

AUG 25 2005

DEPARTMENT OF WATER RESOURCES

Roger D. Ling, ISB #1018  
LING ROBINSON & WALKER  
P.O. Box 396  
Rupert, Idaho 83350  
Telephone: (208) 436-4717  
Facsimile: (208) 436-6804

C. Tom Arkoosh, ISB #2253  
ARKOOSH LAW OFFICES, CHTD.  
P.O. Box 32  
Gooding, Idaho 83330  
Telephone: (208) 934-8872  
Facsimile: (208) 934-8873

Attorneys for A & B Irrigation District and  
Burley Irrigation District

Attorneys for American Falls  
Reservoir District #2

John A. Rosholt, ISB #1037  
John K. Simpson, ISB #4242  
Travis L. Thompson, ISB #6168  
BARKER ROSHOLT & SIMPSON LLP  
113 Main Ave. West, Suite 303  
Twin Falls, Idaho 83301-6167  
Telephone: (208) 733-0700  
Facsimile: (208) 735-2444

W. Kent Fletcher, ISB #2248  
FLETCHER LAW OFFICE  
P.O. Box 248  
Burley, Idaho 83318  
Telephone: (208) 678-3250  
Facsimile: (208) 878-2548

Attorneys for Minidoka Irrigation District

Attorneys for Milner Irrigation District,  
North Side Canal Company, and  
Twin Falls Canal Company

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF )  
WATER TO VARIOUS WATER RIGHTS )  
HELD BY OR FOR THE BENEFIT OF )  
A&B IRRIGATION DISTRICT, AMERICAN )  
FALLS RESERVOIR DISTRICT #2, BURLEY )  
IRRIGATION DISTRICT, MILNER IRRIGATION )  
DISTRICT, MINIDOKA IRRIGATION DISTRICT )  
NORTH SIDE CANAL COMPANY, AND TWIN )  
FALLS CANAL COMPANY )  
)  
HEARING ON DIRECTOR'S MAY 2, 2005 )  
AMENDED ORDER )  
\_\_\_\_\_ )

**SURFACE WATER  
COALITION'S OBJECTION TO  
PROPOSED DEPOSITION  
SCHEDULE OF IDWR  
EMPLOYEES SUBMITTED BY  
IGWA / POCATELLO / STATE  
AGENCY GROUND WATER  
USERS**

COMES NOW, A&B Irrigation District, American Falls Reservoir District #2, Burley  
Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal

Company, and Twin Falls Canal Company (hereinafter collectively referred to as the “Surface Water Coalition” or “Coalition”) and hereby objects to the proposed deposition schedule of IDWR employees submitted by IGWA, Pocatello, and the State Agency Ground Water Users on August 23, 2005 (“*Joint Request*”) on the following bases:

1. To the extent the Joint Request implies that members of the Surface Water Coalition would be limited to conducting depositions of the identified IDWR employees, or other IDWR employees or contractors, solely during the week of August 29<sup>th</sup>, or “as soon thereafter as practicable”, the Coalition objects to the request.

2. Since the discovery period is in the initial stages, the Coalition members and their experts are presently reviewing and analyzing documents and materials relevant to the proceeding. As part of this process, the Coalition experts have requested various information and data from IDWR. Hal Anderson recently responded to this request and provided some information on August 17, 2005. *See Exhibit A*. Despite this partial response, to date, IDWR has not provided, or made available, all the necessary information that has been requested. *See Exhibit B*. Until this information is provided as requested, the Coalition’s experts will not have had a meaningful opportunity to discover necessary facts and data relevant to this proceeding. In addition, The Coalition’s experts need adequate time to analyze and review this information in a meaningful manner prior to the depositions of IDWR employees or contractors who generated or who have knowledge about this information.

3. Apart from reviewing information received from IDWR, the Coalition filed a *Motion for Clarification and Supplemental Information Concerning Record* on August 12, 2005. To date, the Director has not responded or disclosed all “parts of the record relied upon . . . in the informal proceeding that the Director intends to consider in this formal proceeding.” To the

extent there are other documents or information that have yet to be disclosed, the Coalition needs adequate time to analyze and review this information prior to taking depositions of IDWR employees or contractors who generated or who have knowledge about this information.

