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

IN THE MATTER OF APPLICATIONS	)	NEZ PERCE TRIBE, SAVE THE
FOR PERMIT NOS. 77-14377, 77-14378,	)	SOUTH FORK SALMON, AND IDAHO
77-14379; APPLICATIONS FOR TRANSFER	)	CONSERVATION LEAGUE'S
NOS. 85396, 85397, 85398, AND 85399,	)	AMENDED WITNESS AND EXHIBIT
AND APPLICATION FOR EXCHANGE	)	LISTS
NO. 85538 IN THE NAME OF PERPETUA	)	
RESOURCES IDAHO, INC.	)	
_____	)	

The Nez Perce Tribe ("Tribe"), Save the South Fork Salmon ("SSFS"), and Idaho Conservation League ("ICL") hereby jointly disclose the following amended witness and exhibit lists. For administrative ease, the Tribe, SSFS, and ICL have provided separate witness and exhibit lists below. The Tribe, SSFS, and ICL each reserve, however, the right to call any witness or use any exhibit on any of the lists provided below and further reserves the right to introduce as an exhibit any exhibit identified by Perpetua Resources and any document produced by any party during discovery.

A. Witnesses

The Tribe, SSFS, and ICL may call the following witnesses to testify at trial:

	<u>Name</u>	<u>Role/Affiliation</u>	<u>Virtual Participation?</u>
1.	Wesley Keller	Project Leader, McCall Fisheries Watershed Project, Department of Fisheries Resources Management, Nez Perce Tribe	No
2.	Tom Bassista	Technical Assistance Program Coordinator-Aquatics, Technical Services Bureau, Idaho Department of Fish and Game	Maybe
3.	Kendra Kaiser, PhD	Expert Hydrologist Witness	No
4.	Joe Oatman	Deputy Manager/Harvest Division Director, Department of Fisheries Resources Management, Nez Perce Tribe	No
5.	Betsy Semmens <i>Alternate: Rochelle Destrampe</i>	Expert Witness, BAS Groundwater Consulting	Yes
6.	Ryan Kinzer <i>Alternate: Michael Ackerman</i>	Department of Fisheries Resources Management, Nez Perce Tribe; Expert Fisheries Witness	No
7.	John Robison <i>Alternate: Jonathan Oppenheimer</i>	Public Lands Director, Idaho Conservation League	No
8.	Frederick Coriell <i>Alternate: Mary Petterson</i>	Board Member, Save the South Fork Salmon	Maybe

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|----|----------------------------|--------------------------|----|
| 9. | Timothy
Cochnauer, Ph.D | Expert Fisheries Witness | No |
|----|----------------------------|--------------------------|----|

B. Exhibits

The Tribe may introduce the following exhibits at trial in this matter:

#	<u>Exhibit</u>	<u>Record/Bate No. (As Applicable)</u>
201.	Kinzer & Ackerman fisheries expert witness report prepared for protestant Nez Perce Tribe, September 11, 2023	
202.	July 9, 2022, email from Tom Bassista to Graham Freeman	Bates No. NPT0000153
203.	March 21, 2023, Technical Memorandum from Joe Young and Jeff Fealko to Gene Bosley	Bates No. PRI0006691-PRI0006936
204.	Groundwater Hydrology Baseline Study	Bates No. PRI0017651-PRI0017721
205.	Idaho Department of Water Resources Questions and Responses	Bates No. PRI0004795-PRI0004799
206.	August 2, 2022, letter to James Cefalo from Idaho Governor's Office of Species Conservation and Idaho Department of Fish and Game with attachment	Bates No. PRI0004698-PRI0004716; Bates No. PRI0000111-PRI0000129
207.	Surface Water Hydrology Baseline Study	Bates No. PRI0004646-PRI0004697
208.	Final Stibnite Gold Project Site-Wide Water Balance Model Refined Proposed Action (ModPRO2) Report	June 3, 2022, Disclosures Exhibit B; Bates No. PRI0003212-PRI0003318
209.	October 8, 2020, Technical Memorandum to Perpetua Resources from Brown and Caldwell	Bates No. PRI0002236-PRI0002246

