

Robert A. Maynard, Bar No. 5537
RMaynard@perkinscoie.com
Erika E. Malmen, Bar No. 6185
EMalmen@perkinscoie.com
Cynthia L. Yee-Wallace, Bar No. 6793
CYeeWallace@perkinscoie.com
PERKINS COIE LLP
1111 West Jefferson Street, Suite 500
Boise, Idaho 83702-5391
Telephone: 208.343.3434
Facsimile: 208.343.3232

Attorneys for Unit A Association

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE NORTH
SNAKE AND MAGIC VALLEY GROUND
WATER DISTRICTS' 2009 JOINT
MITIGATION PLAN FOR 2009
(Blue Lakes)

Docket Nos. CM-MP-2009-002

IN THE MATTER OF A&B IRRIGATION
DISTRICT'S RULE 43 MITIGATION PLAN

**UNIT A ASSOCIATION'S WITNESS
AND EXHIBIT LIST**

(Water Right Nos. 36-02356A, 36-07210, and
36-07427)

Unit A Association ("Unit A") by and through their counsel of record, Perkins Coie LLP,
submits the following Witness and Exhibit List:

I. WITNESSES

1. Gary Ottman
2. Dan Temple
3. Charles Brockway

Unit A further reserves the right to call as a witness any rebuttal or impeachment witnesses and any individual listed as a witness in discovery, whether as a fact witness or expert witness, or disclosed by any party during the discovery process in this matter. Unit A also reserves the right to supplement the above witness list prior to the hearing in this matter.

II. EXHIBITS

| Exhibit No. | Date Offrd | Date Admtd | Date W/D | Obj. Sust. | Description | Stipulated |
|--------------------|-------------------|-------------------|-----------------|-------------------|--|-------------------|
| 1. | | | | | Direct Testimony of Dan Temple, January 11, 2010 | |
| 2. | | | | | Direct Testimony of Gary Ottman, February 1, 2010 | |
| 3. | | | | | Unit A Association 2005 Resolutions attached as Ex. A to the Direct Testimony of Gary Ottman | |
| 4. | | | | | February 1955 Definite Plan Report for the North Side Pumping Division of the Minidoka Project attached as Ex. B to the Direct Testimony of Gary Ottman | |
| 5. | | | | | Patent No. 1195528 issued to John M. Ottman, dated May 13, 1959 attached as Ex. C to the Direct Testimony of Gary Ottman | |
| 6. | | | | | September 18, 1956 repayment contract between the U.S. Bureau of Reclamation and the North Side Pumping Division attached as Ex. D to the Direct Testimony of Gary Ottman | |
| 7. | | | | | November 20, 1961 repayment contract between the U.S. Bureau of Reclamation and the North Side Pumping Division attached as Ex. E to the Direct Testimony of Gary Ottman | |
| 8. | | | | | Reply Testimony of Dan Temple, February 16, 2010 | |
| 9. | | | | | Spreadsheet of District records attached as Ex. A to the Reply Testimony of Dan Temple | |
| 10. | | | | | Annual Reports Water District 1 attached as Ex. B to the Reply Testimony of Dan Temple | |
| 11. | | | | | Spreadsheet showing Unit A diversions (acre feet natural flow and storage) by year attached as Ex. C to the Reply Testimony of Dan Temple | |