4. The Coalition members request a meaningful opportunity to conduct necessary depositions of IDWR employees, including those identified in the *Joint Request*, for purposes of the hearing in this matter. A meaningful opportunity to prepare includes adequate notice of the place, time, and scope of the deposition. Simply listing the names of the employees one week and then proceeding to conduct the depositions as early as six days later is not adequate time from the Coalition's standpoint, particularly where the employees are located at offices across the State.

5. The Coalition reserves the right to submit its own requests for depositions of IDWR employees and contractors, including those listed in the *Joint Request*, as determined necessary in this proceeding. Given the discovery period has just opened, the Coalition's experts are currently reviewing and analyzing data and information that has just recently been provided, and the general deposition schedule discussed among the parties, the Coalition suggests the week of October 10<sup>th</sup> would provide an appropriate time to conduct necessary depositions of IDWR employees. As determined through the discovery process, the Coalition will submit the necessary requests with the Director in order to provide adequate notice regarding those depositions.

DATED this 29<sup>th</sup> day of August 2005.

LING ROBINSON & WALKER

ARKOOSH LAW OFFICES CHTD.

  
Roger D. Ling

  
T.C. Tom Arkoosh

Attorneys for A & B Irrigation District  
and Burley Irrigation District

FLETCHER LAW OFFICES

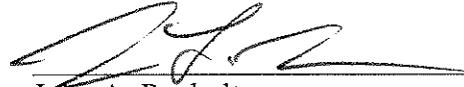


W. Kent Fletcher

Attorneys for Minidoka Irrigation District

Attorneys for American Falls  
Reservoir District #2

BARKER ROSHOLT & SIMPSON LLP



John A. Rosholt  
John K. Simpson  
Travis L. Thompson

Attorneys for Milner Irrigation District,  
North Side Canal Company, and Twin Falls  
Canal Company

## CERTIFICATE OF SERVICE

I hereby certify that on this 24<sup>th</sup> day of August 2005, I served a true and correct copy of the foregoing *Surface Water Coalition's Objection to Proposed Deposition Schedule of IDWR Employees Proposed by IGWA / Pocatello / State Ground Water Users* on the following by the method indicated:

Via Email:

Director Karl Dreher  
Idaho Department of Water Resources  
322 E. Front St.  
Boise, Idaho 83720-0098  
[victoria.wigle@idwr.idaho.gov](mailto:victoria.wigle@idwr.idaho.gov)

IDWR – Eastern Region  
900 N. Skyline Dr., Suite A  
Idaho Falls, Idaho 83402-1718  
[ron.carlson@idwr.idaho.gov](mailto:ron.carlson@idwr.idaho.gov)  
[lewis.rounds@idwr.idaho.gov](mailto:lewis.rounds@idwr.idaho.gov)

Matt Howard  
U.S. Bureau of Reclamation  
1150 N. Curtis Road  
Boise, Idaho 83706-1234  
[mhoward@pn.usbr.gov](mailto:mhoward@pn.usbr.gov)

IDWR – Southern Region  
1341 Fillmore St., Suite 200  
Twin Falls, Idaho 83301-3380  
[allen.merritt@idwr.idaho.gov](mailto:allen.merritt@idwr.idaho.gov)  
[cindy.yenter@idwr.idaho.gov](mailto:cindy.yenter@idwr.idaho.gov)

Jeffrey C. Fereday  
Michael C. Creamer  
Givens Pursley LLP  
601 Bannock St., Suite 200  
P.O. Box 2720  
Boise, Idaho 83701-2720  
[jcf@givenspursley.com](mailto:jcf@givenspursley.com)  
[mcc@givenspursley.com](mailto:mcc@givenspursley.com)

Kathleen Marion Carr  
U.S. Department of Interior  
550 West Fort St., MSC-020  
Boise, Idaho 83724  
[kmarioncarr@yahoo.com](mailto:kmarioncarr@yahoo.com)

James C. Tucker  
Idaho Power Company  
1221 West Idaho St.  
Boise, Idaho 83702  
[jamestucker@idahopower.com](mailto:jamestucker@idahopower.com)

Jo Beeman  
Beeman & Assoc.  
409 W. Jefferson St.  
Boise, Idaho 83702  
[jo.beeman@beemanlaw.com](mailto:jo.beeman@beemanlaw.com)

