

EXHIBIT LIST FOR HEARING

IN THE MATTER OF APPLICATION FOR)
TRANSFER 85639 IN THE NAME OF)
IMH BOISE COMARRON LLC)
_____)

Beginning at 9:00 AM
February 7, 2024
Hearing Officer: Shelley Keen

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF INTRODUCED	EVIDENCE ADMITTED
	APPLICANT EXHIBITS		
1	Application For Transfer 85639	✓	✓
2	HDR Expert Report 12/23	✓	✓
3	HDR Rebuttal Expert Report 1/5/24	✓	✓
4	December 2023 Expert Report of Triple Point Strategic Consulting - <i>Moffett</i>	✓	✓
5	January 2024 Expert Report of Triple Point Strategic Consulting- Rebuttal - <i>Moffett</i>	✓	✓
6	Scott King, PE resume	✓	✓
7	Jeff Moffett, Ph.D. resume	✓	✓
8	Biography and Publications of Jeff Moffett	✓	✓
9	Water Right Report: 63-3298 Decreed/Active) <i>already in</i>	✓	✓
10	Water Permit Report 63-3298 <i>record</i>	✓	✓
11	2008 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
12	2009 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
13	2010 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF EVIDENCE	
		INTRODUCED	ADMITTED
14	2011 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
15	2012 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
16	2014 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
17	2015 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
18	2016 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
19	2017 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
20	2018 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
21	2019 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
22	2020 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458	✓	✓
23	4/10/2019 SPF Water Engineering Memorandum to Richard Rawlings from Terry Scanlan		
24	9/17/2021 SPF Water Engineering Memorandum to Jarron Langston & Truman Mathews from Sean Albertson & Jason Thompson		
25	IMH_000382 - Data of Canyon County Output by Sector for Table 1, Table 2, and Figure 3 of December 2023 Expert Report of Triple Point Strategic Consulting:		

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF	EVIDENCE
		INTRODUCED	ADMITTED
26	IMH_000554 - Data of Canyon County Water by Sector and Source for Table 5 of December 2023 Expert Report of Triple Point Strategic Consulting:		
27	IMH_000394 – Data of Canyon County Ag Sector used for Figure 1 and Figure 2 of December 2023 Expert Report of Triple Point Strategic Consulting:		
28	IMH_000962 – Data of Cimmaron Ridge Water Use Changes for Table 6 and Table 7 of December 2023 Expert Report of Triple Point Strategic Consulting		
29	IMH_000961 - Data of Cimmaron Ridge Water Use Changes for Table 6 and Table 7 of December 2023 Expert Report of Triple Point Strategic Consulting:		
30	IMH000267 - Canyon County Land Categories for Table 4 of December 2023 Expert Report of Triple Point Strategic Consulting:		
31	IMH000363 - Canyon County Land Categories for Table 4 of December 2023 Expert Report of Triple Point Strategic Consulting:		
32	Crop records 2008-2022	✓	✓
33	Memu from Dennis Owsley	✓	NO
34	Well log 2002	✓	✓
35	graph hydrograph	✓	✓

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF	EVIDENCE
		INTRODUCED	ADMITTED
	PROTESTANT EXHIBITS		
101	Application for Transfer 85639		
102	IDWR Water Right Report for Permit 63-34320		
103	IDWR Water Right Report 63-3298		
104	Questions from Jeff Moffett/Responses from Darren Mann	✓	✓
105	Expert Report by Philip Watson & Jason Winfree 11/30/23	✓	✓
106	Rebuttal Expert Report by Watson 12-20-23	✓	✓
107	Expert Report by Keri Smith 12-6-23	✓	✓
108	Expert Report by Hal Anderson & Ken Neely 12-7-23	✓	✓
109	Rebuttal Expert Report by Anderson & Neely 1-4-24	✓	✓
110	Development Agreement for Gray/Rawlings 9-22-2008		
111	SPF Memo 9-7-21		
112	Scott King Expert Report 12-7-23		
113	Scott King Rebuttal Expert Report 1-5-24		
114	Jeff Moffett Ph.D. Expert Report December 2023		
115	Jeff Moffett Ph. D rebuttal Expert Report January 2024		

HEARING
Application for Transfer 85639
Date: February 8, 2024
Presiding Officer: Shelley Keen

NAME	PHONE NUMBER ADDRESS, CITY, ZIP	EMAIL ADDRESS	REPRESENTING
Dr. Phillip Watson via video conference			Beranna
George CROOKHAM	208-250-8516 706 Willow Falls CT Caldwell ID 83605	gwc@CROOKHAM.com	
Joe Weitz	16909 Marsing Road Caldwell, ID 83607 208-880-3445	Jrwwesternfarms@gmail	
Keri K. Smith	17741 Linden Ln. Caldwell, ID 83607	Keri@kupidaho.com	Beranna

If you are the applicant or the protestant, you can sign in and add your phone number. If you are not the protestant or the applicant, please fill in all the address information. PLEASE MAKE SURE TO ALWAYS PUT YOUR PHONE NUMBER AND EMAIL, IF POSSIBLE.
Thank you, IDWR.

