

TESTIMONY LOG

IN THE MATTER OF APPLICATION)
 FOR PERMIT NO 74-15613, IN THE NAME)
 OF F. JAMES / PAULA J. WHITTAKER)

February 6-7, 2007
 Hearing Officer: Gary Spackman

TAPE NUMBER 1

TAPE	LOCATION	TESTIMONY DESCRIPTION
TO	FROM	
0000	0080	GARY - opening stmt.
0081	0102	Kent Foster - exhibits -
0103	0167	GARY - Application, Questions for witnesses
0168	0170	Foster
0171	0187	GARY - Swearing in of Whittaker
0188	0189	Foster
0190	0191	Whittaker
0192	0883	Foster - questioning witness (Whittaker)
0884	1717	Barber - Redirect to Whittaker
1718	1791	GARY - Clarification on Application
1792	1965	Barber - question Whittaker
1966	1975	GARY - clarification - Reconstruct Testimony
1976	2075	Ellsworth - direct questions to Whittaker
2076	2106	GARY - Exhibit (Protestant) #101
2107	2159	Foster - Redirect to Whittaker
2160	2163	Barber - no questions
2164	2165	Ellsworth - no questions
2166	2249	GARY - Clarification of Lemhi Adjudication
2250	2277	Barber - Lemhi River Adj - Decree
2278	2287	GARY - Records
2288	2326	Barber - Documents - Order -
2327	2337	Foster - Testimony of experience
2338	2357	GARY - Reconcil Numbers
2358	2373	GARY - Swearing in Dan Smith
2374	2397	Barber - Discovery - Ask for witnesses

TAPE	LOCATION	TESTIMONY DESCRIPTION
TO	FROM	
2398	2416	Foster - Questioning Dan Smith - witness list discussion
2417	2424	Barber - witness list
2425	2637	Foster question Smith
2638	2901	Barber - Redirect to Smith
2902	2912	Foster - Document - 96 cts -
2913	2920	Barber - agrees for Whittaker to testify again
2921	2947	Gary - estimate of Rights -
2948	3157	Barber - understand witness. - Accommodate
3158	3160	GARY
3161	3162	Ellsworth - Re-direct to Smith - No questions
3163	3185	Foster - Redirect to Smith
3186	3187	GARY
3188	3202	Barber / Foster - Copies -
3203	3292	GARY - Clarification
3292	3372	Foster / GARY - Recall Whittaker
3373	"...."	Barber - re-direct to Whittaker
3....	3719	GARY - cfs amount
3720	3743	Ellsworth - Testimony
3744	3753	GARY Swearing Ellsworth
3754	3743	Ellsworth - giving Ellsworth / Lemhi Irrigation concerns.
3944	3947	GARY - Procedure - off record
3948	3973	GARY - " " on record
3974	4024	Barber - Questioning Ellsworth
4025	4359	Foster " "
4360	4365	GARY - any other info
4366	4368	Barber - no questions
4369	4376	GARY -
4377	4386	GARY - Protestant starts -
4387	6048	Barber - calls Jeff Lutch
6049	6063	GARY - Showing Foster map w/ Big Timber Creek
6064	6122	Barber - continues to question Lutch
6123	6134	GARY questions physical const.?
6135	6146	Lutch - physical construction

TAPE TO	LOCATION FROM	TESTIMONY DESCRIPTION
6147	6340	Barber - impact if app is approved
6341	6384	Foster - see Mark on map for project
6385	8516	Barber - continue questioning of Lutch
8517	8525	Cary - Ellsworth - do you want to?
8526	8589	Ellsworth ~~re~~ re-directed to Lutch
8590	8722	Foster - cross exam
0023	0265	Foster - continue to exam Lutch
0266	0334	Barber - ~~Re~~ Re-directed - Public Notification
0335	0584	Cary - questioning Lutch
0585	0590	Barber - no questions
0591	0665	Foster - tail end - high water question
0666	0774	Cary - time period on fish - forming migration
0775	0973	Foster - Bull Trout - Population
0974	1099	Cary - any more question
1020		Day 2 - Opening - Tom Cunniff Testimony
	1245	Foundation - resume / experience - expert witness
1246	1336	Programs administered by LDFG - Salmon.
1337	1349	fisheries species of Concern in Lemhi
1350	1439	Bull Trout
1440	1549	Spring Chinook Salmon - traits, migration schedule.
1550	1736	Exhibit 15 - 2003 Lemhi monitoring - ^{H₂O temp} for spawning
1737	1844	Chinook Salmon - spawning
1845	1879	Effects of riparian condition on temperature.
1880	2059	Bull Trout Recovery Plan - Exhibit 20
2060	2200	Exhibit 21 - Ch 17, Bull Trout Recovery Plan.
2220	2310	- Discussion of Lutch Testimony
2330	2550	Impact on Bull Trout If App. Approved
2400	2481	Exhibit 22 - Annual Water Temp. report 2004
2482	2561	Exhibit 24 - Updates on temp. for Salmonids
2520	2634	Comparison of Exhibit 15, 22
2635	2670	Management of Temperature
2671	2995	Exhibit 25 - Prioritization for resources (Model watershed)
2996	3050	Exhibits 26, 27, 28 Code of Federal Documents

TAPE TO	LOCATION FROM	TESTIMONY DESCRIPTION
3051		discussion of Economics of fishing
3170	3200	IDWR - NEWS - Project to acquire water in By Timber Co.
3201	3294	discussion Lutch testimony - spawning issue ^{and flow problems}
3300		End of Barber Examination
~~3300~~	3341	Question by Ellsworth
3342		Foster - ex. om. 23 million 2003.
	3554	Economics from fish survey.
3555		Discussion of Lutch testimony for 4.56 cfs procurement ' and goal of 8-10 cfs for min flows.
	4070	Impact of 440 cfs 2006 priority date.
4080	4185	Any flows on Little Timber Cr? ^{Willing Landowner driven}
4200		50+ miles in timbercreek and tributaries.
4230	4375	Barber redirect - More flows better than 8-10 cfs?
4376	4480	Foster redirect - End Tom Curren testimony
4503		- Break -
4503	4525	Presentation of testimony concluded
4526	4735	End of exhibit housekeeping
4736		Gary's comments
5055	5430	Kent Foster -
5431	5912	Dave Barber
5913	6068	Local Public Interest - Geographic Limitation
6069	6316	Civil Ellsworth
	6409.	Gary's ending remarks