| Exhibit No. | Date Offrd | Date Admtd | Date W/D | Obj. Sust. | Description | Stipulated |
|--------------------|-------------------|-------------------|-----------------|-------------------|---|-------------------|
| 12. | | | | | Repayment Contract between A&B and the U.S. Bureau of Reclamation attached as Ex. D to the Reply Testimony of Dan Temple | |
| 13. | | | | | IDWR's recommendations for water rights 1-14 attached as Ex. E to the Reply Testimony of Dan Temple | |
| 14. | | | | | IDWR's recommendations for water rights 1-2064 attached as Ex. F to Reply Testimony of Dan Temple | |
| 15. | | | | | IDWR's recommendations for water rights 1-2068 attached as Ex. G to Reply Testimony of Dan Temple | |
| 16. | | | | | A&B Irrigation Dist. Digital Boundary Map attached as Ex. H to Reply Testimony of Dan Temple | |
| 17. | | | | | Deposition Testimony of Gary Ottman (with exhibits), March 24, 2010 | |
| 18. | | | | | Deposition Testimony I of Dan Temple (with exhibits), March 24, 2010 | |
| 19. | | | | | Deposition Testimony II of Dan Temple (with exhibits), March 26, 2010 | |
| 20. | | | | | A&B Discovery Spreadsheet re: year that the wells temporally went out of service with conversion to surface water | |
| 21. | | | | | A&B Discovery Summary of Information for Wells Abandoned by A&B Due to Lack of Ground Water | |
| 22. | | | | | A&B Docs at Deposition List of Water Rights of the District | |
| 23. | | | | | A&B Docs at Deposition News Letter, Spring, 2005 | |
| 24. | | | | | A&B Docs at Deposition Letter to Unit A Water Users from A&B, March 30, 2005 | |
| 25. | | | | | A&B Docs at Deposition Letter to Unit A Water Users from A&B, May 26, 2005 | |

| Exhibit No. | Date Offrd | Date Admtd | Date W/D | Obj. Sust. | Description | Stipulated |
|--------------------|-------------------|-------------------|-----------------|-------------------|--|-------------------|
| 26. | | | | | A&B Docs at Deposition Letter to Water users from A&B, May 19, 2004 | |
| 27. | | | | | A&B Docs at Deposition Handwritten notes: 2004-2005 Allocations | |
| 28. | | | | | A&B Docs at Deposition A&B List of Unit A Landowners, March 19, 2010 | |
| 29. | | | | | A&B Docs at Deposition Pages 58-59, 54, and 24 of contract (handwritten notes: Repayment Contract/Read) | |
| 30. | | | | | A&B Docs at Deposition Pages 3-4 and 7 of contract (handwritten notes: By-Laws/Powers & Duties of Board of Directors) | |
| 31. | | | | | A&B Docs at Deposition Spreadsheet Unit A Diversions by Year 1990-2004 (handwritten notes: Exhibit C Reply Test.) | |
| 32. | | | | | A&B Docs at Deposition A&B Chart: Diversion by Month, 1990-2004 | |
| 33. | | | | | A&B Docs at Deposition A&B Chart: Acre Feet, 1954-2009 | |
| 34. | | | | | A&B Docs at Deposition Document: One day snapshot, G-Lateral allotment, June 20, 2008, .80 Criteria | |
| 35. | | | | | A&B Docs at Deposition Copy of document: One day snapshot, G-Lateral allotment, June 20, 2008, .80 Criteria (with handwritten notes) | |
| 36. | | | | | A&B Docs at Deposition Handwritten notes: G-lateral info | |

| Exhibit No. | Date Offrd | Date Admtd | Date W/D | Obj. Sust. | Description | Stipulated |
|--------------------|-------------------|-------------------|-----------------|-------------------|--|-------------------|
| 37. | | | | | A&B Docs at Deposition Spreadsheet: Unit B to Unit A Converted Lands (POD S POND & O POND) 2000-2009 (with handwritten notes: Ex. H Reply Testimony of Dan Temple) | |
| 38. | | | | | A&B Docs at Deposition Handwritten notes: Unit A G-Lateral Acres | |
| 39. | | | | | A&B Docs at Deposition Yearly Water Report for 2009 (in Acre Feet) | |
| 40. | | | | | A&B Docs at Deposition Spreadsheet: Unit B to Unit A Converted Lands (POD S POND & O POND) 2000-2009 (with handwritten notations) | |
| 41. | | | | | A&B Docs at Deposition Lands Served by the G Lateral Delivery System, Report Run: March 18, 2010 | |
| 42. | | | | | A&B Docs at Deposition Chart: 38.a and 38.b - Diversion by Month, 1990-2004 | |
| 43. | | | | | A&B Docs at Deposition Chart: 38.e - Average monthly headgate deliveries of surface water by AF to landowners in Unit A of District | |
| 44. | | | | | A&B Docs at Deposition Chart: 38.f - Storage Carryover | |
| 45. | | | | | A&B Docs at Deposition Chart: 38.g and 38.h | |
| 46. | | | | | A&B Docs at Deposition 38.i - Irrigation Practices | |
| 47. | | | | | A&B Docs at Deposition Document: One day snapshot G Lateral Allotment June 20, 2008 | |
| 48. | | | | | A&B Docs at Deposition Chart: Unit A – Water Pumped (Acre Feet) - Cumulative | |