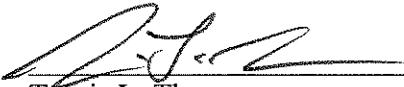
James S. Lochhead  
Adam T. DeVoe  
Brownstein, Hyatt & Farber P.C.  
410 17<sup>th</sup> St., 22<sup>nd</sup> Floor  
Denver, Colorado 80202  
[jlochhead@bhf-law.com](mailto:jlochhead@bhf-law.com)  
[adevoe@bhf-law.com](mailto:adevoe@bhf-law.com)

Michael Gilmore  
Attorney General's Office  
P.O. Box 83720  
Boise, Idaho 83720-0010  
[mike.gilmore@ag.idaho.gov](mailto:mike.gilmore@ag.idaho.gov)

Terry T. Uhling  
J.R. Simplot Company  
999 Main St.  
Boise, Idaho 83702  
[tuhling@simplot.com](mailto:tuhling@simplot.com)

Scott L. Campbell  
Moffatt Thomas Chtd.  
101 S. Capitol Blvd., 10<sup>th</sup> Floor  
P.O. Box 829  
Boise, Idaho 83701  
[slc@moffatt.com](mailto:slc@moffatt.com)

Sarah Klahn  
White Jankowski  
511 16<sup>th</sup> St. Suite 500  
Denver, Colorado 80202  
[sarahk@white-jankowski.com](mailto:sarahk@white-jankowski.com)



---

Travis L. Thompson

**EXHIBIT "A"**



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Mr. John Koreny  
HDR Engineering, Inc.  
River Quarry at Park Center  
412 E. Parkcenter Blvd.  
Boise, ID 83706-6659

August, 17, 2005

VIA FACIMILE to (425) 454-4189

RE: Additional Information Request from Idaho Surface Water Coalition

Dear Mr. Koreny,

In your letter dated August 9, 2005, you requested additional information that "after a quick review" you believed was missing from our August 8, 2005 response to your July 29, 2005 information request. We have evaluated your request and have placed the requested information on the IDWR FTP site. An item-by-item response to your August 9 letter Attachment A is enclosed as an Attachment. Also we received an e-mail requesting information from Mr. David Shaw, whose firm ERO Resources Corp., we understand is also working for the Surface Water Coalition. We are including a response to his request as item 5 in the attachment.

Sincerely,

Hal N. Anderson  
Administrator,  
Planning and Technical services Division

Attachment  
HDR Additional Information Request

**Item 1**

The FTP file names for spreadsheets and electronic data that is available and associated with the "Partial Agency Record in the matter of the Surface Water Coalition Delivery Call Before the IDWR" CD, are listed in order as included on the CD index:

1. Chart of Water Right Numbers, FTP file, heii\_nat\_sort.xls
2. Hydrographic Report, FTP file, HEII\_QU\_01\_02\_03.xls
3. Idaho Water Supply Outlook Report, April 1, 2005, Available on NRCS website.
4. Coalition Historic Diversions and projections, FTP files, AccountingAB1.xls, data in upsnake04.xls; AccountingAmericanFalls1.xls, data in upsnake04.xls; MinidokaS(Burley)1.xls, data in upsnake04; AccountingMilner1.xls, data in upsnake04; MinidokaNthS1.xls, data in upsnake04; NorthsideC.xls, data in upsnake04; TwinFalls1.xls, data in upsnake04; AF STORED 2005 estAVG.xls; SNKSTO05.RPT0204
5. Surface Water Coalition first information submittal, no associated files
6. Crop information for Gooding, Jerome, Lincoln & Twin Falls Counties, FTP file, ESPA%20Research.
7. Summary of Results from simulated curtailment of irrigation under ground water, FTP file, CurtSumDocs.zip
8. Charts containing ET adjusted diversions on alfalfa hay seasonal water use, FTP file, heii\_qu\_nat\_flo\_div.xls
9. Six-month accrual summaries for five-year period for canal Ground Water Districts, no associated files, replaced by item 10 below.
10. Six-month accrual summaries, FTP file, 6moAccruals.zip
11. Undated Memo regarding Model, no associated files
12. E-mail Correspondence to the Director from Bryce Contor, no associated files
13. E-mail Correspondence to the Director from Allan Wylie, no associated files
14. S.P. Garabedian report, 1992, no associated files

