



State of Idaho  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BOARD OF ENVIRONMENTAL QUALITY

1410 North Hilton, Boise, ID 83706-1255, (208) 373-0502

C. L. "Butch" Otter, Governor  
Curt Fransen, Director

**MEMBERS OF THE BOARD**

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Chairman  
5000 Baltimore Circle  
Idaho Falls, ID 83401

John McCreedy  
Vice-Chairman  
1951 S. Saturn Way  
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Kevin C. Boling  
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**LEGAL COUNSEL**

Douglas M. Conde  
Harriet A. Hensley

**BOARD ASSISTANT**

Rosie Alonzo  
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**IDAHO BOARD OF ENVIRONMENTAL QUALITY**

**MINUTES**

**November 3, 2014**

The Idaho Board of Environmental Quality convened on November 3, 2014 at 12:15 p.m. at:

**Department of Environmental Quality  
Conference Room C  
1410 N. Hilton  
Boise, Idaho**

**BOARD MEMBERS PRESENT**

Carol Mascareñas, Chairman (*via teleconference*)  
John McCreedy, Vice-Chairman  
Kevin Boling, Secretary (*via teleconference*)  
Nick Purdy, Member (*via teleconference*)  
Dr. John R. "Randy" MacMillan, Member  
Kermit Kiebert, Member (*via teleconference*)  
Beth Elroy, Member (*via teleconference*)

**DEPARTMENT OF ENVIRONMENTAL QUALITY STAFF PRESENT**

Curt Fransen, Director  
Harriet A. Hensley, Deputy Attorney General, Legal Counsel for the Board  
Paula Wilson, Rules Coordinator  
Rosie Alonzo, Management Assistant, Assistant to the Board  
Lisa Carlson, Deputy Attorney General, DEQ  
Mike Simon, Stationary Source Program Manager  
Kevin Schilling, Air Quality Dispersion Modeling Coordinator

**OTHERS PRESENT:**

Rachelle Cahoon, Tucker & Associates, Court Reporter  
Rocky Barker, The Idaho Statesman  
Erika Malmen, Perkins, Coie, LLP, representing ConAgra Lamb Weston  
Dylan Lawrence, Varin Wardwell, representing Magnida  
Justin Hayes, Idaho Conservation League  
Eric Groten, Vinson & Elkins, representing Magnida (*via teleconference*)  
Mark Mendiola, Green Market (*via teleconference*)

❖ All attachments referenced in these minutes are permanent attachments to the minutes on file at the Idaho Department of Environmental Quality.

CALL TO ORDER AND ROLL CALL

Chairman Carol Mascareñas called the special meeting of the Idaho Board of Environmental Quality (Board) to order at 12:15 p.m. Roll call was taken with all Board members present.

**AGENDA ITEM NO. 1: CONAGRA FOODS LAMB WESTON, INC. V. DEQ, DOCKET NO. 0101-14-01**

Chairman Mascareñas stated that this special meeting of the Board was called for a hearing on ConAgra Foods Lamb Weston, Inc.'s motion for leave to file a reply to Magnida's and DEQ's briefs in support of the recommended order granting summary judgment in the case of ConAgra Foods Lamb Weston, Inc. v DEQ, Docket No. 0101-14-01.

Erika Malmen, Counsel, appeared on behalf of ConAgra Foods.

Eric Groten, Counsel, was present via teleconference on behalf of Magnida.

Lisa Carlson, Deputy Attorney General, appeared on behalf of the Idaho Department of Environmental Quality.

Harriet Hensley, Deputy Attorney General, appeared on behalf of the Idaho Board of Environmental Quality.

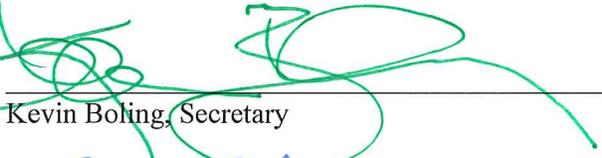
*Note: A verbatim transcript of this hearing as prepared by a court reporter is attached to these minutes as part of the record.*

- **MOTION:** Dr. Randy MacMillan moved that the Idaho Board of Environmental Quality accept ConAgra's motion to file a reply to Magnida's and DEQ's briefs in support of the recommended order granting summary judgment.
  - **SECOND:** Mr. John McCreedy, adding a stipulation that the reply be filed by Wednesday, November 5, 2014 if acceptable to Dr. MacMillan. Dr. MacMillan accepted the stipulation.
- ROLL CALL VOTE:** AYES – Chairman Mascareñas, Mr. McCreedy, Mr. Kevin Boling, Mr. Nick Purdy, Dr. MacMillan, Mr. Kermit Kiebert, and Ms. Beth Elroy, aye. NAYES – None.  
Motion carried unanimously.

**THE MEETING ADJOURNED AT 12:36 P.M.**



\_\_\_\_\_  
Carol Mascareñas, Chairman

  
\_\_\_\_\_  
Kevin Boling, Secretary

  
\_\_\_\_\_  
Rosie Alonzo, Assistant to the Board and Recorder

BEFORE THE BOARD OF ENVIRONMENTAL QUALITY  
STATE OF IDAHO

IN THE MATTER OF AIR QUALITY )  
PERMIT TO CONSTRUCT )  
NO. P-2013,0030 ISSUED TO )  
MAGNOLIA NITROGEN IDAHO, LLC )

) Docket No. 0101-14-01

\_\_\_\_\_)  
CONAGRA FOODS LAMB WESTON, INC., )  
Petitioner, )

vs. )

IDAHO DEPARTMENT OF )  
ENVIRONMENTAL QUALITY, )  
Respondent, )

and )

MAGNOLIA NITROGEN IDAHO, LLC, )  
Respondent-Intervenor. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Held on November 3, 2014, 12:15 p.m.

Department of Environmental Quality  
1410 N. Hilton, Conference Room C  
Boise, Idaho

Reported by  
Rachelle C. Cahoon  
SRT No. 1026

## A P P E A R A N C E S

## FOR PETITIONER

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## FOR THE BOARD OF ENVIRONMENTAL QUALITY

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## BOARD MEMBERS PRESENT

Carol Mascareñas, Chair (via phone)  
John McCreedy, Vice-chair  
Kevin Boling, Member (via phone)  
Beth Elroy, Member (via phone)  
Kermit Kiebert, Member (via phone)  
Randy MacMillan, Member  
Nicholas Purdy, Member (via phone)

1 DEPARTMENT OF ENVIRONMENTAL QUALITY STAFF PRESENT  
Rosie Alonzo, Director's Office  
2 Curt Fransen, Director  
Kevin Schilling,  
3 Stationary Source Air Modeling Coordinator  
Michael Simon, Stationary Source Program Manager  
4 Paula Wilson, Hearing Coordinator

