

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: <b>Operation of the Missouri River System Litigation</b>	)	No. 03-MD-1555 (PAM)
	)	
	)	
STATE OF MISSOURI, ex rel. Jeremiah W. (Jay) Nixon,	)	
	)	
vs.	)	<b>Civil No. 0:06-cv-01616-PAM</b>
	)	
UNITED STATES ARMY CORPS OF ENGINEERS, FRANCIS J. HARVEY, SECRETARY OF THE ARMY, UNITED STATES DEPARTMENT OF DEFENSE, and BRIGADIER GENERAL GREGG F. MARTIN	)	
	)	
Defendants.	)	
	)	

**AFFIDAVIT OF MICHAEL D. WELLS IN SUPPORT OF  
MISSOURI’S MOTION FOR SUMMARY JUDGMENT**

STATE OF MISSOURI  
COUNTY OF COLE

Michael D. Wells personally appeared before me, the notary public whose signature and seal appear at the end of this document. Michael D. Wells, being duly sworn by me, stated as follows:

1. My name is Michael D. Wells. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated. I would testify to them as true at a hearing in the above-styled matter.

2. I have been employed by Missouri Department of Natural Resources for five years as Chief of Water Resources for the State of Missouri. As Chief of Water Resources, I represent the Governor of the State of Missouri on all interstate water issues.

3. Prior to joining the Department, I was employed by the United States Department of Agriculture for 34 years with work experience in the States of Arkansas, Oklahoma, and Missouri, where I worked in water resource project development and implementation. I have extensive experience in the planning, development, and implementation of comprehensive federal water resources projects. My experience includes directing interdisciplinary teams in the evaluation of economic, social, and environmental impacts of implementing water projects. I also have experience in complying with the requirements of all federal and state laws pertinent to the development of federal water projects, especially the regulations and requirements to comply with the National Environmental Policy Act (NEPA).

4. The State of Missouri depends on the Missouri River for many uses. The River serves as the water supply for approximately one-half of Missouri's 5.6 million citizens. More than half of the water delivered by public water supplies to Missourians is for domestic use. Thousands of acres of Missouri farm land are adjacent to or otherwise directly affected by the flow of the Missouri River, particularly when the river rises. Of the 1.4 million acres of flood plain below the Gavins Point Dam, 1 million acres are located in Missouri. A substantial portion of that flood plain has been designated prime farm land by the United States Department of Agriculture. The River also has important commercial, recreational, and fish and wildlife attributes. A number of Missouri cities - including the two largest, St. Louis and Kansas City - are located on the Missouri River. Because of Missouri's dependence on the Missouri River, any significant change in the management of the river will significantly affect the human environment in Missouri.

5. The Corps operates six dams and reservoirs on the main stem of the Missouri River. Those dams and reservoirs are Fort Peck in Montana, Garrison Dam and Lake Sakakawea

in North Dakota, Oahe in North Dakota and South Dakota, Big Bend Dam and Lake Sharpe in South Dakota, Fort Randall Dam and Lake Francis Case in South Dakota, and Gavins Point Dam and Lewis and Clark Lake in Nebraska and South Dakota.

6. The documents contained in Missouri's Supplemental Exhibits in Support of Motion for Summary Judgment are true and correct copies of documents obtained by Missouri in the ordinary course of business or which are publicly available.

/s/ Michael D. Wells  
Michael D. Wells

In witness whereof I have hereunto subscribed by name and affixed my official seal this 4th day of August, 2006.

/s/ Martha J. Buschjost  
Notary Public