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NAME	PHONE NUMBER ADDRESS, CITY, ZIP	EMAIL ADDRESS	REPRESENTING
Bryce Farris		bryce@sawtoothlaw.com	Beranna
Scott King		scott.king@hdrinc.com	IMH
Garrett Kitamura		g.kitamura@parsonsbehle.com	IMH
Norm Semanko		n.semanko@parsonsbehle.com	IMH
Bernie Teunissen		bernieteunissen@gmail.com	Beranna
Dr. Jeff Muffatt via Video Conference			IMH

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Bryce Farri's		bryce@sawtoothlaw.com	Beranna
Garrett Kitamura		gkitamura@parsonsbehle.com	IMH
Norm Semanko		Nsemanko@parsonsbehle.com	IMH
SCOTT KING		Scott.King@hdrinc.com	IMH
Bernie Teunissen		bernieteunissen@gmail.com	Beranna
H2I Anderson		h2i@idhowaterengineering.com	Beranna

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HEARING
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NAME	PHONE NUMBER ADDRESS, CITY, ZIP	EMAIL ADDRESS	REPRESENTING
Ken Neely		Ken@idahowaterengineering.com	Bozeman

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TESTIMONY LOG

IN THE MATTER OF APPLICATION)
FOR TRANSFER 85639 IN THE NAME)
OF IMH BOISE CIMMARRON LLC)

Beginning at 9:00 AM
February 7, 2024 to February 9, 2024
Hearing Officer: Shelley Keen

DIGITAL INFORMATION:

DIGITAL TRACK	DIGITAL LOCATION	TESTIMONY DESCRIPTION
No.	HRS-MIN-SEC	
1		on record @ 9:18am - Shelley runs through procedure
2		MA Semanko calls Scott King HODP
		exhibit b Scott resume
	14:00	exhibit b introduced & admitted
	15:30	is Scott an expert? recognized as expert
	19:30	exhibit / introduced - officially recognize
		questions about application
	49:35	Shelley has questions about water-balance
	58:00	exhibit 11-22
	1:18:00	Break 10:42am
	1:18:45	Exhibits 11-22 introduced *
		Bryce had concerns - need foundation
		come back later to admit
		exhibit 2 - expert report

DIGITAL TRACK	DIGITAL LOCATION	
No.	HRS-MIN-SEC	TESTIMONY DESCRIPTION
2		HDR (Scott King's) expert report
	1:41:00	transfer analysis
	1:45	Local Public interest
	1:47:34	Water consumption
	1:53'	objection about transfer memo ^{5 yr} back
		testimony allowed
	1:56:00	exhibit 3 - King's Rebuttal report to Idaho water engineering report
	2:00:00	Water Supply Issues
	2:05	Potential Impacts to GW levels
	2:16:35	2.5 FWE Conclusions
	2:21	introduce exhibit 2 + 3 - (stipulated) & admitted
3		one additional question from Mr. Semanko
		lunch break
4		after lunch →
		deal w/ exhibits 11-22 objection withdrawn
		exhibits admitted
		Mr. Farris cross Mr. King
	18:40	permit should not be a factor
	31:30	can Scott come up w/ different numbers w/ other crops

DIGITAL TRACK	DIGITAL LOCATION	
No.	HRS-MIN-SEC	TESTIMONY DESCRIPTION
4	32:20	period of use - longer season of use
	41:50	gw concerns - objection - re-stated
	52:32	exhibit 1 pg 8 of 22
	58:00	larger lots ^{in south} could potentially need
		more water & could drill own well
5		re-directed by Mr. Semanko
5	7:23	Mr. Farris Re-cross
5	12:54	Shelley asks a couple of questions • wastewater • conservation
	17:03	Norm follow-up question - wastewater local
		public interest
		break
6		Mr. Farris calls Hal Anderson ^{July 2012 IWE}
		talked about education & work background
	19:00	exhibit 108
	23:35	Water Supply Issues
	36:45	Additional Information Needed & Questions
		4, 7 (together) 8
	39:00	Conclusions
	41:09	exhibit 109
	45:52	new questions - 4, 8, 9

DIGITAL TRACK	DIGITAL LOCATION	
No.	HRS-MIN-SEC	TESTIMONY DESCRIPTION
6	48:39	concerns about injury new stresses on the aquifer
7		Mr. Kitamura cross examines Mr. Anderson
8		Mr. Farris calls Ken Neely
1	8:13	asked for opinion on enlargement + injury for application
	11:28	Geology + Hydrogeology
	19:40	Land use changes
	22:12	Potential Impacts to GW Levels Due to Changes in pumping schedule
		Cone of depression
	25:00	Conclusion - potential injury
	27:22	questions that needed answering
	41:24	exhibit 109
	46:11	objection about speculation of boss @ FOWR
		re phrase
	48:58	re-charge (wastewater)
	51:00	exhibit 108 + 109 introduced + admitted
9		Mr. Kitamura no questions for Ken
9		no questions from Shelley

