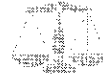


**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.**

ATTORNEYS AT LAW

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
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TIMOTHY J. STOVER

161 5th Avenue South, Suite 100
P.O. BOX 1906
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TELEPHONE (208) 734-0700
FAX (208) 736-0041



TIMOTHY J. STOVER
timstover@idlawyer.com

September 19, 2005

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83706

RECEIVED

SEP 20 2005

Department of Water Resources
Southern Region

RE: **Millenkamp
Transfer No. 71604**

Dear Gary:

Enclosed please find the Report on Expert/Party Meeting in the above matter. Aside from the information to be exchanged pursuant to Exhibit A of the Report, Pat and I are still in the process of discussing the extent to which he is willing to provide the information which I had previously requested in our discovery requests. Once those discussions are finalized, this report will be supplemented.

As you will note, due to scheduling difficulties, the conference call actually took place about one week after it was supposed to have occurred. While I believe all parties will work diligently in providing the information as requested, due to the loss of that week it may be difficult to comply with the September 21st deadline.

Thank you for your attention to this matter. Should you have any questions or comments, please contact me.

Yours truly,

TIMOTHY J. STOVER

TJS:jl

cc: IDWR (Twin Falls Office)
Patrick D. Brown
Lee Halper
Bill Millenkamp

1
2 Timothy J. Stover, ISB #4842
3 ROBERTSON, HEPWORTH, SLETTE
4 WORST & STOVER, PLLC
5 161 5th Avenue South, Suite 100
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Department of Water Resources
Southern Region

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 71604)

William & Susan Millenkamp,)
Applicants)

Steven R. Hurd, Lee Justus Halper, William F.)
Gulley, Steve R. Matthews, & Doyle)
Schwisow,)
Protestants.)

REPORT ON EXPERT/PARTY
MEETING

Source: Groundwater
County: Jerome

On Wednesday, September 7, 2005, at approximately 4:00 p.m., a telephonic meeting took place as required by the Department's Order Granting Applicants' Motion in Limine; Order Denying Protestants' Objection to Application Amendment, Motion to Compel Discovery and Alternative Motion in Limine; Order Granting Motion to Vacate Hearing; and Scheduling Order ("Order"). In attendance at the offices of Hutchinson & Brown were Pat Brown, Ron Schowengerdt, Bill Gulley and Lee Halper. In attendance at the office of Brockway Engineering were Tim Stover, Chuck Brockway and Jason Helms.

The hearing took place telephonically. At that meeting, discussions took place regarding the information necessary for the respective parties and their experts to prepare expert reports and to prepare for the hearing scheduled in this matter.

1
2 Prior to the telephone conference, Pat Brown had provided Tim Stover with a list of
3 information sought from the Applicants and the Applicants' expert. That list of information is
4 attached hereto as **Exhibit A** and incorporated herein by this reference. Much, but not all of
5 the information identified in Exhibit A had previously been provided by the Applicants to the
6 Protestants. Although the Applicants questioned the relevance of some of the information
7 sought by the Protestants, due to the fact that the Protestants' list requested information
8 concerning water use data and production data from water rights other than Water Right No.
9 36-16195, 36-16197, and 36-4157F, Applicants agreed to use their best efforts to provide the
10 information sought by the Protestants pursuant to Exhibit A which is reasonably available to
11 them.

12 The parties also discussed the fact that Items 4, 5, 6, 7 and 8 of the Exhibit A request not
13 only information on which the Applicants' Expert analysis is based, but requests expert analysis
14 which will be contained in the expert report. The Applicants, through Dr. Brockway, indicated
15 that Applicants will use their best efforts to gather the information on which the Applicants'
16 expert report will be based as requested in Items 4, 5, 6 and 7 of Exhibit A that is reasonably
17 available to them. However, expert analysis will be contained in Dr. Brockway's expert report
18 which will be provided to the Protestants on or before October 7, 2005, as required by the
19 Order.

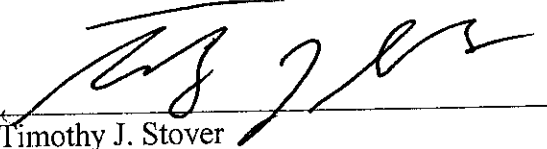
20 The parties also discussed the information being requested by the Applicants. The
21 Applicants requested, and the Protestants agreed to use their best efforts to provide the
22 Applicants with the information requested in Items 4, 5, 6, 7 and 8 of Exhibit A that is
23 reasonably available to them as well. The Protestants also agreed to provide their expert
24 reports, if any, on or before October 7, 2005, as required by the Order. In addition, the
25 Applicants also requested that the Protestants provide the information requested by the
26 Applicants in their First Set of Interrogatories, Requests for Production and Requests for
Admissions to Protestants previously served on the Protestants on April 12, 2005. The
Protestants indicated that they would be willing to provide that information, subject to a
discussion between the attorneys subsequent to the conference call to determine if there was a
way to narrow the scope of information being requested. Protestant Halper has already

1
2 answered said discovery requests. Therefore, the Applicants would only request that Halper
3 supplement his responses as required by the Idaho Rules of Civil Procedure.