5 ALSO PRESENT  
Rocky Barker, Idaho Statesman  
6 Justin Hayes, Idaho Conservation League  
Mark Mendiola, Green Markets (via phone)  
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2 BEFORE THE BOARD OF ENVIRONMENTAL QUALITY  
STATE OF IDAHO  
3  
4 IN THE MATTER OF AIR QUALITY )  
PERMIT TO CONSTRUCT )  
5 NO. P-2013,0030 ISSUED TO )  
MAGNOLIA NITROGEN IDAHO, LLC )  
6 \_\_\_\_\_ ) Docket No. 0101-14-01  
) )  
7 CONAGRA FOODS LAMB WESTON, INC., )  
) )  
8 Petitioner, )  
) )  
9 vs. )  
) )  
10 IDAHO DEPARTMENT OF )  
ENVIRONMENTAL QUALITY, )  
11 )  
Respondent, )  
12 )  
and )  
13 )  
MAGNOLIA NITROGEN IDAHO, LLC, )  
14 )  
Respondent-Intervenor. )  
15 \_\_\_\_\_ )  
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18 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
19 Held on November 3, 2014, 12:15 p.m.  
20 Department of Environmental Quality  
1410 N. Hilton, Conference Room C  
21 Boise, Idaho  
22  
23 Reported by  
Rachelle C. Cahoon  
24 SRT No. 1026  
25

1 APPEARANCES  
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20 208-334-2400  
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21  
BOARD MEMBERS PRESENT  
22 Carol Mascareñas, Chair (via phone)  
John McCreedy, Vice-chair  
23 Kevin Boling, Member (via phone)  
Beth Elroy, Member (via phone)  
24 Kermit Kiebert, Member (via phone)  
Randy MacMillan, Member  
25 Nicholas Purdy, Member (via phone)

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Rosie Alonzo, Director's Office  
2 Curt Fransen, Director  
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3 Stationary Source Air Modeling Coordinator  
Michael Simon, Stationary Source Program Manager  
4 Paula Wilson, Hearing Coordinator  
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Rocky Barker, Idaho Statesman  
6 Justin Hayes, Idaho Conservation League  
Mark Mendiola, Green Markets (via phone)  
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1 BOISE, IDAHO  
2 NOVEMBER 3, 2014, 12:15 p.m.  
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4 MS. CAROL MASCAREÑAS: Okay. Let's begin  
5 this board meeting. November 3rd, 2014.  
6 Rosie, could you please do a roll call.  
7 And board members who are on the phone,  
8 please identify yourselves.  
9 MS. ROSIE ALONZO: Chairman Mascareñas.  
10 MS. MASCAREÑAS: Here.  
11 MS. ALONZO: John McCreedy.  
12 MR. JOHN MCCREEDY: Here.  
13 MS. ALONZO: Kevin Boling.  
14 MR. KEVIN BOLING: Here.  
15 MS. ALONZO: Nick Purdy.  
16 MR. NICHOLAS PURDY: Yes. Here.  
17 MS. ALONZO: Randy MacMillan.  
18 DR. RANDY MACMILLAN: Here.  
19 MS. ALONZO: Kermit Kiebert.  
20 MR. KERMIT KIEBERT: Here.  
21 MS. ALONZO: Beth Elroy.  
22 (Beth Elroy not present.)  
23 MS. ALONZO: Okay.  
24 MS. MASCAREÑAS: Okay. Having roll call  
25 being completed, we have one agenda item, and that is

1 ConAgra Foods Lamb Weston, Inc., v. DEQ, Docket No.  
2 0101-14-01, hearing on ConAgra Foods Lamb Weston, Inc.'s  
3 motion for leave to file a reply to Magnida's and DEQ's  
4 briefs in support of recommended order granting summary  
5 judgment. This is pursuant to Idaho Code 67-2345 where  
6 the board may convene to hear this argument or request.

7 So, at this particular time, I'd like to ask  
8 either Harriet or Paula to kind of give us an overview  
9 of the request and where we stand as far as  
10 applicability. There appears to be some question on  
11 whether it's really within our purview to grant that per  
12 statute is my understanding. So if Paula or Harriet  
13 could give us an overview.

14 MS. HARRIET HENSLEY: Chairman, members of  
15 the board, there's nothing in your rules that would  
16 prevent you from allowing a reply brief to be filed and  
17 heard. You could authorize a reply brief in a few days.  
18 You could then allow for a sur-reply brief from DEQ in a  
19 few days. You need those briefs in plenty of time to  
20 review them before the meeting on the 20th. I would  
21 also recommend that you limit any oral argument here to  
22 a very short period of time given the nature of the --  
23 the motion.

24 MS. MASCAREÑAS: Okay. So are there members  
25 of ConAgra or Magnida present that are here to provide

1 from both sides. So Mrs. -- is it Erika Malm?

2 MS. MALMEN: Yes, thank you. Erika Malmen,  
3 M-a-l-m-e-n.

4 MS. MASCAREÑAS: Please proceed with any  
5 argument.

6 MS. MALMEN: Okay. Thank you.  
7 Chairman and members of the board, my name  
8 is Erika Malmen. I am here on behalf of ConAgra Foods  
9 Lamb Weston.

10 We have filed a motion which is simply  
11 seeking the board's permission to file a reply brief.  
12 It is my understanding that there's no party -- that  
13 would include DEQ and Magnida -- that oppose the filing  
14 of this reply brief.

15 The reason we had to file a motion is  
16 because the board rules do not specifically provide for  
17 filing reply -- reply briefs. Reply briefs are routine  
18 in state and federal court. We would ask since that we  
19 carry the burden in this case that we have the  
20 opportunity to have the last word. And that is  
21 customary. And we would be willing to agree to page  
22 limitations.

23 We have spoken with Ms. Carlson, DEQ  
24 counsel, about being cognizant of keeping the issues  
25 framed to the briefs that have already been filed. In

1 any discussion on the line or in person?

2 MS. ERIKA MALMEN: Yes. I'll speak up,  
3 Madam Chairman and members of the board. This is Erika  
4 Malmen, and I'm counsel for ConAgra Foods Lamb Weston,  
5 and I'm prepared to present. What I'll represent is,  
6 hopefully, less than --

7 MR. ERIC GROTEN: I so apologize for  
8 interrupting. Eric Groten here on behalf of Magnida.  
9 But -- but for whatever reason, we can't hear you on the  
10 phone.

11 MS. MALMEN: I will try and speak up.  
12 This is Erica Malmen, counsel for ConAgra  
13 Foods Lamb Weston. I'm here on behalf of my client  
14 today and can represent that I would just like to make a  
15 couple of remarks to the board. I believe I can be  
16 finished in about 20 seconds.

17 I believe there's also a representative  
18 here, in addition to yourself, Mr. Groten. Dylan  
19 Lawrence is present.

20 MR. MCCREEDY: So, Madam Chairman, this is  
21 John McCreedy. I think it's back to you in whether or  
22 not you want to hear oral argument today from petitioner  
23 and respondent.