15. Graph: Snake River Near Heise Gage April-July, FTP file, HEII\_QU\_APRJUL.xls
16. Rules for Conjunctive Management, On IDWR website
17. Hydrologic Effects of Curtailment of Ground Water Pumping by Contor, Cosgrove, Rinehart and Wylie, October, 2004, On IWRRRI website, IDWR FTP files, Curtail\_GIS.zip contains recharge tool input files used to make MODFLOW input for scenario.
18. Hydrologic Effects of Continued 1980-2002 Water Supply Use and Conditions, by Cosgrove, Contor, Wylie, Rinehart and Johnson, October 2004, on IWRRRI website.
19. List of Water Rights Identified in Water Call Letter, no associated files
20. Coalition letter requesting administration and delivery of water to Director Karl Dreher, no associated files.
21. Orders issued by IDWR, on IDWR website.
22. Petition for water right administration and designation of the Eastern Snake Plain Aquifer as a Ground Water Management Area. No associated files
23. In Re: SRBA, Subcase 92-00021, Interim Administration Pleadings, no associated files.
24. Bureau of Reclamation, Water Supply for Palisades Reservoir Planning Report, October 1946, no associated files.
25. Charts of reach accruals, FTP files, Curtail.zip

**Item 2**

The reach gain and loss program, input files, output files and spreadsheets are posted on our FTP site. The file name is RiverTargets.zip

**Item 3**

The "Base Case" program files names on our FTP site are on the IWRRRI website. We did download these files and ran the scenario without a problem, "Curtailment" scenario program files are Curtail\_GIS.zip, the "No Change" program files are should be available later this week, and we will send an e-mail with the file name.

**Item 4**

We do not have a compilation of spring data above Milner. The Eastern Snake Hydrologic Modeling Committee chose to include the above Milner springs within the Snake River reach gains.

**Item 5 (David Shaw request)**

The Water Right Account program that has been compiled to run on a PC and an executable file is on the FTP site. The file name source code is, SNKWRA\_PC.FOR and the compiled executable is SNAKE\_PC.EXE

# **EXHIBIT “B”**

---

**From:** Koreny, John S.

**Sent:** Wednesday, August 24, 2005 12:54 PM

**To:** hal.anderson@idwr.idaho.gov; rick.raymondi@idwr.idaho.gov

**Cc:** dshaw@erresources.com; charles.e.brockway@brockwayeng.com

**Subject:** Missing Accounting Model Files

Hi Hal-

Enclosed is the follow-up to our July 29, 2005 information request that we discussed yesterday. Some of the accounting model files seem to be missing, and we would appreciate your assistance to confirm whether or not the noted files exist. If they do exist, we would appreciate receiving a copy of these files as soon as possible.

We are also requesting a copy of the program that can be used to extract the natural, storage and total water use breakdown out of the allocation file for the diversions included in the accounting model. Alternatively, if IDWR can provide this data, we would not need a copy of the program.

Thank you for your assistance.

John Koreny  
HDR Engineering



August 24, 2005

Mr. Hal Anderson  
Idaho Department of Water Resources  
322 East Front Street  
Boise, ID 83720

RE: Follow-up for Accounting Model Files, July 29, 2005 Information Request,  
Idaho Surface Water Coalition

Thank you for discussing by phone on August 23, 2005 the IDWR Accounting Model files that we received in the IDWR response to our July 29, 2005 information request.

Some of the files necessary to run the historic model data seem to be missing from the information provided. An attached spreadsheet titled, "AccountingModelFileList.pdf" summarizes the Accounting Model files received from IDWR. The specific files that seem to be missing are listed in red with a "?" after the file name. The most important of the missing files are the \*.alc and \*.rpt files.

We also would like to request the program "snkalc1st". We understand that this program can be used to extract the record of storage, natural and total diversions from the allocations file. Alternatively, if IDWR can provide the historic record of the breakdown of storage, natural and total water use for the diversions identified within the accounting model, we would not need to request this program.

Thank you for your assistance. This follow-up to our July 29, 2005 information request is submitted as a Public Records Request. If you would like to discuss this further, please call John Koreny at 425-450-6200.

Sincerely,  
HDR Engineering, Inc.

John Koreny, RG, PH  
Principal Hydrologist

Copy: David Shaw, ERO Resources  
Chuck Brockway, Brockway Engineering

Attached: AccountingModelFileList.pdf



