

USDA FOREST SERVICE

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United States Department of Agriculture
Office of the General Counsel
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RECEIVED
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DEPT. OF WATER RESOURCES
SOUTHERN REGION

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION)	USDA FOREST SERVICE'S
FOR PERMIT NO. 45-07745)	WITNESS LIST AND
)	PROPOSED EXHIBITS LIST
USDA FOREST SERVICE,)	
Applicant)	Source: Surface Water
)	County: Cassia
EARL L. WARTHEN, FRED HAWKER,)	
Protestants)	
)	
ANDRWOOD, INC., LEO BELL,)	
Intervenors.)	
)	

Pursuant to the Notice of Hearing dated November 29, 2006 the USDA Forest Service files this witness list and proposed exhibits list in the Matter of Application for Permit No. 45-07745.

WITNESS LIST

The USDA Forest Service through it's attorney of record, hereby provides the following list of witnesses that the Government may call to testify at hearing:

1. Scott Nannega
USDA Forest Service
District Ranger
Minidoka Ranger District
3650 South Overland Ave
Burley, Idaho 83318
(208) 677-8297

Mr. Nannega is expected to testify to the status of the Pomerelle ski area special use permit and master development plan.

2. Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543

Dr. Brockway is expected to testify to the hydrologic plan for mitigating the impact of water withdrawal and storage at the Pomerelle ski area.

3. Woody Anderson
Andrwood, Inc.
P.O. Box 158
Albion, Idaho 83311

Mr. Anderson is expected to testify to the operations and master development plan for the Pomerelle ski area.

4. The Honorable Don Danner
Mayor of the City of Albion, Idaho
111 West Lounsbury
Albion, Idaho

The Honorable John V. Evans
President, D. L. Evans Bank and former Governor of the State of Idaho
216 Churchill Drive
Burley, Idaho

The Honorable John Anderson
Mayor of the City of Burley, Idaho
2330 Burton Avenue
Burley, Idaho

The Honorable Audrey Neiwerth
Mayor of the City of Rupert, Idaho
322 1st Street
Rupert, Idaho

Matt Flygare
Director, Mini-Cassia Chamber of Commerce
1275 South 1225 West
Oakley, Idaho

Dennis Crane
Commissioner, Cassia County
150 East 350 South
Burley, Idaho

Lex Kunau
President, Cassia County Abstract
1418 East 16th Street
Burley, Idaho

The above witnesses are expected to testify as to the benefits that would be received within the Mini-Cassia area in the development of the Master Development Plan now being proposed for the Pomerelle ski area.

EXHIBIT LIST

The USDA Forest Service through it's attorney of record, hereby provides the following list of proposed exhibits that the Government intends to offer at hearing. Copies of these exhibits will be served upon the hearing officer and all parties identified on the attached certificate of mailing pursuant to IDAPA Rule of Procedure 37.01.01606:

1. Application for Permit - 45-07745, dated September 3, 1999.
2. Pomerelle Ski Area Term Special Use Permit, dated December 1, 1993 and as amended on November 8, 2000.

3. Pomerelle Ski Area Master Development Plan and ski area map, dated December, 1996.
4. Report by Charles G. Brockway, P.E. entitled "Hydrologic Plan for Mitigating the Impact of Water Withdrawal and Storage at the Pomerelle Ski Area", dated December 20, 2006.

The United States reserves the right to supplement this witness and exhibit list upon review of protestors witness and exhibit list and reserves the right to present rebuttal witnesses as appropriate.

Respectfully submitted,

 by JG
Randall J. Brainer
Office of the General Counsel

Certificate of Mailing

I hereby certify that on the 8th day of January, 2007 a true and correct copy of the foregoing USDA Forest Service's Witness List and Proposed Exhibits List, and copies of the proposed exhibits, were sent by overnight mail to the following parties:

Allen D. Merritt
Idaho Department of Water Resources
Southern Region Manager
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Gary Spackman
Idaho Department of Water Resources
Hearing Officer
322. E. Front Street
Boise, Idaho 83720-0098

Counsel for Earl Warthen:
Norman M. Semanko, Esq.
Attorney at Law
1010 W. Jefferson St., Ste 101
Boise, ID 83702

and

Rochelle Maureen Davis
Barker Rosholt & Simpson LLP
1010 W. Jefferson St., Ste. 102
Boise, ID 83701

Leo Bell
HC 36 Box 26
Albion, ID 83311

Fred Hawker
361 W 400 S
Burley, Idaho 83318

Woody Anderson
c/o Roger D. Ling
Ling Nielsen & Robinson
P.O. Box 396
Rupert, Idaho 83350

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USDA Forest Service
District Ranger
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