

DIGITAL TRACK	DIGITAL LOCATION	TAPE NO. & TIME STAMP	TAPE LOCATION	TESTIMONY DESCRIPTION
NO.	HRS-MIN-SEC	TO	FROM	
3	1:50:24	3580		re-direct Norm Semanko clarification on Reynolds Farm Acreage.
	1:53:20	3690		Gary - clarifying questions exhibit 10 is a conceptual concept. status with Elmore County - conceptual plan - waiting for approval for water.
	2:05:05	4118		Semanko called Christian Petrich, SPF Water Engineering, LLC retained by Nevid LLC - in 2007 to assist in prep of WR applications. Exhibit 1 - expert witness qualifications recognized as expert in his field. addressed Memos from IDWR referring to aquifer recharge along I-84 corridor.
	2:18:25	4644		Exhibit 3A Christian explained how they came up with the numbers they did.
	2:30:56	5148		Break 1 hour 15 minutes for Lunch Norm continues with questioning of Christian Petrich refinement to SPF study after IDWR memos.
	2:59:18	6372		Exhibit 2 was referenced figure 6 Exhibit 2 figure 4 Exhibit 2 Figure 7 pg 19 SPF used data from Mt Home State IDWR used data from Base 7N
	3:18:09	7207		exhibit 8 - Notice of protest doesn't foresee any impact or very small on the Cinder Cone butte C.M Area.
	3:25:16	7632		Exhibit 3A Figure 5 Mt Home G.WMA & Cinder Cone Butte C.GWA

DIGITAL TRACK	DIGITAL LOCATION	TAPE NO. & TIME STAMP	TAPE LOCATION	TESTIMONY DESCRIPTION
NO.	HRS-MIN-SEC	TO	FROM	
3		7925		begin 2 page 9 exhibit 2
	3:37:30	8282		Dana interjected - Gary overruled.
				additional information may be needed.
	3:40:00	6000		Changecl tape tape 2
		270		impact on other wells
				minimal maybe 10 ft.
	3:50:33	324		Break 10 minutes
				Norm continuing to question Petrich
				on impact of protestants wells.
				low impact; in his opinion,
				sufficient water to grant this
				application, in his opinion.
	3:55:26	460		correction on Exhibit 2 table
				reads - low estimate - should
				be - high estimate - next line
				should be reversed.
	4:01:34	645		Dana x-examine Dr. Petrich.
				^{exhibit} 3A - provided guidance to author as
				(I was prepared & final review)
				differences of exhibit 2 & 3A
	4:20:23	1221		Figure 1 Exhibit 2 - approx. G.W.
				elevations.
		1340		Norm objected to repeated questions
				Gary overruled. Answer questions
				being asked.
	4:28:20	1466		page 22 exhibit 2
	4:30:15	1535		page 2 exhibit 3A
		1585		Dana wants to know how many
				other applicants SPF represents
				on Exhibit K. Norm objected
				Sustained.
	4:37:10	1755		Gary interjected.
				moving on

DIGITAL TRACK	DIGITAL LOCATION	TAPE NO. & TIME STAMP	TAPE LOCATION	TESTIMONY DESCRIPTION
NO.	HRS-MIN-SEC	TO	FROM	
3				exhibit 2 figure 6 + figure 4
	4:44:00	2015		" 2 page 21 water budget summary. min. effed 10af per year.
		2100		Aquifer outflows - relied on well driller reports did you use WL records in your analysis? brief recess.
	4:49:23	2171		continue w/ x-examining of Petrich by Dana Hofstetter.
				well logs + water rights were used in the analysis page 11 exhibit 3A 4.1.6
				xhibit 2 pg 21 Aquifer outflows second sentence 21 wells within capture boundary
	4:56:10	2392		Figure 2 exhibit 2
		2510		objection of relevance of knowing of any WL coming out of Indian Creek Res.
	5:00:05	2540		Exhibit 10 - Elk Creek Village Conceptual Plan
	5:02:34	2627		reuse consumption exhibit 3A wastewater reuse 50% of in home domestic use for irrigation re-direct from Norm Semanko
	5:04:18	2690		Gary asked questions
	5:16:49	3150		clarifying direction & areas done w/ questioning of Petrich
	5:32:07	3730		Norm called Dennis Owsley (±PWR)
		3950		finished questioning Dennis
	5:37:28	3960		Norm called Craig Tesch (±PWR)
				primary author of ±PWR memo - CO-author w/ Sean Vincent Feb 24, 2009 memo

DIGITAL TRACK	DIGITAL LOCATION	TAPE NO. & TIME STAMP	TAPE LOCATION	TESTIMONY DESCRIPTION
NO.	HRS-MIN-SEC	TO	FROM	
3	5:41:17	4112		Craig Tesch finished testifying
	5:42:24	4160		Hearing officer calls Sean Vincent to narrate testify. Explain his review of March 30 report prepared by Mr Petrich.
	6:00:00	4975		Water balances 3 or 5 % doesn't matter. prep - ET.
	6:07:25	5290		a lot of agreement ^{with SAP} - enough recharge - but lot of uncertainty
	6:08:59	5376		break for Sean to consult w/staff. ^{HAEM} WATER analysis
				well head analytic element model calculation of draw down was included in memo by Dennis & Sean
				mistake in amount of drawdown at Cinder Cone boundary 81 feet incorrect - should be 41 feet
	6:13:30	5598		Norm asking questions -
	6:20:20	5947		Sean is dismissed
	6:20:39	5970	Norm called a	rebuttal witness Mr. Petrich.
		668?		Respond to comments made by IDWR staff
	6:27:04	23		Tape #3
	6:49:35	404		estimated water available for Mayfield townships
	6:45:56	571		off the record
	6:45:00	578		closing arguments by Norm Seman Co.
				Rule 45 -
	6:54:30	810		exhibit pg 38 2 nd paragraph
	6:59:10	966		Dana closing arguments
				Rule # 42 - 233B

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF EVIDENCE	
		INTRODUCED	ADMITTED
1	C.V. of Christian Petrich		
2	Memorandum dated 3/30/2009 from Christian Petrich to NORMS.		
3	Letter dated 12/31/07 from Christian Petrich to Steve Lester		
3A	Groundwater Supply Evaluation by GPF dated 12/11/07		
4	TDWR memorandum dated 2/24/09 from Craig Tesch and Sean Vincent		
5	Application for Permit 01-62090		
6A	Assignment of Permit 9/25/07		
6B	Assignment of Permit 9/25/07		
7	11/15/07 memo of office visit by Steve Lester		
8	notice of protest		
9	Map-Navid LLC Property Boundary		
10	Map- Elk Creek Village		

Protestants exhibits

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