

TESTIMONY LOG

IN THE MATTER OF APPLICATION FOR)
 PERMIT TO APPROPRIATE WATER NO.)
 63-32003, IN THE NAME OF MARLIN LAND)
 OWNERS, LLC (formerly SHERFIRE)
 PROPERTIES/JIM SHERVIK)

February 16, 2006 Hearing
 Conducted by Gary Spackman

TAPE NUMBER 1

TAPE TO	LOCATION FROM	TESTIMONY DESCRIPTION
285	35	Preliminary introductions - swearing in
288	288	Jim Shervik testimony - direct by J. Marshall
	609	" " - cross by J. Minkoff
	890	" " - redirect by J. Marshall
	933	" " - re cross by J. Minkoff
1112	979	" " - questions by Gary S.
	1180	" " - recalled - J. Marshall
1330	1280	" " - J. Minkoff
	1300	Terry Scanlon
2360	1350	" " - direct exam by J. Marshall
	2365	" " - cross by J. Minkoff
		" " - no redirect
4155	4028	" " - questions by Gary S.
		" " - re direct by J. Marshall
5040	4920	" " - J. Minkoff
	5083	John Minkoff testimony
	2/1380	" " - no cross by J. Marshall
	2/3044	end of hearing.

Hewins 63-32003

P 1 of 10

tape/location

2-16-2006

1/ 216 discussion of portions of ~~42~~ 42-203 are in question
bad faith speculation by protestant

Jim Shervik testimony

36 homes - domestic use only for 36 Ex 1

1/ 354 no intent to use for irrigation purposes

1/ 380 various approvals

1/ 460 West River sub improvements

1/ 490 \$ invested so far

1/ 540 economic impact

1/ 561 Wilder approvals

1/ 580 irrigation from mora Canal 70 at on 73 ac.

1/ 630 final approval for wastewater - needed

1/ 650 final approval by Commissioners ~~PR~~ - needed
Bd of Co. Commissioners - needed

1/ 680 < Terracon, previous study

1/ 730 impact on neighbors — objection by John Marshall

1/ 760 - response by Gary S. — overruled on basis of
whether local public interest is.

1/ 787 " " " definition

1/ 840 rephrases question re impact on neighbors

1/ 917 Q re injury to neighbors

1/ 940 wastewater agreement - neighbor wants irr runoff

1/ 979 questions by Gary re irr

1/ 1000 " " " re availability of water from
Wilder irr district

1/ 1022 Boise R & Lake Lowell source

tape/location

- Y1040 Q re known water shortages for irr
- Y1058 Q by Gary S. re discussions - what will happen in times of shortage
- Y1089 clarifies - has irr for 70 acres
- Y1100 Q by Gary - what is expectation re homeowners w: availability of water - shortages
- Y1160 ~~Stridum~~
- Y1176 Break - ~~10 minutes~~ 10 minutes
- (off the record - discussion about what in IDWR file is part of the record. SPF study & corresponding nothing Ben Leavitt should be in J Marshall's report)
- 1171 back on record
- 1180 Jim Shervik - by John M. re water shortages
- 1230 how " will convey to homeowners irr/dom uses
- 1350 Terrell Scanlon
- 1350 C.V. Summary
- 1380 local hydrology
- 1400 belief that there is adequate water
- 1442 IDWR Q > DEQ standards
- 1460 actual dom use in Treas. Valley
- 1480 non consumption
- 1500 stable aquifer levels
- Ex 4 & 5

date/location

I Scanlon (cont)
" - Ex 4 & 5

- 1/1540
- 1/1595 explanation of well water levels
- 1/1619 conclusion re stability of " "
- 1/1629 recharge
- 1/1650 history of well deepening
- 1/1769 2nd cause of water level declines - irr wells
- 1/1800 review of licenses for irr
- 1/1820 Ex 5 - wells at equilibrium
- 1/1850 effect of app on existing irs.
- 1/1875 drawdown Ex 6-9
- 1/1915 explanation of ~~this~~ equation
- 1/2070 reasonableness of ~~ass~~ assumptions
- 1/2050 opinion - no significant impact
- 1/2190 opinion - re no problem w/ pumping from am zone
- 1/2239 arsenic
- 1/2265 nitrates
- 1/2270 uranium
- 1/2280 aesthetic standards
- 1/2290 opinion re injury - none
- 1/2300 well efficiency - reason to monitor
- 1/2325 no need for marlin to monitor other wells because
of small quantity applied for

(cross by J Minkoff)

