

Daniel V. Steenson [ISB # 4332]
S. Bryce Farris [ISB # 5636]
SAWTOOTH LAW OFFICES, PLLC
1101 W. River Street, Suite 110
Boise, Idaho 83702
P (208) 629-7447
F (208) 629-7559
E dan@sawtoothlaw.com
bryce@sawtoothlaw.com

Attorneys for Protestant Beranna Dairy

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 85639 IN THE NAME OF
IMH BOISE CIMARRON, LLC

**BERANNA DAIRY'S WITNESS AND EXHIBIT
DISCLOSURE**

Protestant Beranna Dairy ("Beranna") by and through undersigned counsel of record and pursuant to the Department's *Scheduling Order, Order Authorizing Discovery, Notice of Status Conference, and Notice of Hearing* (Aug. 25, 2023), and hereby submits hereby submits the following list of witnesses who Beranna may call to testify, and not necessarily in the order provided below, at hearing:

1. Bernie Teunissen, Beranna Dairy
2. Joe Weitz, Weitz Farm
3. George W. Crookham, Crookham Company
4. Hal N. Anderson, Idaho Water Engineering
5. Kenneth Neely, Idaho Water Engineering
6. Philip Watson, Ph.D., University of Idaho
7. Keri Smith, Treasure Valley Planning, LLC

Beranna hereby submit the following list of exhibits, and not necessarily in the order provided below, that may be presented by Beranna at hearing:

- Exhibit 101:** Application for Transfer No. 85639 (Deposition Exhibit 1).
- Exhibit 102:** IDWR Water Right Report for Permit No. 63-34320 (Deposition Exhibit 2).
- Exhibit 103:** IDWR Water Right Report for Water Right No. 63-3298 (Deposition Exhibit 3).
- Exhibit 104:** Questions from Jeff Moffett/Responses from Darren Mann – IMH_000372 (Deposition Exhibit 4).
- Exhibit 105:** Expert Report, prepared by Philip Watson and Jason Winfree, dated November 30, 2023 (Deposition Exhibit 12).
- Exhibit 106:** Rebuttal Expert Report, prepared by Philip Watson, dated December 20, 2023 (Deposition Exhibit 13).
- Exhibit 107:** Expert Report, prepared by Keri Smith, dated December 6, 2023 (Deposition Exhibit 15).
- Exhibit 108:** Expert Report, prepared by Hal Anderson and Ken Neely, dated December 7, 2023 (Deposition Exhibit 21).
- Exhibit 109:** Rebuttal Expert Report, prepared by Hal Anderson and Ken Neely, dated January 4, 2024.
- Exhibit 110:** Development Agreement for Gray/Rawlings, dated September 22, 2008 (Deposition Exhibit 9).
- Exhibit 111:** SPF Memorandum, dated September 17, 2021 (Deposition Exhibit 10).
- Exhibit 112:** Expert Report, prepared by Scott King, dated December 7, 2023 (Deposition Exhibit 5).
- Exhibit 113:** Rebuttal Expert Report, prepared by Scott King, dated January 5, 2024 (Deposition Exhibit 6).
- Exhibit 114:** Expert Report, prepared by Dr. Jeff Moffett, dated December 2023 (Deposition Exhibit 7).
- Exhibit 115:** Rebuttal Expert Report, prepared by Dr. Jeff Moffett, dated January 2024 (Deposition Exhibit 8).

RESERVATION OF RIGHTS

Beranna hereby reserves the right to supplement this witness list. Further, the Beranna also reserves the right to call any witness named or called by any other party in this matter.

Beranna hereby reserves the right to supplement this exhibit list and to use any document or pleading filed/lodged with the Idaho Department of Water Resources in this matter or any document produced in discovery or which may have been an exhibit to any deposition taken in this matter. Further, Beranna reserves the right to use enlargements of any exhibit for demonstrative purposes and also reserves the right to use any exhibit offered by any other party at the hearing in this matter.

Beranna further reserves the right to supplement and amend this disclosure in the event individuals identified herein, or in any supplement or amendment hereto, become unavailable to testify.

In making this disclosure, Beranna does not represent that they will necessarily call the disclosed witness(es), or that the disclosed witness(es) will be present at trial/hearing.

Beranna further reserves the right to call witnesses not identified herein for the sole purpose of impeaching any witness testimony presented by the Applicant.

DATED this 24th day of January, 2024.

SAWTOOTH LAW OFFICES, PLLC

By 

Daniel V. Steenson

S. Bryce Farris

Attorneys for Beranna Dairy

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 2024, I caused a true and correct copy of the foregoing **BERANNA DAIRY'S WITNESS AND EXHIBIT DISCLOSURE** to be served by the method indicated below, and addressed to the following:

Norm Semanko
Garrett Kitamura
PARSONS BEHLE & LATIMER
800 W. Main Street, Ste. 1300
Boise, ID 83702
P (208) 562-4900
E *nsemanko@parsonsbehle.com*
gkitamura@parsonsbehle.com

() U.S. Mail, Postage Prepaid
(X) Hand Delivered
() Overnight Mail
() Facsimile
() Email



S. Bryce Farris