| Exhibit No. | Date Offrd | Date Admtd | Date W/D | Obj. Sust. | Description | Stipulated |
|--------------------|-------------------|-------------------|-----------------|-------------------|---|-------------------|
| 49. | | | | | A&B Docs at Deposition Spreadsheet: Unit B to Unit A Converted Lands (POD S POND & O POND) 2000-2009 (with handwritten notations) | |
| 50. | | | | | A&B Docs at Deposition Chart: 38.a and 38.b - Diversion by Month, 1990-2004 | |
| 51. | | | | | A&B Docs at Deposition Chart: A.F. per acre – Delivered, 1954-2009 | |
| 52. | | | | | A&B Docs at Deposition Partial Decree Pursuant to I.R.C.P 54(b) for Water Right 36-15195B, May 7, 2003 | |
| 53. | | | | | A&B Docs at Deposition Partial Decree Pursuant to I.R.C.P 54(b) for Water Right 36-2080, May 7, 2003 | |
| 54. | | | | | A&B Docs at Deposition Partial Decree Pursuant to I.R.C.P 54(b) for Water Right 36-15127B, May 7, 2003 | |
| 55. | | | | | A&B Docs at Deposition Partial Decree Pursuant to I.R.C.P 54(b) for Water Right 36-15196B, May 7, 2003 | |
| 56. | | | | | A&B Docs at Deposition Partial Decree Pursuant to I.R.C.P 54(b) for Water Right 36-15194B, May 7, 2003 | |
| 57. | | | | | A&B Docs at Deposition Partial Decree Pursuant to I.R.C.P 54(b) for Water Right 36-15193B, May 7, 2003 | |
| 58. | | | | | A&B Docs at Deposition Unit A Readings, 2009 | |
| 59. | | | | | A&B Docs at Deposition Unit A Readings, 2008 | |
| 60. | | | | | A&B Docs at Deposition Unit A Readings, 2007 | |

| Exhibit No. | Date Offrd | Date Admtd | Date W/D | Obj. Sust. | Description | Stipulated |
|--------------------|-------------------|-------------------|-----------------|-------------------|---|-------------------|
| 61. | | | | | A&B Docs at Deposition Unit A Readings, 2006 | |
| 62. | | | | | A&B Docs at Deposition Unit A Readings, 2005 | |
| 63. | | | | | A&B Docs at Deposition Unit A Readings, 2004 | |
| 64. | | | | | A&B Docs at Deposition Unit A Readings, 2003 | |
| 65. | | | | | A&B Docs at Deposition Unit A Readings, 2002 | |
| 66. | | | | | A&B Docs at Deposition Unit A Readings, 2001 | |
| 67. | | | | | A&B Docs at Deposition Unit A Readings, 2000 | |
| 68. | | | | | A&B Docs at Deposition Unit A Readings, 1999 | |
| 69. | | | | | A&B Docs at Deposition Unit A Readings, 1998 | |
| 70. | | | | | A&B Docs at Deposition Unit A Readings, 1997 | |
| 71. | | | | | A&B Docs at Deposition Unit A Readings, 1996 | |
| 72. | | | | | A&B Docs at Deposition Unit A Readings, 1995 | |
| 73. | | | | | A&B Docs at Deposition Unit A Readings, 1993 | |
| 74. | | | | | A&B Docs at Deposition Unit A Readings, 1992 | |
| 75. | | | | | A&B Docs at Deposition Unit A Readings, 1991 | |
| 76. | | | | | Unit A Discovery Letter from Dan Temple to Water User, May 19, 2004 | |
| 77. | | | | | Unit A Discovery Letter from Bob Maynard to Chris Ketchum Re: Unit A Assoc./A&B Irrigation District, May 19, 2009 | |
| 78. | | | | | Unit A Discovery Letter from Gary Ottman to Chris Ketchum Re: Unit A Assoc./A&B Irrigation District, May 11, 2009 | |
| 79. | | | | | Unit A Discovery A&B Irrigation District Newsletter, Spring, 2005 | |

