

Norman M. Semanko, ISB #4761
Garrett M. Kitamura, ISB #11502
PARSONS BEHLE & LATIMER
800 W. Main Street, Suite 1300
Boise, Idaho 83702
Telephone (208) 562-4900
Facsimile (208) 562-4901
Email: nsemanko@parsonsbehle.com
gkitamura@parsonsbehle.com
boisedocket@parsonsbehle.com

Attorneys for IMH Boise Cimarron, LLC

RECEIVED

Jan 24, 2024

DEPARTMENT OF
WATER RESOURCES

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

IMH BOISE CIMARRON, LLC'S
DISCLOSURE OF PROPOSED
WITNESSES AND EXHIBITS FOR
HEARING

IMH Boise Cimarron, LLC, by and through its counsel of record, Parsons Behle & Latimer, hereby submits this *Disclosure of Proposed Witnesses and Exhibits for Hearing* in compliance with the *Scheduling Order, Order Authorizing Discovery, Notice of Status Conference, and Notice of Hearing* ("Scheduling Order") issued by the Idaho Department of Water Resources ("IDWR" or "Department") Hearing Officer on August 25, 2023.

I. IDENTIFICATION OF POSSIBLE WITNESSES AND SCOPE OF TESTIMONY

- a. Scott King, P.E.**
HDR
412 E. Parkcenter Blvd. Suite 100
Boise, ID 83706-6659

Mr. King may testify as an expert on matters related to Application for Transfer No. 85639 ("Application"), the non-enlargement of the water right associated with the Application, the non-injurious nature of the Application, the effects the proposed transfer would have on the

agricultural base, and the effects the proposed transfer would have on the conservation of water resources in the State of Idaho. His expert report has been timely disclosed under the *Scheduling Order*.

- b. Jeff Moffett, Ph.D.**
Triple Point Strategic Consulting, LLC
PO Box 985
Crested Butte, CO 81224

Dr. Moffett may testify as an expert on matters related to the economic effects of the proposed subdivision associated with the Application, specifically with regard to the subdivision's potential effects on the agricultural base of Canyon County, Idaho. His expert report has been timely disclosed under the *Scheduling Order*.

c. Persons identified in other parties' witness disclosures made pursuant to the *Scheduling Order* in this matter.

- d. Any witnesses necessary for rebuttal.

II. IDENTIFICATION OF POSSIBLE EXHIBITS

IMH Boise Cimarron, LLC's Exhibit No.	Exhibit Description
APPLICATION MATERIALS	
1	12/20/2021 Application for Transfer No. 85639
EXPERT REPORTS	
2	12/7/2023 Expert Report of HDR: <i>Expert Witness Report in Support of Application for Transfer No. 85639</i>
3	1/5/2024 Expert Report of HDR: <i>Expert Witness Report in Rebuttal to Idaho Water Engineering Report on Application for Transfer No. 85639</i>
4	December 2023 Expert Report of Triple Point Strategic Consulting: <i>Estimating the Effect of Cimarron Ridge on the Agricultural Base of Canyon County – Canyon County, Idaho</i>
5	January 2024 Expert Report of Triple Point Strategic Consulting: <i>Rebuttal of Expert Reports in Support of Beranna Dairy LLC Protests of Water Rights Transfer – Canyon County, Idaho</i>
OTHER DOCUMENTS	
6	Resume of Scott King, P.E.
7	Resume of Jeff Moffett, Ph.D.

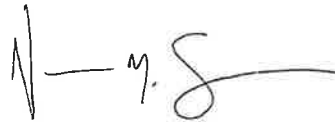
8	Biography and Publications of Jeff Moffett, Ph.D.
9	Water Right Report: 63-3298 (Decreed/Active)
10	Water Permit Report: 63-34320 (Active)
11	2008 FSA-578 Report of Commodities Farm and Tract Detail Listing for Farm No. 3698 (McIntyre Farms), Tract No. 3458
12	2009 FSA-578 Report of Commodities Farm 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
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	2022 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
DATA SUPPORTING EXPERT REPORT	
25 (Excel spreadsheet produced in native form)	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: <i>Estimating the Effect of Cimarron Ridge on the Agricultural Base of Canyon County – Canyon County, Idaho</i>
26 (Excel spreadsheet produced in native form)	IMH_000554 - Data of Canyon County Water by Sector and Source for Table 5 of December 2023 Expert Report of Triple Point Strategic Consulting: <i>Estimating the Effect of Cimarron Ridge on the Agricultural Base of Canyon County – Canyon County, Idaho</i>
27 (Excel spreadsheet produced in native form)	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: <i>Estimating the Effect of Cimarron Ridge on the Agricultural Base of Canyon County – Canyon County, Idaho</i>
28 (Excel spreadsheet)	IMH_000962 – Data of Cimmaron Ridge Water Use Changes for Table 6 and Table 7 of December 2023 Expert Report of Triple Point Strategic