4 Finally, those in attendance at the meeting discussed available dates for the hearing in
5 this matter. Pat Brown indicated that he was not available until the week of November 14.
6 While the week of November 14 is available for the Applicants, the Applicants would request
7 that the hearing be set prior to that time due to the number of times this matter has already been
8 continued.

9 DATED this 18 day of September, 2005.

10 ROBERTSON, HEPWORTH, SLETTE
11 WORST & STOVER, PLLC.

12 By: 
13 Timothy J. Stover

14 CERTIFICATE OF SERVICE

15 The undersigned certifies that on the 19 day of September, 2005, he caused a true and correct
16 copy of the foregoing instrument to be served upon the following persons in the following manner:

17 Gary Spackman, Hearing Officer
18 Idaho Department of Water Resources
19 P.O. Box 83720
20 Boise, ID 83706

☐	Hand Deliver
☒	U.S. Mail
☐	Overnight Courier
☐	Facsimile Transmission

21 Patrick D. Brown
22 HUTCHINSON & BROWN, LLP
23 P.O. Box 207
24 Twin Falls, ID 83303-0207

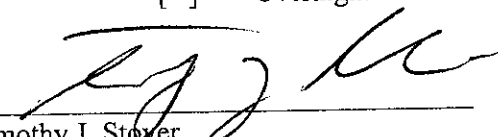
☐	Hand Deliver
☒	U.S. Mail
☐	Overnight Courier
☐	Facsimile Transmission

25 Lee Justus Halper
26 331 S 230 W
Jerome, ID 83338

☐	Hand Deliver
☒	U.S. Mail
☐	Overnight Courier

Del Kohtz
1135 Valley Rd. S.
Eden, ID 83325

☐	Hand Deliver
☒	U.S. Mail
☐	Overnight Courier


Timothy J. Stover

Millenkamp Transfer

8/30/05 list of information sought from applicant and applicant's experts.

List of information sought by protestants (excepting Halper) so that our expert, Rich Schowengerdt, can analyze the proposed transfer and formulate opions about it.

1. FSA crop reports, with field maps, for the entire area irrigated by each right being transfered. This includes not just the place of use for the particular acres being transfered, but for all fields irrigated (a) under the right, (b) under other rights and/or canal shares that have been used in combination with the right being transfered, and (b) under other rights which have an overlapping POU with the rights being transfered. This includes for Prescott's property, Thompson's property, and the other Millenkamp property involved.
2. Water use records for the calf operation and calf and commercial use information from that operation going to historic total water use and use per animal or animal unit.
3. Well and other water use data and measurements and/or reports from each system referred to in 1 and 2 above. This includes well measurements, meter readings, system information - i. e. pumps , types, HP , intake and outflow sizes, sprinkler and nozzle numbers and sizes, power usage, an other system information needed to calculate usage and capacity.
4. local well information - including drilling and redrilling reports, test well and pumping information, drawdown analysis and assumptions used therewith.
5. Some explanation of selection and use of methodology, and reasons therefor, that any expert may apply to arrive at any opinion he or she may give at hearing.
6. Sources of information considered or used in Brockway's analyses regarding aquifer characteristics such as transmissivity, hydrologic conductivity, specific yield of the aquifer, sources and amounts of recharge and depletionary effects.

7. Sources of information reviewed or considered in Brockway's analyses regarding modeling, calibration, reliability and degree of error or confidences, and limitations regarding any opinion that may be given at hearing.

8. Crop irrigation and calve/commercial use data reviewed or used for any opinion that may be given at hearing.

Please let me know when you are available for a phone conference to discuss this with me and the experts.

**ROBERTSON, HEPWORTH, SLETTE, WORST
& STOVER,
P.L.L.C.**

ATTORNEYS AT LAW

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TIMOTHY J. STOVER
timstover@idlawyer.com

September 19, 2005

RECEIVED

SEP 20 2005

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RE: **Millenkamp
Transfer No. 71604**

Dear Ladies & Gentlemen:

Enclosed please find an original Report on Expert/Party Meeting for filing with regard to the above-entitled matter.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me.

Sincerely,

TIMOTHY J. STOVER

TJS:jl

Encls.

cc: Gary Spackman, Hearing Officer
Pat Brown
Lee Halper
Client

1
2 Timothy J. Stover, ISB #4842
3 ROBERTSON, HEPWORTH, SLETTE
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SEP 20 2005

Department of Water Resources
Southern Region

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OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 71604)

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Applicants)

Steven R. Hurd, Lee Justus Halper, William F.)
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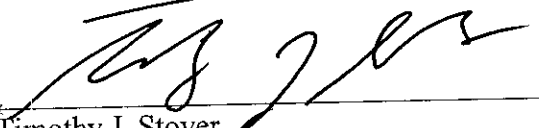
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10 ROBERTSON, HEPWORTH, SLETTE
11 WORST & STOVER, PLLC.

12 By: 
Timothy J. Stover

13 CERTIFICATE OF SERVICE

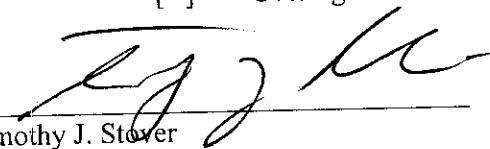
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24 Del Kohtz ☐ Hand Deliver
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Timothy J. Stover

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EXHIBIT A

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