24 MS. MASCAREÑAS: Okay. Thank you, John.  
25 Yes, I would like to hear oral arguments

1 other words, we won't be bringing up, you know, new --  
2 new arguments. There's some clarifications that we feel  
3 are critical for the board in their review of this case.  
4 And we are -- can be ready to file the reply brief as  
5 early as tomorrow.

6 And with that, I'll conclude. Thank you.

7 MS. MASCAREÑAS: Okay. Legal counsel or  
8 representative of Magnida.

9 MR. GROTEN: Good afternoon, Madam Chairman,  
10 members of the board. This is Eric Groten with the  
11 Vinson & Elkins law firm, appearing on behalf of  
12 Magnida. And I -- we are respondent-intervenor in this  
13 case as -- as the board is aware. The Department, as  
14 well, is here represented and has a -- a position as  
15 well.

16 Ours is one of agnosticism on any reply  
17 brief. We don't think that there's much that would be  
18 added. It certainly isn't justified by allegations of  
19 changes in position by the parties or new information  
20 that needs a response. It's not consistent with how  
21 this board has undertaken to consider a recommended  
22 order at the exception stage, as I believe Ms. Carlson  
23 can elaborate.

24 All of that, though, if, after all the paper  
25 that's been filed in the case, if ConAgra Lamb Weston

1 thinks another -- more paper will be helpful to the  
 2 board, then -- and the board does not object to  
 3 entertaining it, then we -- we wouldn't object despite  
 4 the fact that there are -- again, it is something that's  
 5 not contemplated by your rules, probably for good  
 6 reason.  
 7 And with that, I will pass the microphone to  
 8 Ms. Carlson if she has anything to add. Thank you.  
 9 MS. MASCAREÑAS: Thank you, Mr. Groten.  
 10 MS. LISA CARLSON: Chairman Mascareñas?  
 11 MS. MASCAREÑAS: Yes, Ms. Carlson.  
 12 MS. CARLSON: Thank you. I'm sorry you  
 13 can't see me, but I kind of just moved up and sat myself  
 14 in front of the microphone to make sure I had an  
 15 opportunity to speak.  
 16 A couple of things that I think the board --  
 17 (An unrelated conversation by unidentified  
 18 speakers was heard over the conference phone.)  
 19 MS. CARLSON: Hello?  
 20 MS. MASCAREÑAS: Is there a call overriding  
 21 it?  
 22 MR. GROTEN: It struck me as a strange  
 23 argument.  
 24 MS. PAULA WILSON: Excuse me. If any of you  
 25 -- if you're not speaking, maybe you should mute your

1 I can tell you in the 20-plus years that I  
 2 have worked at DEQ and in talking to Doug Conde, who has  
 3 worked here even longer than I have, we have never had  
 4 reply briefs filed in regard to recommended orders. And  
 5 -- and there's probably a reason for that because the  
 6 order -- the briefing schedule is to file exceptions or  
 7 support of the order.  
 8 ConAgra asked to file a reply brief in lieu  
 9 of arguments raised in the recommended order and to  
 10 clarify the record, but there were no new arguments  
 11 raised in support of the recommended order. There was  
 12 no new cited case law. And, actually, quite a bit of  
 13 what was filed came from the summary judgment briefs.  
 14 That said -- and I can't imagine that  
 15 there's anything new that can't be said in the hearing  
 16 before you in a couple weeks, but DEQ does not oppose  
 17 this motion so long as it doesn't bring up new issues.  
 18 I was going to explain to you a little bit  
 19 about some of the process that DEQ has gone through in  
 20 this matter and why we're hesitant and not opposed the  
 21 motion because there's a lot of paperwork in the two  
 22 binders that you received that you do not need to review  
 23 because ConAgra has dropped a lot of the claims in a  
 24 process that is a little bit different. But they've  
 25 been dropped. So I can suggest to you in reviewing all

1 phones because there's background from -- so just mute  
 2 if you're not the one speaking.  
 3 MS. BETH ELROY: Hello, Paula. This is Beth  
 4 Elroy.  
 5 MS. WILSON: Oh. Hi, Beth.  
 6 I'm not sure what that background is, but we  
 7 might -- you guys need to mute your phones if you're not  
 8 the ones actually speaking.  
 9 MR. MCCREEDY: Or invite us all to dinner.  
 10 MS. MASCAREÑAS: To the cabin.  
 11 MS. CARLSON: Okay.  
 12 MS. MASCAREÑAS: Okay. Ms. Carlson.  
 13 MS. CARLSON: Thank you. So I just want to  
 14 make a couple comments to make sure that the board knows  
 15 DEQ's position on this matter.  
 16 This isn't a motion under Section 213, which  
 17 is what ConAgra has characterized it as. 213 is a  
 18 motion that DEQ filed, actually, for summary judgment  
 19 back in June.  
 20 The section that governs this question  
 21 that's before you is Section 720. And 720 does state,  
 22 "The board shall allow parties an opportunity to file  
 23 briefs in support of or taking exceptions to the  
 24 recommended order." It is silent on whether a reply  
 25 brief is allowed or disallowed.

1 of those briefs, you might want to start from the back  
 2 and move forward. That might -- might save you some  
 3 time.  
 4 MS. MASCAREÑAS: Okay.  
 5 MS. CARLSON: And that's really all I have  
 6 to say.  
 7 MS. MASCAREÑAS: Okay. Are there questions  
 8 from the board?  
 9 DR. MACMILLAN: Madam Chair, this is Randy.  
 10 MS. MASCAREÑAS: Mr. MacMillan.  
 11 DR. MACMILLAN: And this question goes to  
 12 ConAgra.  
 13 How long a brief do you expect to -- if  
 14 you're able to do it, how long, how many pages are you  
 15 contemplating?  
 16 MS. MALMEN: Chairman Mascareñas, Dr.  
 17 MacMillan, we're -- we're contemplating less than ten  
 18 pages. We can commit to that.  
 19 DR. MACMILLAN: Okay. And I would assume  
 20 you would have no objection to DEQ and Magnida filing  
 21 sur-reply briefs to whatever you file?  
 22 MS. MALMEN: Madam Chairman, Dr. MacMillan,  
 23 we probably would, honestly, have an objection to that  
 24 because we carry the burden in this case. Just how  
 25 legal proceedings generally go, normally the party

1 that's the moving party that carries -- that carries the  
 2 burden has the opportunity for the last word, if you  
 3 will. So a sur-reply, I -- I can't imagine a basis for  
 4 that, but I could commit to you to withhold my judgment  
 5 on whether we would oppose it if and until there's a  
 6 motion to file a sur-reply in front of the board. And  
 7 if there are valid reasons for that, we can address  
 8 those at that time.