210. October 1, 2021, Memorandum to File from Koda Merkley Bates No. PRI0002208-PRI0002235
211. December 14, 2021, National Marine Fisheries comments to State of Idaho Department Regarding Water Right Permit Applications 77-14377, 77-14378, and 77-14379
212. July 25, 2022, email from Mike Edmonson to Graham Freeman Bates No. NPT0000151
213. August 2, 2022, email from Frank Edelmann to Graham Freeman Bates No. NPT0000150
214. July 27, 2023, email from Richard Stover to Mike Edmondson, Tom Bassista, Joshua Uriarte, Frank Edelmann, and Graham Freeman Bates No. NPT0000152
215. Dr. Kaiser hydrology expert witness report prepared for protestant Nez Perce Tribe, September 11, 2023
216. Kinzer & Ackerman fisheries expert witness rebuttal report prepared for protestant Nez Perce Tribe, November 6, 2023
217. Emails by and Between Perpetua Resources, Office of Species Conservation, and Idaho Department of Fish and Game, dated January 14, 2022 - August 4, 2022 Bates No. NPT0000154 - NPT0000346
218. Revised Final Water Rights Baseline Study Report
219. July 11, 2023, letter to Richard Stover, Governor's Office of Energy and Mineral Resources, from Perpetua Resources PRI0019417 - PRI0019708

220.	Application for Permit #77-14377	Bates No. PRI0017047-PRI0017144
221.	Application for Permit #77-14378	Bates No. PRI0017145-PRI0017312
222.	Application for Permit #77-14379	Bates No. PRI0017313-PRI0017409
223.	Application for Permit #77-14381	
224.	Water Right #77-7122	NPT0005715-NPT0005721
225.	Water Right #77-7141	The Tribe has requested this document from IDWR's Western Regional Office. The Tribe will add the document to the exhibits folder once received.
226.	Water Right #77-7285	NPT0005722-NPT0005726
227.	Water Right #77-7293	NPT0005727-NPT0005731
228.	Application for Transfer of Water Right #85396	Bates No. PRI0016616-PRI0016726
229.	Application for Transfer of Water Right #85399	Bates No. PRI0016727-PRI0016786
230.	Application for Transfer of Water Right #85397	Bates No. PRI0016787-PRI0016898
231.	Application for Exchange of Water #85538	Bates No. PRI0016899-PRI0016921
232.	Application for Transfer of Water Right #85398	Bates No. PRI0016922-PRI0017046
233.	USGS Occurrence and Transport of Constituents in Streams near Stibnite Mine Area	Bates No. NPT0000390-NPT0000448
234.	Largest financial resources expert witness report prepared for Applicant Perpetua Resources, September 11, 2023	

235. Bosley water management practices expert witness report prepared for Applicant Perpetua Resources, September 11, 2023
236. Pfannerstill M, Guse B, Fohrer N. 2014. Smart low flow signature metrics for an improved overall performance evaluation of hydrological models. *Journal of Hydrology*, 510:447–458. <https://doi.org/10.1016/j.jhydrol.2013.12.044>. Bates No. NPT0000532-NPT0000543
237. Abatzoglou, J. T., Rupp, D. E., Mote, P. W. 2014. Seasonal Climate Variability and Change in the Pacific Northwest of the United States. *Journal of Climate*, 27(5): 2125-2142. <https://doi.org/10.1175/JCLI-D-13-00218.1>. Bates No. NPT0000514-NPT0000531
238. California Department of Fish and Wildlife (CDFW). 2017. Standard Operating Procedure for Critical Riffle Analysis for Fish Passage in California. California Department of Fish and Wildlife Instream Flow Program Standard Operating Procedure CDFW-IFP-001. (No. CDFW-IFP-001). Bates No. NPT0005287-NPT0005311
239. Carter, K. 2005. The Effects of Temperature on Steelhead Trout, Coho Salmon, and Chinook Salmon Biology and Function by Life Stage 27. Bates No. NPT0005312-NPT0005338
240. Entrix, 2009. Critical Flow Requirements for Sweetwater and Webb Creeks. Prepared by Entrix for the Nez Perce Tribe. Project Number: 3017102. Bates No. NPT0005165-NPT0005200
241. Ford, M.J., Barnas, K., Crozier, L., Diaz, M., Holmes, E., Holzer, D., Jordan, C.E., Liermann, M., Myers, J., Rowse, M., Weitkamp, L., Williams, M. 2022. Biological Viability Assessment Update for Pacific Salmon and Steelhead Listed Under the Endangered Species Bates No. NPT0004486-NPT0004823

