

**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.	)	
	)	

**SUPPLEMENTAL 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. Numerous state-owned properties are located within the Missouri River floodplain and are threatened by any increase in flood risk. These properties include: ten state parks and historic sites, including 110 miles of the 225 miles of the KATY Trail State Park;

approximately 50,000 acres of state lands managed for parks and conservation; and fifty-one transportation structures. In the event of flood, the State may lose the use of any or all of these properties, resulting in lost revenues from the parks, lost employee productivity from the offices, and resources diverted to replace or repair these properties.

3. There are also 8 power plants located on the Missouri River in Missouri. Corps of Engineers data (2006 Master manual) shows that the power plants located on the Missouri River reach from St. Joseph, Missouri to the mouth near St. Louis, Missouri represents forty-one percent of the thermal power plant capacity of all plants that use the Missouri River for cooling. Not only does increased flood risk threaten these plants, but the amount of water in the river may have an impact on their ability to use Missouri River water for cooling and to comply with Clean Water Act requirements. If these plants were forced off line, it could increase Missouri's direct energy costs. Perhaps more importantly, if it happened during a public health emergency, such as this summer's heat wave or other weather emergency, it would require the use of State dollars and manpower to provide the necessary public health and safety support.

4. Management of the Missouri River also directly impacts the transportation infrastructure in Missouri. The Court is well aware of the importance of navigation. There are also three airports and 434 miles of rail lines within one mile of the river. Loss of the use of these facilities would increase Missouri's direct shipping and transportation costs and likely would result in a reduction in tax revenues.

5. Approximately one-half of Missouri's 5.6 million citizens get their drinking water from the Missouri River or its alluvium. Corps of Engineers data (2006 Master Manual) shows that seventy-three percent of all people served by municipal water supplies using the Missouri River are located in the Missouri River reaches from St. Joseph Missouri to the mouth near St.

Louis, Missouri. Thus, a reduction in water supply benefits can have a dramatic impact on the State and its political subdivisions. If sufficient water were not available to meet these needs, the State would have to divert resources (both money and manpower) to ensure an adequate supply for the health and well being of its residents.

/s/ Michael D. Wells  
Michael D. Wells

In witness whereof I have hereunto subscribed by name and affixed my official seal this  
21st day of August, 2006.

/s/ Martha J. Buschjost  
Notary Public