9 DR. MACMILLAN: Okay. Thank you.

10 MR. MCCREEDY: Madam --

11 MS. MASCAREÑAS: Any questions from board  
 12 members?

13 MR. MCCREEDY: Madam Chairman, John  
 14 McCreedy.

15 Lisa or Curt, do you have any idea why the  
 16 applicable rule doesn't allow reply briefs?

17 MS. CARLSON: Well, because it's -- this  
 18 isn't motion practice. I mean, this -- under Section  
 19 720, this is the parties' opportunity to state what  
 20 their objections are to a recommended order or why they  
 21 support the recommended order. It's not an oral  
 22 argument back and forth amongst DEQ, Magnida, and  
 23 ConAgra. It's what do you like or what don't you like  
 24 about the order. And that's why it -- it's not "we  
 25 move; you reply; we move; you oppose; you reply." It's

1 well, as part of the process; is that correct?

2 MS. CARLSON: Yes, that's correct.

3 MS. MASCAREÑAS: Okay.

4 Other questions from the board? Okay.

5 At this particular time, then, I'd like to  
 6 see if there's any other participants from the public  
 7 that I haven't addressed that are present to provide any  
 8 comment.

9 Not hearing of any, then I would entertain a  
 10 motion from the board.

11 Or further discussion.

12 MR. MCCREEDY: Madam Chairman, John  
 13 McCreedy. This would be discussion, not a motion.

14 I have no objection to ConAgra filing a  
 15 ten-page brief by this Wednesday. I don't feel the need  
 16 to, at this time, authorize sur-reply by any of the  
 17 other respondents. But what I would say is if there are  
 18 new arguments or new facts raised that are otherwise not  
 19 in the record, what I would encourage is a motion to  
 20 strike at that point so that we don't get too carried  
 21 away here. But those would be my thoughts.

22 MS. MASCAREÑAS: Okay.

23 DR. MACMILLAN: Madam -- Madam Chair, and  
 24 John, so a motion to strike would be a motion to strike  
 25 the reply that would be -- we would be getting?

1 what do you or don't you like about the order. That's  
 2 what 720 is about. That's why I'm assuming we've never  
 3 had a reply brief filed. And quite -- I mean, I can  
 4 honestly say I've never had a party ask for a reply  
 5 brief, but that's why they haven't been filed.

6 MR. MCCREEDY: Thank you.

7 Madam Chairman, Ms. Malmen, do you intend to  
 8 raise new arguments that have otherwise not been raised  
 9 or brought to the attention of the other parties?

10 MS. MALMEN: Madam Chairman and members of  
 11 the board, no, we are not intending to raise new  
 12 arguments. The primary purpose is to clarify some, I  
 13 think, mistakes of fact that are in the briefs in this  
 14 proceeding.

15 MS. MASCAREÑAS: I'm sorry. Can you repeat  
 16 that last part?

17 MS. MALMEN: Yeah. The -- the primary  
 18 purpose for our -- for -- for ConAgra Lamb Weston's  
 19 reply is to correct some factual inaccuracies. We think  
 20 that's critical for the board to have an adequate and  
 21 thorough understanding of the matters in this case.

22 MS. MASCAREÑAS: So, Ms. Malmen, and, I  
 23 guess, Ms. Carlson, during the upcoming board meeting  
 24 where we will hear the case, there's also opportunity  
 25 for each entity to provide argument or rebuttal, as

1 MR. MCCREEDY: A motion to strike any -- a  
 2 mixture, Dr. MacMillan. A motion to strike any new  
 3 arguments or new facts or new evidence or new  
 4 allegations that are otherwise not part of the record.

5 DR. MACMILLAN: Okay.

6 In that case, Madam Chair, I'd like to make  
 7 a motion that we accept Magnida's -- or, no. Lamb  
 8 Weston's -- ConAgra's -- ConAgra's motion to file a  
 9 reply to Magnida's and DEQ's briefs in support of  
 10 recommended order granting summary judgment.

11 MS. MASCAREÑAS: Do I hear a second?

12 MR. MCCREEDY: I would second the motion.  
 13 But I'd like to have the ten-page limit, have it filed  
 14 by Wednesday of this week if that's acceptable to Dr.  
 15 MacMillan.

16 DR. MACMILLAN: That is very acceptable.

17 MS. MASCAREÑAS: So there is a motion on the  
 18 table for the board to accept ConAgra Foods Lamb  
 19 Weston's motion for leave to file a reply to Magnida's  
 20 briefs with the stipulation that it be filed by  
 21 Wednesday, November 5th; is that correct? Or the 12th?

22 MR. MCCREEDY: Fifth. That's correct.

23 DR. MACMILLAN: Fifth.

24 MS. MASCAREÑAS: With a stipulation that it  
 25 be done by Wednesday, November 5th.

1 With a second, we'll call for a vote.  
 2 Rosie, would you please do a roll call vote  
 3 seeing that we're on conference call?  
 4 MS. ALONZO: Okay. Chairman Mascareñas.  
 5 MS. MASCAREÑAS: Yes.  
 6 MS. ALONZO: Mr. John McCreedy.  
 7 MR. MCCREEDY: Aye.  
 8 MS. ALONZO: Mr. Kevin Boling.  
 9 MR. BOLING: Yes.  
 10 MS. ALONZO: Mr. Nick Purdy.  
 11 MR. PURDY: Yes.  
 12 MS. ALONZO: Dr. Randy MacMillan.  
 13 DR. MACMILLAN: Aye.  
 14 MS. ALONZO: Mr. Kermit Kiebert.  
 15 MR. KIEBERT: Aye.  
 16 MS. ALONZO: Ms. Beth Elroy.  
 17 MS. ELROY: Aye.  
 18 MS. MASCAREÑAS: Okay. The motion has been  
 19 passed granting the request by ConAgra Foods Lamb  
 20 Weston's motion for leave to file a reply to Magnida's  
 21 briefs. With that approval, it's stipulated that the  
 22 briefs would be submitted by November 5th.  
 23 And do we have any other discussions?  
 24 If not, this particular agenda item is  
 25 closed, and I will move to call the meeting adjourned.