Act: Pacific Northwest.
<https://doi.org/10.25923/KQ2N-KE70>

242. Isaak, D.J., Wenger, S.J., Young, M.K. 2017. Big biology meets microclimatology: Defining thermal niches of ectotherms at landscape scales for conservation planning. *Ecological Applications* 27, 977–990.
<https://doi.org/10.1002/eap.1501> Bates No. NPT0004376-NPT0004389
243. Johnson, D., Hesse, J., Kinzer, R. 2021. Snake Basin Chinook and Steelhead Quasi-Extinction Threshold Alarm and Call to Action. Presentation to the Northwest Power and Conservation Council. Bates No. NPT0004346-NPT0004375
244. Morrow, J. 2018. Johnson Creek Chinook salmon and flow data for quantifying effects of altering streamflow. Bates No. NPT0004179-NPT0004186
245. Abatzoglou, J. T., Marshall, A. M., Harley, G. L. 2021. Observed and Projected Changes in Idaho's Climate. *Idaho Climate-Economy Impacts Assessment*. James A. & Louise McClure Center for Public Policy Research, University of Idaho. Boise, ID. Bates No. NPT0000490-NPT0000513
246. National Oceanic and Atmospheric Administration (NOAA). 2022b. NOAA Fisheries West Coast Region Anadromous Salmonid Passage Design Manual, NMFS, WCR, Portland, Oregon. Bates No. NPT0003872-NPT0004053
247. Thompson, K. 1972. Determining Stream Flows for Fish Life. Oregon State Game Commission, Environmental Management Section. Report to Pacific Northwest River Basins Commission, Instream Flow Requirement Workshop. Bates No. NPT0003530-NPT0003563

248. Chegwiddden, O.S., B. Nijssen, D.E. Rupp, P. W. Mote. 2017. Hydrologic Response of the Columbia River System to Climate Change [Data set]. Zenodo.
<http://doi.org/10.5281/zenodo.854763>. Bates No. NPT0000481-NPT0000489
249. Cooney, T. and D. Holzer. 2006. Appendix C: Interior Columbia Basin Stream Type Chinook Salmon and Steelhead Populations: Habitat Intrinsic Potential Analysis. National Oceanic and Atmospheric Administration, Northwest Fisheries Science Center. March 16, 2006. Bates No. NPT0005250-NPT0005270
250. Appendix J-1: Fish and Aquatic Resources - Supplemental Information. Stibnite Gold Project Draft Environmental Impact Statement. Bates No. NPT0000582-NPT0001385
251. Maret, T.R., J.E. Hortness, and D.S. Ott. 2006. Instream flow characterization of upper Salmon River Basin streams, central Idaho, 2005: U.S. Geological Survey Scientific Investigations Report 2006-5230, 110 p. Bates No. NPT0004187-NPT0004306
252. Kormos, P. R., Luce, C. H., Wenger, S. W., Berghuijs, W. R. 2016. Trends and Sensitivities of Low Streamflow Extremes to Discharge Timing and Magnitude in Pacific Northwest Mountain Streams. *Water Resources Research*. Bates No. NPT0000463-NPT0000480
253. Luce, C. H. and Z. A. Holden. 2009. Declining Annual Streamflow Distributions in the Pacific Northwest United States, 1948-2006. *Geophysical Research Letters*. NRCS, <https://wcc.sc.egov.usda.gov/nwcc/site?sitenum=740>. Bates No. NPT0000457-NPT0000462

