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RECEIVED  
OCT 28 2014  
DEPARTMENT OF  
WATER RESOURCES

*Attorneys for Boise Project Board of Control, Big Bend Irrigation District, Wilder Irrigation District, and Boise-Kuna Irrigation District*

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF ACCOUNTING )  
FOR DISTRIBUTION OF WATER TO ) **BOISE PROJECT BOARD OF**  
THE FEDERAL ON-STREAM ) **CONTROL'S DOCUMENT**  
RESERVOIRS IN WATER ) **REQUEST**  
DISTRICT 63 )  
)  
)  
)  
)

COMES NOW, the Boise Project Board of Control by its attorneys of record and pursuant to the Director's Scheduling Order dated October 14, 2014, hereby submits to the Department, through Deborah Gibson by electronic mail ([Deborah.gibson@idwr.idaho.gov](mailto:Deborah.gibson@idwr.idaho.gov)) the following requests for documents.

The Scheduling Order indicates that the Department will provide an overview of the documents "the Department believes are relevant to this proceeding." What the Department currently believes is relevant and what the other parties may believe are relevant may turn out to be very different things. Until we see what the Department believes is relevant, it is difficult to know what to expect to be produced or referenced by the Department. Nevertheless, in the Boise Project Board of Control Initial Statement of Issues dated December 4, 2013, the Boise Project

specifically requested that the Department provide all relevant information relating to the following categories of documents. These should clearly be included

- A. Department's 1974 Flood Report, including all communications between the Department, the Governor's office, the Bureau of Reclamation, and the Corps of Engineers.
- B. Communications between the Department, the Bureau of Reclamation, and the Corps on the Boise River Water Control Manual.
- C. Documents concerning the Department and Water Board's determinations that the Boise River is fully appropriated.
- D. Documents concerning the basis for the provisions for water quantity on the Boise River storage rights, including from the License files pre-dating the SRBA.

In addition to those categories of issues, the Boise Project Board of Control requests that the Department produce and provide references to the following category of documents.

- 1. Historic releases of water for flood control and reservoir fill following flood control at the three on-river reservoirs on the Boise River, from the first year of operations of Arrowrock in 1916 to the most recent water year, 2014.
- 2. Documents describing the legal basis for the Department's determinations of how water should be accounted for in the accounting program.
- 3. All communications between the Department and Reclamation or any space holders in the Boise concerning the Department's accounting program.
- 4. All documents concerning the legal and factual basis for storage in the reservoirs and allocation to storage accounts on the day of allocation following flood control releases in the Boise River.

5. All documents explaining the extent to which the accounting program developed in Basin 01 was incorporated into the accounting program in Basin 63.
6. All documents indicating efforts by the Department to explain the Basin 63 accounting program, including how water is allocated to storage accounts.
7. All communications from the Department to the Idaho Water Resources Board concerning each of the moratoria on granting new water rights in Basin 63 and the determination that the Boise River above Lucky Peak Dam is fully appropriated.
8. All documents describing the mitigation required of applicants for new water rights on the Boise River subsequent to the Basin 63 moratoria.
9. All documents related to the Department's review of flood control rule curves in Basin 63, whether based on the Boise River Water Control Manual or otherwise.
10. All documents related to the Department's conclusion in 1974 that inadequate flood control releases were being made from the Boise River reservoirs by the Bureau of Reclamation and/or the Corps of Engineers, including any analysis of the consequences changing the flood control rule curves on physical fill of the reservoirs following flood control.
11. All documents indicating the legal process by which the water accounting rules for Basin 63 were adopted, including all provisions of law, administrative procedure, rules or regulations were followed to adopt the accounting program in Basin 63.
12. All documents, including all attorney generals' opinions or legal opinions, concerning the process by which the accounting program is to be adopted.

13. All communications to or from the water master in Basin 63 concerning appropriate conditions to place on water rights applied for in Basin 63 junior to the storage rights in Basin 63.

Dated this 28<sup>th</sup> day of October, 2014.

**BARKER ROSHOLT & SIMPSON LLP**



By: Albert P. Barker  
*Attorneys for Boise Project Board of Control*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28<sup>th</sup> day of October, 2014, I caused to be served a true and correct copy of the foregoing **BOISE PROJECT BOARD OF CONTROL'S DOCUMENT REQUEST** by the method indicated below, and addressed to each of the following:

Original to:

Idaho Department of Water Resources  
Water Management Division  
322 E. Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098

Hand Delivery  
 U.S. Mail, postage prepaid  
 Facsimile  
 Overnight Mail

Copies to the following:

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PERKINS COIE LLP  
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FLETCHER LAW OFFICE  
P.O. Box 248  
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Water District 65  
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