1 Any other discussions?  
 2 Okay. So I call the meeting adjourned.  
 3 (Board meeting concluded at 12:36 p.m.)  
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1 REPORTER'S CERTIFICATE  
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 5 I, Rachelle C. Cahoon, shorthand  
 6 reporter, hereby certify:  
 7 That I am the reporter who took the  
 8 proceedings had in the above-entitled action in  
 9 machine shorthand and thereafter the same was  
 10 reduced into typewriting under my direct  
 11 supervision; and  
 12 That the foregoing transcript contains a  
 13 full, true, and accurate record of the proceedings  
 14 had in the above and foregoing cause, which was  
 15 heard at Boise, Idaho.  
 16 IN WITNESS WHEREOF, I have hereunto set  
 17 my hand November 12, 2014.  
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 19  
 20  
 21  
 22 Rachelle C. Cahoon,  
 Shorthand Reporter  
 SRT No. 1026  
 23  
 24  
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able 12:14	<b>Austin</b> 2:12		11:23 12:12 13:23	18:1
above-entitled 19:8	<b>authorize</b> 5:17	<b>C</b> 1:20,23 2:1 19:1	14:18 15:14 16:18	<b>Docket</b> 1:6 5:1
accept 16:7,18	15:16	19:1,5,21	17:19	<b>Doug</b> 11:2
acceptable 16:14	<b>aware</b> 8:13	<b>cabin</b> 10:10	<b>ConAgra's</b> 16:8,8	<b>Dr</b> 4:18 12:9,11,16
16:16	<b>Aye</b> 17:7,13,15,17	<b>Cahoon</b> 1:23 19:5	<b>conclude</b> 8:6	12:19,22 13:9
<b>accurate</b> 19:13	B	19:21	<b>concluded</b> 18:3	15:23 16:2,5,14
<b>action</b> 19:8	<b>back</b> 6:21 10:19	<b>call</b> 4:6,24 9:20	<b>Conde</b> 11:2	16:16,23 17:12,13
<b>add</b> 9:8	12:1 13:22	17:1,2,3,25 18:2	<b>conference</b> 1:20	<b>dropped</b> 11:23,25
<b>added</b> 8:18	<b>background</b> 10:1,6	<b>Carlson</b> 2:6 7:23	9:18 17:3	<b>Dylan</b> 2:14 6:18
<b>addition</b> 6:18	<b>Barker</b> 3:5	8:22 9:8,10,11,12	<b>Conservation</b> 3:6	<b>dylanlawrence@...</b>
<b>address</b> 13:7	<b>basis</b> 13:3	9:19 10:11,12,13	<b>consider</b> 8:21	2:16
<b>addressed</b> 15:7	<b>behalf</b> 6:8,13 7:8	12:5 13:17 14:23	<b>consistent</b> 8:20	E
<b>adequate</b> 14:20	8:11	15:2	<b>CONSTRUCT</b> 1:4	<b>E</b> 2:1,1,2 19:1,1,1,1
<b>adjourned</b> 17:25	<b>believe</b> 6:15,17	<b>Carol</b> 2:22 4:4	<b>contains</b> 19:12	<b>early</b> 8:5
18:2	8:22	<b>carried</b> 15:20	<b>contemplated</b> 9:5	<b>egroten@velaw.c...</b>
<b>afternoon</b> 8:9	<b>Beth</b> 2:23 4:21,22	<b>carries</b> 13:1,1	<b>contemplating</b>	2:13
<b>agenda</b> 4:25 17:24	10:3,3,5 17:16	<b>carry</b> 7:19 12:24	12:15,17	<b>either</b> 5:8
<b>agnosticism</b> 8:16	<b>binders</b> 11:22	<b>case</b> 7:19 8:3,13,25	<b>convene</b> 5:6	<b>elaborate</b> 8:23
<b>agree</b> 7:21	<b>bit</b> 11:12,18,24	11:12 12:24 14:21	<b>conversation</b> 9:17	<b>Elkins</b> 2:11 8:11
<b>Air</b> 1:4 3:3	<b>board</b> 1:2 2:17,21	14:24 16:6	<b>Coordinator</b> 3:3,4	<b>Elroy</b> 2:23 4:21,22
<b>allegations</b> 8:18	4:5,7 5:6,15 6:3	<b>cause</b> 19:14	<b>correct</b> 14:19 15:1	10:3,4 17:16,17
16:4	6:15 7:7,16 8:3,10	<b>certainly</b> 8:18	15:2 16:21,22	<b>emalmen@perki...</b>
<b>allow</b> 5:18 10:22	8:13,21 9:2,2,16	<b>certify</b> 19:6	<b>counsel</b> 6:4,12 7:24	2:5
13:16	10:14,22 12:8	<b>Chair</b> 2:22 12:9	8:7	<b>encourage</b> 15:19
<b>allowed</b> 10:25	13:6,11 14:11,20	15:23 16:6	<b>couple</b> 6:15 9:16	<b>entertain</b> 15:9
<b>allowing</b> 5:16	14:23 15:4,10	<b>Chairman</b> 4:9 5:14	10:14 11:16	<b>entertaining</b> 9:3
<b>Alonzo</b> 3:1 4:9,11	16:18 18:3	6:3,20 7:7 8:9	<b>court</b> 7:18	<b>entity</b> 14:25
4:13,15,17,19,21	<b>board's</b> 7:11	9:10 12:16,22	<b>critical</b> 8:3 14:20	<b>Environmental</b> 1:2
4:23 17:4,6,8,10	<b>Boise</b> 1:21 2:4,8,15	13:13 14:7,10	<b>Curt</b> 3:2 13:15	1:10,20 2:17 3:1
17:12,14,16	2:19 4:1 19:15	15:12 17:4	<b>customary</b> 7:21	<b>Eric</b> 2:10 6:7,8 8:10
<b>apologize</b> 6:7	<b>Boling</b> 2:23 4:13,14	<b>changes</b> 8:19	D	<b>Erica</b> 6:12
<b>appearing</b> 8:11	17:8,9	<b>characterized</b>	<b>days</b> 5:17,19	<b>Erika</b> 2:2 6:2,3 7:1
<b>appears</b> 5:10	<b>Box</b> 2:19	10:17	<b>Department</b> 1:10	7:2,8
<b>applicability</b> 5:10	<b>brief</b> 5:16,17,18	<b>cited</b> 11:12	1:20 3:1 8:13	<b>evidence</b> 16:3
<b>applicable</b> 13:16	7:11,14 8:4,17	<b>claims</b> 11:23	<b>DEQ</b> 5:1,18 7:13,23	<b>exception</b> 8:22
<b>approval</b> 17:21	10:25 11:8 12:13	<b>clarifications</b> 8:2	10:18 11:2,16,19	<b>exceptions</b> 10:23
<b>argument</b> 5:6,21	14:3,5 15:15	<b>clarify</b> 11:10 14:12	12:20 13:22	11:6
6:22 7:5 9:23	<b>briefing</b> 11:6	<b>client</b> 6:13	<b>DEQ's</b> 5:3 10:15	<b>Excuse</b> 9:24
13:22 14:25	<b>briefs</b> 5:4,19 7:17	<b>closed</b> 17:25	16:9	<b>expect</b> 12:13
<b>arguments</b> 6:25 8:2	7:17,25 10:23	<b>Code</b> 5:5	<b>despite</b> 9:3	<b>explain</b> 11:18
11:9,10 14:8,12	11:4,13 12:1,21	<b>cognizant</b> 7:24	<b>different</b> 11:24	F
15:18 16:3	13:16 14:13 16:9	<b>COIE</b> 2:3	<b>dinner</b> 10:9	<b>F</b> 19:1
<b>asked</b> 11:8	16:20 17:21,22	<b>comment</b> 15:8	<b>direct</b> 19:10	<b>fact</b> 9:4 14:13
<b>assume</b> 12:19	<b>bring</b> 11:17	<b>comments</b> 10:14	<b>Director</b> 3:2	<b>facts</b> 15:18 16:3
<b>assuming</b> 14:2	<b>bringing</b> 8:1	<b>commit</b> 12:18 13:4	<b>Director's</b> 3:1	<b>factual</b> 14:19
<b>attention</b> 14:9	<b>brought</b> 14:9	<b>completed</b> 4:25	<b>disallowed</b> 10:25	<b>far</b> 5:9
<b>ATTORNEY</b> 2:7	<b>burden</b> 7:19 12:24	<b>ConAgra</b> 1:7 5:1,2	<b>discussion</b> 6:1	<b>federal</b> 7:18
2:18	13:2	5:25 6:4,12 7:8	15:11,13	<b>feel</b> 8:2 15:15
		8:25 10:17 11:8	<b>discussions</b> 17:23	