DIGITAL TRACK	DIGITAL LOCATION	TESTIMONY DESCRIPTION
No.	HRS-MIN-SEC	
		Thursday Feb. 8 th
10		on record @ 9:09am MDT
		Mr. Kitamura calls ^{Dr.} Jeff McClett
		explains resume exhibit 7
	15:00	exhibit 8 Jeff's bio
	20:51	exhibit 7 & 8 introduced & admitted
	25:39	recognize Dr. McClett as "expert"
	28:00	exhibit 4
	31:30	IMPLAN data
	40:42	Shelley asks question who owns IMPLAN now
	51:55	overall economy
	54:03	Economic Impact of Transfer
	1:04:10	Proposed Residential Development
	1:09	Conclusion section
	1:10:40	exhibit 4 introduced & admitted
	1:14:	Rebuttal report exhibit 5
	1:21:15	Economic impacts
	1:35:43	Treasure Valley Planning Idaho
		Break
	1:41:00	back on record

Farris has concerns - NO objection

DIGITAL TRACK No.	DIGITAL LOCATION HRS-MIN-SEC	TESTIMONY DESCRIPTION
11	/	Mr. Farris cross examines Dr. Muffett
	2:50	exhibit 104
	5:46	introduced ^{exhibit 104} - object lack of foundation admitted
	8:00	objection on "applicant's rep"
		rephrase who is Darren Mann
	12:35	back to exhibit 4
		indirect & induced impacts
	20:24	Shelley asks clarifying question
	23:40	exhibit 4 pg 3
	34:00	"Rapid" change
	46:40	summary for Mr. Farris to understand questions
12		more to admit exhibit 5 - admitted
		re-direct by Mr. Kitamura
	2:25	exhibit 104 question 4
		used FSA reported acres
	4:00	exhibit 4 table 7
		Lunch

DIGITAL TRACK	DIGITAL LOCATION	TESTIMONY DESCRIPTION
No.	HRS-MIN-SEC	
13		Back on record after lunch
		Dr. Phillip Watson for ^{Ph.D} protestant education + background
	8:25	exhibit 105
	31:55	move to admit exhibit 105 - ^{no objection} admitted
	33:00	exhibit 106
	43:19	people will feel effect
	43:34	move ex 106 to be admitted ^{no objection} - admitted
14		Mr. Kitamura cross-examines
	3:40	statistical confidence
	7:00	Shelley has question - ripple on effects
15		Mr. Farris calls George Crookham
		Crookham Company - seed breeding
	18:20	monitor farms in area - smart growth
	19:40	spot zoning
	22:33	proposed development w/o Beranna Dairy
16		cross-examination - have you told county about concerns
		Break
17		Mr. Farris calls Joe Weitz

DIGITAL TRACK	DIGITAL LOCATION	
No.	HRS-MIN-SEC	TESTIMONY DESCRIPTION
17		farm owner - Weitz Farms & manage
		Western Farms sell crops to various
		businesses
	6:17	exhibit 108
	13:40	no cross examination
		Break
18		Mr. Farris calls Keri Smith
		owns Treasure Valley Idaho -
		land use ^{planner} development - protect
		agricultural
		discusses background
	14:48	spot zoning
	21:52	exhibit 107
	24:56	requested documents & case overview
	41:40	page 4 Loss of Productive Ag Land
	49:40	determination of "local area" utilizing
		3(b) and c
	54:35	will development push out farmers?
	55:41	traffic in new area
	59:30	^{norm} Objection - legal question?

DIGITAL TRACK	DIGITAL LOCATION	TESTIMONY DESCRIPTION
No.	HRS-MIN-SEC	
18	1:00:00	Shelley is questioning Ms. Smith
		Zone change is approved but has to
		go through subdivision process
	1:03:20	transfer criteria
	1:07:00	Shelley asks about statute
	1:10:39	Mr. Farris continues
	1:12:42	move to admit exhibit 107 - admitted
19		Mr. Kitamura cross examines Ms. Smith
		no specific statistics
	12:23	Mr. Farris re-direct
20		Mr. Farris calls Mr. Teunissen
		Beranna Dairy established in 1989
		moved to Canyon County in 2000
		also have cattle in Elmore County
	8:27	Why did you protest application?
	9:45	concerns? GW levels? 240 homes
		impact on agricultural economy traffic
		spraying
	20:19	cross examination by Mr. Kitamura
		steps to reduce odor.

DIGITAL TRACK No.	DIGITAL LOCATION HRS-MIN-SEC	TESTIMONY DESCRIPTION
20	22:24	Shelley asks question about rezoning
21		Mr. Semanko recalls Scott King
	1:20	exhibit 32(new) crop data & consumptive use
		nothing available for 2020 & 2021
	7:45	move to have exhibit 32 admitted - Mr. Farris
		objected - Allowed by Shelley
	10:30	questions about Mr Neely's testimony
		discuss memo by Dennis Owsley
	20:50	move to admit ex 33 - not admitted
		(webex recording time stamp ~ 2:00:00)
	21:54	digital recording turned on
		D0019593
	26:00	exhibit 3 pg 4
	27:28	move to admit exhibits 34 & 35
		admitted
	47:34	Mr Farris re-cross of Mr. King
	48:50	Shelley needs clarification
	51:00	ex 34 & 35 maybe helpful
	53:30	ex 32: no 2023 report