- 1/2385 Q re ~~is~~ confined ~~a~~ aquifer / This equation
- 1/2422 reliability of predictions - topography
- 1/2440 not more complex area

T. Scanlon

- 1/2465 objection re pump test question - report was for settlement purposes.
- 1/2500 Q re pump test & results
- 1/2516 Knibbton Hills pump test - significance of results
 need for
- 1/2548 well #2 to be used as mon well - Terry doesn't know ^{open}.
- 1/2564 could use #2 & fire prot well to monitor
- 1/2591 well #2 - perforations, DER specs.
- 1/2636 interaction btwn aquifers
- 1/2660 communication " "
- 1/2680 ↓ aquifer levels
- 1/2700 " " on property
- 1/2740 DBA1 - on boundary of property - typo in well I.D.
 BBA1 or DBA1
- 1/2780 60" drop in water level
- 1/2800 83 - 2000 opinion: draft water level is stable
- 1/2842 DBA1 - mid 70s - early - decline, then increase
- 1/2886 report - # of measurements
- 1/2920 monitoring well - impact on monitoring well
- 1/2960 ~~monitor~~ can backup well be main well
- 1/2970? purpose of backup well
- 1/2996 ~~not~~ fire suppression well
- 1/3016 assumes any well can be fire sup. well
- 1/3075 question re application
- 1/3095 ~~250~~ - 500' - water bearing zone
- 1/3120 test well
- 1/3140 (bary s. interjection re foundation)

date/location

T. Scanlon

- 1/3106 P. 4 report
 1/3118 location
 1/3186 - minckoff lays foundation for report
 (interruption in proceedings)
 1/3215 P 4 - 3 ~~with~~ P 4 - Exh G
 1/3226 test well Ex G
 1/3340 well 1, 2 - not drilled yet
 test well - identified on Exh G.
 1/3372 plan for test well unknown
 1/3431 p. 12 - J Marshall concern
 1/3453 p. 12 - test well - water bearing zones > " "
 1/3551 Break for lunch
 1/3556 On record > lunch (-not an exh)
 1/3635 PG in report - found driller reports for 94 wells.
 1/3700 stipulated 42 homesites & 14 well locs
 1/3790 p. 5 - Figure 3 - some wells > 300' that ~~are~~ were
 not in report
 1/3888 impact on water levels
 1/4007 Scanlon testimony - cross exs
 no ~~the~~ re-direct
 1/4028 Questions from Larry Spackman
 1/4065 EXH 5.
 1/4086 reason for question mark
 1/4243 meaning of hydrographs - water ~~was~~ level ↓
 1/4290 water levels currently stable
 1/4360 deeper wells indicate downward gradient
 1/4440 effect of deepening well

tape/location Terry Scanlon (cont)

- 1/4530 This analysis - ex B & 9 - basis for
52 gpm - assumed pumping rate - DEQ
- 1/4510 12 cfs for 36 houses, internal use = 52 gpm
- 1/4510 26 cfs = 116.7 gpm - reason for not using this assumption:
wells would have system capacity of 26 cfs for the 2 wells
1/4650 result of effects if double assumption in this -
1/4690 double calculated drawdowns in Exh -
- 1/4755 by John Marshall: re 52 gpm
1/4790 52 gpm is peak, not continuous
1/4820 by J Minkoff - 10 af = total based on
1/4888 " " - groundwater level change map by Inok
in the record (- Inok file) - up to 42' change
effect in sec. 6 - 10' change
- 1/4900 John Marshall - no further questions.
1/5025 John Minkoff ~~testimony~~ - narrated
- 1/5083 Sworn in
1/5100 his concern is supply of groundwater & ↓ water levels
1/5180 letters from neighbors re: concerns Ex A & B
1/5260 Mr Morrison - closest - most impacted
Seredas - also concerned
- 1/5285 J Marshall objections - no protest, no opportunity
to cross
- 1/5305 Gary G: what do letters establish?