<p><b>Fifth</b> 16:22,23  <b>file</b> 5:3 7:11,15 8:4  10:22 11:6,8  12:21 13:6 16:8  16:19 17:20  <b>filed</b> 5:16 7:10,25  8:25 10:18 11:4  11:13 14:3,5  16:13,20  <b>filing</b> 7:13,17 12:20  15:14  <b>finished</b> 6:16  <b>firm</b> 8:11  <b>Floor</b> 2:7  <b>Foods</b> 1:7 5:1,2 6:4  6:13 7:8 16:18  17:19  <b>foregoing</b> 19:12,14  <b>forth</b> 13:22  <b>Fortuna</b> 2:11  <b>forward</b> 12:2  <b>framed</b> 7:25  <b>Fransen</b> 3:2  <b>front</b> 9:14 13:6  <b>full</b> 19:13  <b>further</b> 15:11</p>	<p><b>Harriet</b> 2:18 5:8,12  5:14  <b>harriet.hensley@...</b>  2:20  <b>Hayes</b> 3:6  <b>hear</b> 5:6 6:9,22,25  14:24 16:11  <b>heard</b> 5:17 9:18  19:15  <b>hearing</b> 3:4 5:2  11:15 15:9  <b>Held</b> 1:19  <b>Hello</b> 9:19 10:3  <b>helpful</b> 9:1  <b>Hensley</b> 2:18 5:14  <b>hereunto</b> 19:16  <b>hesitant</b> 11:20  <b>Hi</b> 10:5  <b>Hilton</b> 1:20 2:7  <b>honestly</b> 12:23 14:4  <b>hopefully</b> 6:6</p>	<p><b>June</b> 10:19  <b>justified</b> 8:18  <b>Justin</b> 3:6</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>keeping</b> 7:24  <b>Kermit</b> 2:24 4:19  4:20 17:14  <b>Kevin</b> 2:23 3:2 4:13  4:14 17:8  <b>Kiebert</b> 2:24 4:19  4:20 17:14,15  <b>kind</b> 5:8 9:13  <b>know</b> 8:1  <b>knows</b> 10:14</p>	<p>16:15,16,23 17:12  17:13  <b>Madam</b> 6:3,20 8:9  12:9,22 13:10,13  14:7,10 15:12,23  15:23 16:6  <b>Magnida</b> 5:25 6:8  7:13 8:8,12 12:20  13:22  <b>Magnida's</b> 5:3 16:7  16:9,19 17:20  <b>MAGNOLIA</b> 1:5  1:13  <b>Malm</b> 7:1  <b>Malmen</b> 2:2 6:2,4  6:11,12 7:2,2,6,8  12:16,22 14:7,10  14:17,22  <b>Manager</b> 3:3  <b>Mark</b> 3:6  <b>Markets</b> 3:6  <b>Mascareñas</b> 2:22  4:4,9,10,24 5:24  6:24 7:4 8:7 9:9  9:10,11,20 10:10  10:12 12:4,7,10  12:16 13:11 14:15  14:22 15:3,22  16:11,17,24 17:4  17:5,18  <b>matter</b> 1:4 10:15  11:20  <b>matters</b> 14:21  <b>McCreehy</b> 2:22  4:11,12 6:20,21  10:9 13:10,13,14  14:6 15:12,13  16:1,12,22 17:6,7  <b>mean</b> 13:18 14:3  <b>meeting</b> 4:5 5:20  14:23 17:25 18:2  18:3  <b>Member</b> 2:23,23,24  2:24,25  <b>members</b> 2:21 4:7  5:14,24 6:3 7:7  8:10 13:12 14:10  <b>Mendiola</b> 3:6  <b>Michael</b> 3:3</p>	<p><b>microphone</b> 9:7,14  <b>mistakes</b> 14:13  <b>mixture</b> 16:2  <b>Modeling</b> 3:3  <b>motion</b> 5:3,23 7:10  7:15 10:16,18  11:17,21 13:6,18  15:10,13,19,24,24  16:1,2,7,8,12,17  16:19 17:18,20  <b>move</b> 12:2 13:25,25  17:25  <b>moved</b> 9:13  <b>moving</b> 13:1  <b>mute</b> 9:25 10:1,7</p>
<hr/> <p style="text-align: center;"><b>G</b></p> <p><b>GENERAL'S</b> 2:7  2:18  <b>generally</b> 12:25  <b>getting</b> 15:25  <b>give</b> 5:8,13  <b>given</b> 5:22  <b>go</b> 12:25  <b>goes</b> 12:11  <b>going</b> 11:18  <b>good</b> 8:9 9:5  <b>governs</b> 10:20  <b>grant</b> 5:11  <b>granting</b> 5:4 16:10  17:19  <b>Green</b> 3:6  <b>Groten</b> 2:10 6:7,8  6:18 8:9,10 9:9,22  <b>guess</b> 14:23  <b>guys</b> 10:7</p>	<hr/> <p style="text-align: center;"><b>I</b></p> <p><b>Idaho</b> 1:2,5,10,13  1:21 2:4,8,15,18  2:19 3:5,6 4:1 5:5  19:15  <b>idea</b> 13:15  <b>identify</b> 4:8  <b>imagine</b> 11:14 13:3  <b>inaccuracies</b> 14:19  <b>Inc.'s</b> 5:2  <b>include</b> 7:13  <b>information</b> 8:19  <b>intend</b> 14:7  <b>intending</b> 14:11  <b>interrupting</b> 6:8  <b>invite</b> 10:9  <b>ISSUED</b> 1:5  <b>issues</b> 7:24 11:17  <b>item</b> 4:25 17:24</p>	<hr/> <p style="text-align: center;"><b>L</b></p> <p><b>Lamb</b> 1:7 5:1,2 6:4  6:13 7:9 8:25  14:18 16:7,18  17:19  <b>law</b> 8:11 11:12  <b>Lawrence</b> 2:14  6:19  <b>League</b> 3:6  <b>leave</b> 5:3 16:19  17:20  <b>legal</b> 8:7 12:25  <b>Let's</b> 4:4  <b>lieu</b> 11:8  <b>limit</b> 5:21 16:13  <b>limitations</b> 7:22  <b>line</b> 6:1  <b>Lisa</b> 2:6 9:10 13:15  <b>lisa.carlson@deq...</b>  2:9  <b>little</b> 11:18,24  <b>LLC</b> 1:5,13  <b>LLP</b> 2:3  <b>long</b> 11:17 12:13,14  <b>longer</b> 11:3  <b>lot</b> 11:21,23</p>	<hr/> <p style="text-align: center;"><b>N</b></p> <p><b>N</b> 1:20 2:1,15  <b>name</b> 7:7  <b>nature</b> 5:22  <b>need</b> 5:19 10:7  11:22 15:15  <b>needs</b> 8:20  <b>never</b> 11:3 14:2,4  <b>new</b> 8:1,2,19 11:10  11:12,15,17 14:8  14:11 15:18,18  16:2,3,3,3  <b>Nicholas</b> 2:25 4:16  <b>Nick</b> 4:15 17:10  <b>NITROGEN</b> 1:5,13  <b>normally</b> 12:25  <b>North</b> 2:7  <b>November</b> 1:19 4:2  4:5 16:21,25  17:22 19:17</p>	
<hr/> <p style="text-align: center;"><b>H</b></p> <p><b>hand</b> 19:17</p>	<hr/> <p style="text-align: center;"><b>J</b></p> <p><b>J2:</b>6  <b>Jefferson</b> 2:3  <b>John</b> 2:22 4:11,12  6:21,24 13:13  15:12,24 17:6  <b>judgment</b> 5:5 10:18  11:13 13:4 16:10</p>	<hr/> <p style="text-align: center;"><b>M</b></p> <p><b>M-a-l-m-e-n</b> 7:3  <b>machine</b> 19:9  <b>MacMillan</b> 2:24  4:17,18 12:9,10  12:11,17,19,22  13:9 15:23 16:2,5</p>	<hr/> <p style="text-align: center;"><b>O</b></p> <p><b>O</b> 19:1  <b>object</b> 9:2,3  <b>objection</b> 12:20,23  15:14  <b>objections</b> 13:20  <b>Office</b> 2:7,18 3:1  <b>Oh</b> 10:5  <b>Okay</b> 4:4,23,24  5:24 6:24 7:6 8:7  10:11,12 12:4,7  12:19 13:9 15:3,4  15:22 16:5 17:4</p>	

