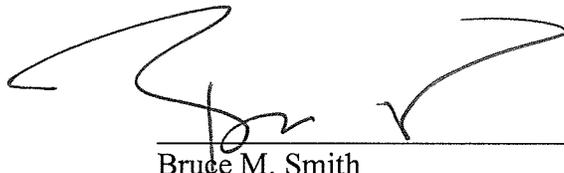


3. The report seeks to usurp the authority of the City as a municipality in terms of determining its future needed water rights.
4. The report and protocol incorporated into the report does not comport with the processes and analyses employed by professional land use planners such as employed by the City of Eagle.
5. The report and protocol includes determinations such as population estimates that are not within the IDWR's experience, technical competence, and specialized knowledge.
6. Dr. Reading's population analysis fails to use appropriate and relevant localized information relevant to the historical growth of the City of Eagle as well as the City's Comprehensive Plan. Instead, Dr. Reading substituted generalized internet sources to reach his conclusions which are based on his asserted "judgment" and "educated guess."
7. The protocol and report eliminate certain portions of the City's planning area and population based on improper application of I.C. § 42-202(B)(8).
8. The testimony of Vern Brewer and Nichoel Baird Spencer and the Affidavit of Bruce M. Smith (attaching deposition transcripts for Matthew Weaver and Don Reading).
9. Such other bases as may be appropriate based on testimony at the hearing.

RESPECTFULLY SUBMITTED this 18th day of October, 2011.

MOORE SMITH BUXTON & TURCKE, CHTD.

A handwritten signature in black ink, appearing to read "B. Smith", is written over a horizontal line.

Bruce M. Smith
Attorney for the City of Eagle