tape/location

- 1/5360 minkoff: response - letters express concern over level of groundwater levels
- 1/5380 J. Marshall: both letters go into greater detail will stipulate that 2 witnesses the (check)
- 1/5430 Gary S: will not allow data that water levels have ↓ certain amount in time period
- 1/5490 J minkoff:
- 1/5500 well 106 - Exh H
- 1/5600 Exh C - drillers report - ~~200~~ more wells > 300'
- 1/5720 report is incomplete - lacks all drillers report.
- 1/5740 Gary S: Thompson driller report - deepened well for protestant's home in 1982
- 1/5795 has had to lower pump twice.
- 1/5810 other wells in vicinity - George K
- 1/5830 3rd 106 - well deepened
- 1/5850 protestant is not attesting that this is all of the well 106's. Other wells exist
- 1/5899 well 106
- 1/5906 Exh I - well depth > 300'
- 1/5930 Exh D -
- 1/6000 John Marshall wants to withdraw Exh D
- 1/6060 minkoff responds John M responds
- 1/6148 Gary S - will allow
- 1/6200 wants full copy of document - will
won't allow statement of the old

TAPE 2/LOCATION

- 2/20 Gary S. re Exh D.
Exh J - will be full corp.
off the record to discuss so please attachment to Exh D
- 2/121 off the Exh K - parties stipulated
minkoff: 2 recent re drillings in past 30 days
Gwen Mayer / Harold B. Eva Lane redrilled 10'
- 2/154 J Marshall objects
Gary responds
- 2/185 additional info re lower pumps, re drillings - ^{we} observed _{via}
- 2/210 Gary S clarifies
- 2/255 Exh E
- 2/261 p2 " " - well #4 - reinforces SPF report
- 2/275 p4 -
- 2/305 Exh F
- 2/390 imp what aquifer the wells are drilled into
- 2/465 lay - condⁿ permit
- 2/510 John Marshall Q - relevant to which 6 pts
- 2/625 minkoff: it is developer tried to get around cond use P.
- 2/650 Gary S. - doesn't need history - current app -
- 2/670 Shervik ~~was~~?
- 2/685 2004 plat sells individual wells
- 2/700? hrs before commissions: Shervik wanted to delete
- 2/752 #3 - community well
- 2/761 John Marshall objects to CO Commission - history
- 2/775 minkoff: response - Shervik's actions re coming wells
- 2/785 Gary S: history not relevant
- 2/820
- 2/871

time/location

- 2/900 Minkoff narrative (cont)
- 2/910 bond re paying for neighbors well
- 2/930 Gary S responds.
- 2/960 cross contamination of aquifers
- 2/990 Gary S: water quality / public interest
- 2/1000 John M - stip that will comply w/ DWR & DER well con. stand
- 2/1115 Gary S: if approved, will include condition re " " "
- 2/1146 concern re well #2 used for main well
- 2/1170 ~~was~~ SPF report is part of Canyon CO DSD public record -
was used as mineral report & not just settlement
re Shervik comment re property not farmed - incorrect
- 2/1207 no question water level ↓
- 2/1228 measurement required. monitoring
- 2/1238 Wilder Irr. / mora canal rotation
- 2/1320 cross by John Marshall - no questions
- 2/1400 Questions by Gary S. - none
- 2/1425 no rebuttal - end of presentation of testimony
Gary → Minkoff re technical info in SPF report.
that has not been presented
- All Appendices - well logs prepared by Scanlon/Petrich
- 2/1507 Summary of well log data - Append A
- 2/1560 logs - Appendix B
- 2/1615 p 7-8 Summary of local hydrology
- 2/1670 John M - Objects - Scanlon testified.
- 2/1739 " " well stip to allowing pp- 7, 8, 9
- 2/1750 3, 4, 5, 7, 8, 9, 10, lost track
- 2/1790 text on p 11 - Marshall objects.
- 2/1815 Gary: 3-10, not 11.

tape/location

- 2/1830 11, 12, 13, 14, 3 pages at end of doc - not included
SO far. Minkoff
- 2/1860 Gary: 3-10, inc Fib top of 11, all Appendices,
not p. 11-7. He wants tech info.
- 2/1890 Gary will not allow SPF completely part of record.
- 2/1919 Minkoff objects to limitations of report. Part of
other agencies
- 2/1930 Gary would consider other settlement letters
- 2/2030 John M. waives closing
- 2/2031 Minkoff closing - bond, well #1 to be primary well
- 2/2140 Gary S. then Minkoff again
- 2/2211 " " : Minkoff source drinking water - well, irr - Wilder Irr.
- 2/2240 Minkoff ~~only~~ ^{of} well water for irrigation.
- 2/2302 Gary → John Marshall: concern - expectation of homeowners
- 2/2360 " concern: com well v ind. well
- 2/2430 John M: we use of wells for irr.
- 2/2510 Gary S. response.
- 2/2960 Minkoff reiterates ^{bond, drill to deeper aquifer} monitoring
- 2/3044 end of hearing

##