produced in native form)	Consulting: <i>Estimating the Effect of Cimarron Ridge on the Agricultural Base of Canyon County – Canyon County, Idaho</i>
29 (Excel spreadsheet produced in native form)	IMH_000961 - Data of Cimarron Ridge Water Use Changes for Table 6 and Table 7 of December 2023 Expert Report of Triple Point Strategic Consulting: <i>Estimating the Effect of Cimarron Ridge on the Agricultural Base of Canyon County – Canyon County, Idaho</i>
30 (Excel spreadsheet produced in native form)	IMH000267 - Canyon County Land Categories for Table 4 of December 2023 Expert Report of Triple Point Strategic Consulting: <i>Estimating the Effect of Cimarron Ridge on the Agricultural Base of Canyon County – Canyon County, Idaho</i>
31 (Excel spreadsheet produced in native form)	IMH000363 - Canyon County Land Categories for Table 4 of December 2023 Expert Report of Triple Point Strategic Consulting: <i>Estimating the Effect of Cimarron Ridge on the Agricultural Base of Canyon County – Canyon County, Idaho</i>

Additional possible exhibits include any documents or exhibits provided or listed by the protestors or any other party, any documents produced in discovery by the protestors or any other party, any documents necessary or useful in impeachment of any witness or challenging the foundation or effect of any exhibit listed by the protestors or any other party, and any documents on record with IDWR.

DATED this 24th day of January, 2024.

PARSONS BEHLE & LATIMER



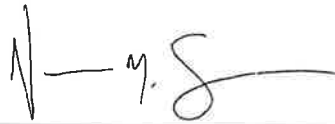
Norman M. Semanko
Garrett M. Kitamura
Attorneys for IMH Boise Cimarron, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of January, 2024, a true and correct copy of the foregoing document was e-filed through the Idaho Department of Water Resources e-filing system, and that I served a true and correct copy of the foregoing by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

Shelley Keen IDAHO DEPARTMENT OF WATER RESOURCES 322 E. Front Street Boise, ID 83702 <i>Hearing Officer</i>	☐ U.S. Mail ☐ Facsimile: ☒ Hand Delivery ☐ Overnight Delivery ☒ Email: shelley.keen@idwr.idaho.gov file@idwr.idaho.gov
Daniel V. Steenson S. Bryce Farris SAWTOOTH LAW OFFICES P. O. Box 7985 Boise, ID 83707 <i>Attorneys for Protestants</i>	☐ U.S. Mail ☐ Facsimile: ☒ Hand Delivery ☐ Overnight Delivery ☒ Email: dan@sawtoothlaw.com ; bryce@sawtoothlaw.com

DATED this 24th day of January, 2024.



Norman M. Semanko

Hersley, Jean

From: Lauri A. Ehredt <LEhredt@parsonsbehle.com>
Sent: Wednesday, January 24, 2024 3:56 PM
To: IDWR File; Keen, Shelley; dan@sawtoothlaw.com; bryce@sawtoothlaw.com
Cc: Garrett M. Kitamura; Brad Ebert; Norman M. Semanko; Kimberly Aulenbacher
Subject: In Re: Application for Transfer No. 85639 in the Name of IMH Boise Cimarron, LLC / PBL #34631.001
Attachments: 01-24-2024 IMH Boise Cimarron's Disclosure of Proposed Witnesses and Exhibits for Hearing.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Attached you will find IMH Boise Cimarron, LLC's Disclosure of Proposed Witnesses and Exhibits for Hearing. The exhibits mentioned therein can be found in the below secure link. This link will only work for the email addresses listed herein. Should you require someone else to have access, please contact our office. Additionally, a hard copy binder of the exhibits is also being hand delivered to your offices.

 [IMH FINAL EXHIBITS](#)

Thank you,
Lauri A. Ehredt
Legal Assistant



A Professional
Law Corporation

Lauri A. Ehredt
Legal Secretary
Parsons Behle & Latimer
800 West Main Street, Suite 1300 • Boise, Idaho 83702
Main +1 208.562.4900 • Direct +1 208.562.4884 • Fax +1 208.562.4901

parsonsbehle.com • LEhredt@parsonsbehle.com • [vCard](#)

CONFIDENTIALITY NOTICE: This electronic mail message and any attachment(s) are confidential and may also contain privileged attorney-client information or work product. The message is intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, distribute, or copy this communication. If you have received the message in error, please immediately notify us by reply electronic mail or by telephone at +1 801.532.1234, and delete this original message.