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Attorneys for North Snake and Magic Valley Ground Water Districts

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

IN THE MATTER OF THE MITIGATION  
PLAN OF THE NORTH SNAKE AND MAGIC  
VALLEY GROUND WATER DISTRICTS  
IMPLEMENTED BY APPLICATIONS FOR  
PERMIT NOS. 02-10405 AND 36-16645 AND  
APPLICATION FOR TRANSFER NO. 74904  
TO PROVIDE REPLACEMENT WATER FOR  
CLEAR SPRINGS SNAKE RIVER FARM

(Water District Nos. 130 and 140)

**TERRY SCANLAN'S  
AFFIDAVIT IN SUPPORT OF  
GROUND WATER DISTRICTS'  
MOTION TO RECONSIDER**

I, TERRY SCANLAN, being first duly sworn, do hereby depose and state under penalty of perjury that:

1. My name is Terry Scanlan and I am of sound mind and adult age.
2. I have been retained as an expert witness by the North Snake Ground Water District and the Magic Valley Ground Water District (i.e., "GWD") in the above captioned matter.
3. I hold Master and Bachelor of Science degrees in Geological Engineering from the University of Idaho. I am a licensed professional engineer, a licensed professional geologist,

and a certified water rights examiner who has expertise in hydrogeology, well construction, water supply systems, and water rights with over 22 years of experience in this field of work.

4. In conjunction with my retention as an expert witness in this matter, I have concluded that the well option, as set forth in GWD's Amended Mitigation Plan, could cost upward of \$750,000 to \$1,000,000 upon completion. Cost for drilling and testing the first well will be approximately \$200,000. This cost is based on three bids for well construction ranging from \$171,000 to \$206,000, and does not include costs for engineering or site improvements. Annual cost for power, operation, and maintenance is anticipated to be approximately \$100,000.

5. It is my opinion, that in order to produce 2.67 cfs, it will require the drilling and completion of approximately three successful production wells, assuming the testing comes back positive.

6. Although drilling wells to tap deep aquifers beneath the Snake River Farms area for mitigation water supply is possible, the following should be noted.

- It has not been determined if the deep aquifer can supply this amount of water on a sustainable basis.
- The water right permit application (36-16645) for this purpose has been protested.

8. I have read Mr. Eldridge's expert report and have consulted with Mr. Eldridge regarding his opinions. Recycling of raceway water appears to be a viable and reliable option for supply of mitigation water to maintain and increase aquaculture production at Snake River Farms. No water right action is required, no impacts to other water users will occur, and it should be possible to provide reliable and fully redundant facilities for mitigation purposes.



RACINE OLSON NYE BUDGE  
& BAILEY, CHARTERED



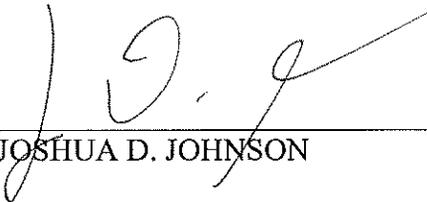
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JOSHUA D. JOHNSON  
*Attorneys for Idaho Ground Water Appropriators*

**CERTIFICATE OF MAILING**

I hereby certify that on this 12<sup>th</sup> day of December, 2008, the above and foregoing was sent to the following by U.S. Mail, proper postage prepaid and by e-mail for those with listed e-mail addresses:

David R. Tuthill, Director Idaho Department of Water Resources 322 E. Front Street P.O. Box 83720 Boise, Idaho 83720-0098 <a href="mailto:dave.tuthill@idwr.idaho.gov">dave.tuthill@idwr.idaho.gov</a> <a href="mailto:phil.rassier@idwr.idaho.gov">phil.rassier@idwr.idaho.gov</a>	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Hand Delivery
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 JOSHUA D. JOHNSON