254. Scanlan and Stanaway water right applications expert witness report prepared for Applicant Perpetua Resources, September 11, 2023
255. Miller fisheries witness report prepared for Applicant Perpetua Resources, September 11, 2023
256. Durbin & Matos water quality expert witness report prepared for Applicant Perpetua Resources, September 11, 2023
257. United States Forest Service (USFS). 2022. Stibnite Gold Project Supplemental Draft Environmental Impact Statement. Forest Service, Region 4, Payette and Boise National Forests, Valley County, Idaho. Bates No. NPT0001435-NPT0003101
258. United States Forest Service (USFS). 2011. Watershed Condition Classification Technical Guide. FS-978. Bates No. NPT0001386-NPT0001434
259. Baldwin et al. 2019 Bates No. NPT0000360-NPT0000389
260. U.S. Geological Survey Data from Site No. 13311000: water temperature data from 09-21-2011 to 11-06-2023, discharge data from 10-01-1986 to 11-06-2023, gage height data from 07-09-2023 to 11-06-2023, specific conductivity at 25°C data from 09-21-2011 to 11-06-2023, and pH data from 09-21-2011 to 09-29-2014 Bates No. NPT0005732-NPT0005840
261. U.S. Geological Survey Data from Site No. 13311250: water temperature data from 04-29-2012 to 11-06-2023, discharge data from 09-15-2011 to 11-06-2023, gage height data from 07-09-2023 to 11-06-2023, specific conductivity at 25°C data from 04-29-2012 to 11-06-2023, and pH data from 04-29-2012 to 09-30-2014 Bates No. NPT0005841-NPT0005942

262.	U.S. Geological Survey Gaging Data from Site No. 13311450: water temperature data from 04-29-2012 to 11-06-2023, discharge data from 09-17-2011 to 11-06-2023, gage height data from 07-09-2023 to 11-06-2023, specific conductivity data at 25°C data from 04-29-2012 to 11-06-2023, and pH data from 05-19-2012 to 09-30-2014	Bates No. NPT0005943-NPT0006129
263.	Stibnite Gold Project, Valley County, Idaho. Refined Proposed Action ModPRO2. October 2021	June 3, 2022 Disclosures Exhibit D; Bates No. PRI0002247-PRI0002373
264.	Final Hydrologic Site Model Refined Proposed Action (ModPRO2) Report, August 2021	June 3, 2022 Disclosures Exhibit C; Bates No. PRI0002390-PRI0002966
265.	Final Stibnite Gold Project Water Management Plan, December 2021	June 3, 2022 Disclosures Exhibit F; Bates No. PRI0003319-PRI0003956
266.	Morgan Creek Watermaster's Annual Report, January 1 2020 to December 31, 2020	Bates No. PRI0004397-PRI0004622
267.	Water Rights Senior to Jones Water Right 72-4034 between Jones POD and Shoup Gage	Bates No. PRI0004623-PRI0004625
268.	United States Forest Service (USFS). 2022. Stibnite Gold Project Water Quality Specialist Report.	Bates No. PRI0011935-PRI0012143
269.	United States Forest Service (USFS). 2022. Stibnite Gold Project Water Quantity Specialist Report.	Bates No. PRI0012144-PRI0012245
270.	Perpetua SGP Maps Surface Water Management	Perpetua's August 31, 2022, disclosure
271.	IDWR Water Right No. 77-14190	Bates No. NPT0000347-NPT0000359
272.	Brown and Caldwell 2017a, Stibnite Gold Project Water Resources Summary Report	Bates No. PRI0017410-PRI0017650
273.	April 22, 2022, letter to Tom Bassista, Idaho Department of Fish and Game	Bates No. NPT0006130-NPT0006142
274.	May 19, 2022, letter to Tom Bassista, Idaho Department of Fish and Game	Bates No. NPT0006143-NPT0006157

275.	May 19, 2022, letter to Tom Bassista, Idaho Department of Fish and Game	Bates No. NPT0006158-NPT0006173
276.	Chinook Salmon Redds Survey	Bates No. NPT0006179
277.	Fish Presence	Bates No. NPT0006182
278.	Flow Analysis for Stibnite Gold proposed water right	Bates No. NPT0006183
279.	Flow analysis	Bates No. NPT0006184-NPT0006191
280.	March 2, 2022, letter to Tom Bassista, Idaho Department of Fish and Game	Bates No. NPT0006192-NPT0006203
281.	Nez Perce Tribe Management Actions	Bates No. NPT0006207
282.	March 3, 2022, letter to Ann Vonde, Idaho Department of Fish and Game	Bates No. NPT0006210-NPT0006222
283.	Proposed POD and Tunnel	Bates No. NPT0006223
284.	Questions and clarifications	Bates No. NPT0006224