<p>17:18 18:2  <b>ones</b> 10:8  <b>opportunity</b> 7:20            9:15 10:22 13:2            13:19 14:24  <b>oppose</b> 7:13 11:16            13:5,25  <b>opposed</b> 11:20  <b>oral</b> 5:21 6:22,25            13:21  <b>order</b> 5:4 8:22            10:24 11:6,7,9,11            13:20,21,24 14:1            16:10  <b>orders</b> 11:4  <b>overriding</b> 9:20  <b>overview</b> 5:8,13</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P</b> 2:1,1 19:1  <b>P-2013,0030</b> 1:5  <b>p.m</b> 1:19 4:2 18:3  <b>page</b> 7:21  <b>pages</b> 12:14,18  <b>paper</b> 8:24 9:1  <b>paperwork</b> 11:21  <b>part</b> 14:16 15:1            16:4  <b>participants</b> 15:6  <b>particular</b> 5:7 15:5            17:24  <b>parties</b> 8:19 10:22            14:9  <b>parties'</b> 13:19  <b>party</b> 7:12 12:25            13:1 14:4  <b>pass</b> 9:7  <b>passed</b> 17:19  <b>Paula</b> 3:4 5:8,12            9:24 10:3  <b>period</b> 5:22  <b>PERKINS</b> 2:3  <b>permission</b> 7:11  <b>PERMIT</b> 1:4  <b>person</b> 6:1  <b>petitioner</b> 1:8 2:2            6:22  <b>phone</b> 2:10,22,23            2:23,24,25 3:6 4:7            6:10 9:18</p>	<p><b>phones</b> 10:1,7  <b>please</b> 4:6,8 7:4            17:2  <b>plenty</b> 5:19  <b>PO</b> 2:19  <b>point</b> 15:20  <b>position</b> 8:14,19            10:15  <b>practice</b> 13:18  <b>prepared</b> 6:5  <b>present</b> 2:21 3:1,5            4:22 5:25 6:5,19            15:7  <b>prevent</b> 5:16  <b>primary</b> 14:12,17  <b>probably</b> 9:5 11:5            12:23  <b>proceed</b> 7:4  <b>proceeding</b> 14:14  <b>proceedings</b> 1:17            12:25 19:8,13  <b>process</b> 11:19,24            15:1  <b>Program</b> 3:3  <b>provide</b> 5:25 7:16            14:25 15:7  <b>public</b> 15:6  <b>Purdy</b> 2:25 4:15,16            17:10,11  <b>purpose</b> 14:12,18  <b>pursuant</b> 5:5  <b>purview</b> 5:11</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>Quality</b> 1:2,4,10,20            2:17 3:1  <b>question</b> 5:10 10:20            12:11  <b>questions</b> 12:7            13:11 15:4  <b>quite</b> 11:12 14:3</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>R</b> 2:1 19:1,1,1  <b>R'</b> 19:1  <b>Rachelle</b> 1:23 19:5            19:21  <b>raise</b> 14:8,11  <b>raised</b> 11:9,11 14:8            15:18</p>	<p><b>Randy</b> 2:24 4:17,18            12:9 17:12  <b>ready</b> 8:4  <b>really</b> 5:11 12:5  <b>reason</b> 6:9 7:15 9:6            11:5  <b>reasons</b> 13:7  <b>rebuttal</b> 14:25  <b>received</b> 11:22  <b>recommend</b> 5:21  <b>recommended</b> 5:4            8:21 10:24 11:4,9            11:11 13:20,21            16:10  <b>record</b> 11:10 15:19            16:4 19:13  <b>reduced</b> 19:10  <b>regard</b> 11:4  <b>remarks</b> 6:15  <b>repeat</b> 14:15  <b>reply</b> 5:3,16,17            7:11,14,17,17,17            8:4,16 10:24 11:4            11:8 13:16,25,25            14:3,4,19 15:25            16:9,19 17:20  <b>Reported</b> 1:23  <b>reporter</b> 19:6,7,22  <b>REPORTER'S</b>            1:17  <b>represent</b> 6:5,14  <b>representative</b> 6:17            8:8  <b>represented</b> 8:14  <b>request</b> 5:6,9 17:19  <b>respondent</b> 1:11            2:6 6:23  <b>respondent-inter...</b>            1:14 2:10 8:12  <b>respondents</b> 15:17  <b>response</b> 8:20  <b>review</b> 5:20 8:3            11:22  <b>reviewing</b> 11:25  <b>Rocky</b> 3:5  <b>roll</b> 4:6,24 17:2  <b>Room</b> 1:20  <b>Rosie</b> 3:1 4:6,9 17:2  <b>routine</b> 7:17</p>	<p><b>rule</b> 13:16  <b>rules</b> 5:15 7:16 9:5</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>S</b> 2:1 19:1  <b>sat</b> 9:13  <b>save</b> 12:2  <b>schedule</b> 11:6  <b>Schilling</b> 3:2  <b>second</b> 16:11,12            17:1  <b>seconds</b> 6:16  <b>section</b> 10:16,20,21            13:18  <b>see</b> 9:13 15:6  <b>seeing</b> 17:3  <b>seeking</b> 7:11  <b>set</b> 19:16  <b>short</b> 5:22  <b>shorthand</b> 19:5,9            19:22  <b>sides</b> 7:1  <b>silent</b> 10:24  <b>Simon</b> 3:3  <b>simply</b> 7:10  <b>sorry</b> 9:12 14:15  <b>Source</b> 3:3,3  <b>speak</b> 6:2,11 9:15  <b>speakers</b> 9:18  <b>speaking</b> 9:25 10:2            10:8  <b>specifically</b> 7:16  <b>spoken</b> 7:23  <b>SRT</b> 1:24 19:22  <b>STAFF</b> 3:1  <b>stage</b> 8:22  <b>stand</b> 5:9  <b>start</b> 12:1  <b>state</b> 1:2 7:18 10:21            13:19  <b>Statesman</b> 3:5  <b>Stationary</b> 3:3,3  <b>statute</b> 5:12  <b>stipulated</b> 17:21  <b>stipulation</b> 16:20            16:24  <b>strange</b> 9:22  <b>Street</b> 2:3,15  <b>strike</b> 15:20,24,24            16:1,2</p>	<p><b>struck</b> 9:22  <b>submitted</b> 17:22  <b>suggest</b> 11:25  <b>Suite</b> 2:3,11,15  <b>summary</b> 5:4 10:18            11:13 16:10  <b>supervision</b> 19:11  <b>support</b> 5:4 10:23            11:7,11 13:21            16:9  <b>sur-reply</b> 5:18            12:21 13:3,6            15:16  <b>sure</b> 9:14 10:6,14</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>T</b> 19:1,1,1  <b>table</b> 16:18  <b>talking</b> 11:2  <b>tell</b> 11:1  <b>ten</b> 12:17  <b>ten-page</b> 15:15            16:13  <b>Texas</b> 2:12  <b>thank</b> 6:24 7:2,6            8:6 9:8,9,12 10:13            13:9 14:6  <b>things</b> 9:16  <b>think</b> 6:21 8:17            9:16 14:13,19  <b>thinks</b> 9:1  <b>thorough</b> 14:21  <b>thoughts</b> 15:21  <b>time</b> 5:7,19,22 12:3            13:8 15:5,16  <b>today</b> 6:14,22  <b>tomorrow</b> 8:5  <b>transcript</b> 1:17            19:12  <b>true</b> 19:13  <b>try</b> 6:11  <b>two</b> 11:21  <b>typewriting</b> 19:10</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>understanding</b>            5:12 7:12 14:21  <b>undertaken</b> 8:21  <b>unidentified</b> 9:17  <b>unrelated</b> 9:17</p>
--	---	--	---	--

