

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 31 2023	
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE: CSRBA

Case No. 49576

Subcase Nos. 95-9115, 95-9119, and 95-2067

STATE OF IDAHO'S NON-RETAINED
EXPERT WITNESS DISCLOSURE AND
EXHIBIT LIST

COMES NOW the State of Idaho, Office of the Governor ("State of Idaho"), pursuant to the Idaho Rules of Civil Procedure and the Court's Scheduling Order, and hereby provides its disclosure of those persons it expects to call as non-retained expert witnesses at the trial and its list of exhibits.

NON-RETAINED EXPERT WITNESS LIST

1. Mathew Weaver, Director, Idaho Department of Water Resources ("IDWR")

Subject Matter: The existence and elements of the Governor's Water Right in Lake Coeur d'Alene.

Substance of Opinions: Director Weaver is anticipated to testify that the subject water right is accurately described and set out in various reconcilable forms in the License and Certificate of Water Right Number 16641 (later renumbered to 95-2067), Notice of Claim to a Water Right Acquired Under State for Water Right 95-2067, The Idaho Department of Water Resources Recommended Water Right Acquired Under State Law for Water Right 95-2067 and the Stipulated Element of a Water Right Standard Form 5 for subcase No. 95-2067. He will likely testify about the history, purpose, and basis of the subject water right. He may also discuss and respond to questions concerning the responsibilities of the IDWR, water right adjudications, water right claims, water right procedures and water right claim resolution.

Facts and Data Relied Upon: Director Weaver's opinions are informed by his personal experience gained through education, training, and experience. Also see Exhibit List Below.

Qualifications: Mr. Weaver is the Director of IDWR. Previously he served as the deputy director and the rules and regulation officer of IDWR for a decade. As Deputy, he oversaw the Department's Water Compliance Bureau, Technical Services Bureau, and Safety of Dams program. He previously worked for the agency as a staff engineer and technical engineer for five years. Mr. Weaver received his Master of Physical Science in Hydrology from Boise State University and bachelor's in civil engineering from Montana State University in Bozeman, Montana. Pursuant to Idaho Code 42-1401B the

Director is "an independent expert and technical assistant to assure that claims to water rights acquired under state law are accurately reported in accordance with chapter 14, title 42, Idaho Code." Moreover, "the Director's Report is prima facie evidence and the facts contained therein are presumed to be correct until such time as a water claimant produces sufficient evidence to rebut that presumption." *State v. Hagerman Water Right Owners, Inc.*, 130 Idaho 736, 746, 947 P.2d 409, 419 (1997). Also see Idaho Code Section 42-1411(5).

2. Craig L. Saxton, Manager, Adjudication Section, IDWR.

Subject Matter: The existence and elements of the Governor's Water Right in Lake Coeur d'Alene.

Substance of Opinions: Mr. Saxton is anticipated to testify that the subject water right is accurately described and set out in various reconcilable forms in the License and Certificate of Water Right Number 16641 (later renumbered to 95-2067), Notice of Claim to a Water Right Acquired Under State for Water Right 95-2067, The Idaho Department of Water Resources Recommended Water Right Acquired Under State Law for Water Right 95-2067 and the Stipulated Element of a Water Right Standard Form 5 for subcase No. 95-2067. He will likely testify about the history, purpose, and basis of the subject water right. He may also discuss and respond to questions concerning the responsibilities of the Idaho Department of Water Resources, his involvement in evaluating the subject water right, water right adjudications, water right claims, water right procedures and water right claim resolution.

Facts and Data Relied Upon: Mr. Saxton's opinions are informed by his personal experience gained through education, training, and experience. Also see Exhibit List Below.

Qualifications: Mr. Saxton has worked for Idaho Department of Water Resources ("IDWR") continuously for over 23 years, in both the Adjudication Section (18 years) and the

Water Right Permits Section (5 years). He is currently the Adjudication Section manager and has held this position since January of 2020. Understanding and implementing and administering statutes in Title 42 of the Idaho Code has been central to every position he has held at IDWR. He supervises the IDWR Adjudication Section staff and oversees their work. He has personally prepared over 2,500 recommendations to claims to a water right within three (3) ongoing water right adjudications covering over 90% of the State of Idaho (the Snake River Basin Adjudication, the Coeur d'Alene Spokane River Basin Adjudication, and the Palouse River Basin Adjudication). His former positions at IDWR include Water Resource Agent, Senior Water Resource Agent, and Water Rights Supervisor (Adjudication and Permits Sections), and Adjudication Technical Analyst 3. He earned his Bachelor of Science degree in Geology from the University of Idaho in 1996.

3. Expert Witnesses Disclosed by the Other Parties in this Subcase. The State of Idaho reserves the right to call any and all fact or expert witnesses disclosed for use at trial by the any other party in this subcase.

The content of the opinions and statements contained within this disclosure are subject to change as they are based on the state of discovery conducted thus far and the documents which have been produced to date. The State of Idaho reserves all rights to supplement, change, modify or add to this designation of expert witnesses. The State of Idaho also reserves the right not to call any of the persons identified as expert witnesses, and further reserves the right not to elicit some of the opinions disclosed.

EXHIBIT LIST

1. The License and Certificate of Water Right Number 16641 (later renumbered to 95-2067)
2. Notice of Claim to a Water Right Acquired Under State for Water Right 95-2067
3. The Idaho Department of Water Resources Recommended Water Right Acquired Under State Law for Water Right 95-2067
4. The Stipulated Element of a Water Right Standard Form 5 for subcase No. 95-2067
5. Idaho Code Section 67-4304
6. Idaho Code Section 42-1401B
7. Idaho Code Section 42-1411(5).
8. Illustrative Table of Water Right 95-2067

DATED this 31st day of October, 2023



DAVID S. PERKINS
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of October, 2023, I caused to be served a true and correct copy of the foregoing document by the methods indicated:

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