| Exhibit No. | Date Offrd | Date Admtd | Date W/D | Obj. Sust. | Description | Stipulated |
|--------------------|-------------------|-------------------|-----------------|-------------------|---|-------------------|
| 80. | | | | | Unit A Discovery A&B Irrigation District Newsletter, Spring, 2007 | |
| 81. | | | | | Opinion Constituting Findings of Fact, Conclusions of Law and Recommendations, March 27, 2009 | |
| 82. | | | | | Gary Ottman's water use and delivery records for 2004 | |
| 83. | | | | | Gary Ottman's water use and delivery records for 2005 | |
| 84. | | | | | Gary Ottman's water use and delivery records for 2006 | |
| 85. | | | | | Gary Ottman's water use and delivery records for 2007 | |
| 86. | | | | | Gary Ottman's water use and delivery records for 2008 | |
| 87. | | | | | Gary Ottman's water use and delivery records for 2009 | |
| 88. | | | | | A&B Irrigation District's Responses to Unit A Association's First Discovery Requests, February 1, 2010 | |
| 89. | | | | | Unit A Association's Responses to A&B Irrigation District's First Discovery Requests | |
| 90. | | | | | Notice of Deposition Duces Tecum of A&B Irrigation District Pursuant to I.R.C.P 30(b)(6), March 17, 2010 | |
| 91. | | | | | Notice of Continuation of Deposition Duces Tecum of A&B Irrigation District Pursuant to I.R.C.P 30(b)(6), March 25, 2010 | |
| 92. | | | | | Ottman Contract Settlement Sheets (produced under seal) | |
| 93. | | | | | IDWR PowerPoint Presentation: Preliminary Costs & Ranking Summary for Potential Conversion Projects, October 7, 2009 | |

Unit A reserves the right to use the exhibits attached to the depositions in this case, and any document produced by the parties.

DATED: April 5, 2010

PERKINS COIE LLP

By: 

Robert A. Maynard, ISB No. 5537
Erika E. Malmen, ISB No. 6185
Cynthia L. Yee-Wallace, ISB No. 6793

Attorneys for Unit A Association

CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 5, 2010, I caused a true and correct copy of the within named document to be forwarded with all required charges prepaid and properly addressed, by the method(s) indicated below, in accordance with IDAPA 37.01.01.303, to all of the parties of record in this proceeding, as follows:

Gary Spackman, Interim Director
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Hand Delivery
U.S. Mail
Facsimile: (208) 287-6700
Overnight Mail
Email: deborah.gibson@idwr.idaho.gov
phil.rassier@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

| |
|-------------------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/> |
| <input checked="" type="checkbox"/> |

Travis L. Thompson
Paul L. Arrington
Sarah W. Higer
Barker Rosholt & Simpson LLP
113 Main Avenue West, Suite 303
PO Box 485
Twin Falls, Idaho 83303-0485

Hand Delivery
U.S. Mail
Facsimile: (208) 735-2444
Overnight Mail
Email: tlt@idahowaters.com
pla@idahowaters.com
swh@idahowaters.com

| |
|-------------------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/> |
| <input checked="" type="checkbox"/> |



Robert A. Maynard
Erika E. Malmen
Cynthia L. Yee-Wallace