<b>upcoming</b> 14:23	<b>100</b> 2:11		
<hr/>	<b>1026</b> 1:24 19:22		
<b>V</b>	<b>1111</b> 2:3		
<hr/>	<b>12</b> 19:17		
<b>v</b> 5:1	<b>12:15</b> 1:19 4:2		
<b>valid</b> 13:7	<b>12:36</b> 18:3		
<b>VARIN</b> 2:14	<b>12th</b> 16:21		
<b>Vice-chair</b> 2:22	<b>1410</b> 1:20 2:7		
<b>Vinson</b> 2:11 8:11	<hr/>		
<b>vote</b> 17:1,2	<b>2</b>		
<b>vs</b> 1:9	<hr/>		
<hr/>	<b>20</b> 6:16		
<b>W</b>	<b>20-plus</b> 11:1		
<hr/>	<b>2014</b> 1:19 4:2,5		
<b>want</b> 6:22 10:13	19:17		
12:1	<b>208-334-2400</b> 2:20		
<b>WARDELL</b> 2:14	<b>208-343-3434</b> 2:4		
<b>we'll</b> 17:1	<b>208-373-0494</b> 2:8		
<b>we're</b> 11:20 12:17	<b>208-907-1529</b> 2:16		
12:17 17:3	<b>20th</b> 5:20		
<b>we've</b> 14:2	<b>213</b> 10:16,17		
<b>Wednesday</b> 15:15	<b>220</b> 2:15		
16:14,21,25	<b>242</b> 2:15		
<b>week</b> 16:14	<b>2801</b> 2:11		
<b>weeks</b> 11:16	<b>2nd</b> 2:7		
<b>West</b> 2:3	<hr/>		
<b>Weston</b> 1:7 5:1,2	<b>3</b>		
6:4,13 7:9 8:25	<hr/>		
<b>Weston's</b> 14:18	<b>3</b> 1:19 4:2		
16:8,19 17:20	<b>3rd</b> 4:5		
<b>WHEREOF</b> 19:16	<hr/>		
<b>willing</b> 7:21	<b>4</b>		
<b>Wilson</b> 3:4 9:24	<hr/>		
10:5	<b>5</b>		
<b>withhold</b> 13:4	<hr/>		
<b>WITNESS</b> 19:16	<b>500</b> 2:3		
<b>word</b> 7:20 13:2	<b>512-542-8709</b> 2:12		
<b>words</b> 8:1	<b>5th</b> 16:21,25 17:22		
<b>worked</b> 11:2,3	<hr/>		
<b>wouldn't</b> 9:3	<b>6</b>		
<hr/>	<hr/>		
<b>X</b>	<b>67-2345</b> 5:5		
<hr/>	<hr/>		
<b>Y</b>	<b>7</b>		
<hr/>	<hr/>		
<b>Yeah</b> 14:17	<b>720</b> 10:21,21 13:19		
<b>years</b> 11:1	14:2		
<hr/>	<b>78746</b> 2:12		
<b>Z</b>	<hr/>		
<hr/>	<b>8</b>		
<b>0</b>	<hr/>		
<b>0101-14-01</b> 1:6 5:2	<b>83702</b> 2:4,15		
<hr/>	<b>83706</b> 2:8		
<b>1</b>	<b>83720</b> 2:19,19		
<hr/>	<b>8th</b> 2:15		

1 R E P O R T E R ' S C E R T I F I C A T E  
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5 I, Rachelle C. Cahoon, shorthand  
6 reporter, hereby certify:

7 That I am the reporter who took the  
8 proceedings had in the above-entitled action in  
9 machine shorthand and thereafter the same was  
10 reduced into typewriting under my direct  
11 supervision; and

12 That the foregoing transcript contains a  
13 full, true, and accurate record of the proceedings  
14 had in the above and foregoing cause, which was  
15 heard at Boise, Idaho.

16 IN WITNESS WHEREOF, I have hereunto set  
17 my hand November 12, 2014.  
18  
19

20 

21 Rachelle C. Cahoon,  
22 Shorthand Reporter  
23 SRT No. 1026  
24  
25