SSFS may introduce the following exhibits at trial in this matter:

#	<u>Exhibit</u>	<u>Record/Bate No. (As Applicable)</u>
301.	Cochnauer fisheries expert witness rebuttal report prepared for Save the South Fork Salmon, November 6, 2023	
302.	Bidlack, et al., <i>Identifying Suitable Habitat for Chinook Salmon across a Large, Glaciated Watershed</i> (April 2014)	SSFS000172-SSFS000183
303.	Cooney & Holzer, <i>Appendix C: Interior Columbia Basin Stream Type Chinook Salmon and Steelhead Populations: Habitat Intrinsic Potential Analysis</i> (2006)	SSFS000184-SSFS000204
304.	Gowans, et al., <i>Movements of Atlantic Salmon Migrating Upstream through a Fish-pass Complex in Scotland</i> (2003)	SSFS000205-SSFS000218

305. Hedden-Nicely, *The Contemporary Methodology for Quantifying Reserved Instream Flow Water Rights to Support Aquatic Habitat* (2020) SSFS000219-SSFS000248
306. Idaho Water Resources Board, Idaho State Water Plan (November 2012) SSFS000249-SSFS000338
307. Romey, *Modeling Spawning Habitat Potential for Chum (Onchorhynchus keta) and Pink Salmon (O. gorbuscha) in Relation to Landscape Characteristics in Coastal Southeast Alaska* (2028) SSFS000339-SSFS000441
308. Sergeant, et al., *Risks of Mining to Salmonid-bearing Watersheds* (July 2022) SSFS000442-SSFS000459
309. Steel, et al., *Current Landscapes and legacies of Land-use Past: Understanding the Distribution of Juvenile Coho Salmon (Oncorhynchus kisutch) and Their Habitats Along the Oregon Coast, USA* (2016) SSFS000460-SSFS000475
310. Dept. of Ecology, State of Washington, *An Overview of the Instream Flow Incremental Methodology (IFIM)* (February 2010) SSFS000476-SSFS000479
311. Cooperative Instream Flow Service Group (USFWS, EPA, SCS, USGS), *A Guide to Stream Habitat Analysis Using the Instream Flow Incremental Methodology* (June 1982) SSFS000480-SSFS000752
312. Wolleback, et al., *Population Connectivity: Dam Migration Mitigations and Contemporary Site Fidelity in Arctic Char* (2011) SSFS000753-SSFS000779
313. Idaho Department of Fish & Game, *Idaho State Wildlife Action Plan* (2023) SSFS000780-SSFS001206
314. SRBA Output for Sugar Creek PA033 for Chinook Salmon and Bull Trout SSFS001207-SSFS001209
315. Joint Comments on the Stibnite Gold Project Supplemental Draft Environmental Impact Statement, January 9, 2023 SSFS001210-SSFS001544
316. Nelson, Comments on Perpetua Resources Ltd Supplemental Draft Environmental Impact Statement SSFS001545-SSFS001587

317. Perpetua Technical Memorandum: Stibnite Gold Project Fish Passage Evaluation (2023) PRI0018839-PRI0019084
318. BAS Consulting expert rebuttal report, prepared for protestant Nez Perce Tribe and Save the South Fork Salmon, November 6, 2023
319. Cochnauer fisheries expert witness report prepared for protestant Save the South Fork Salmon, September 11, 2023

DATED this 4th day of December, 2023.

/s/ Michael A. Lopez
Michael A. Lopez
Attorney for Nez Perce Tribe

/s/ Amanda W. Rogerson
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/s/ Marie C. Kellner
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/s/ Julia S. Thrower
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Attorney for Protestant Save the South Fork Salmon, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December, 2023, I caused a true and correct copy of the foregoing document to be served by email, addressed to the following:

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