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DEPARTMENT OF
WATER RESOURCES

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**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

**IGWA AND THE CITY OF POCATELLO'S
JOINT REQUEST FOR DEPOSITION OF
ADDITIONAL IDWR EMPLOYEES**

Idaho Ground Water Appropriators, Inc ("IGWA") and the City of Pocatello
("Pocatello"), by and through their respective counsel of record, jointly submit this Request to
depose an additional employee or employees of the Idaho Department of Water Resources
("IDWR" or "Department") or Department contractors who can testify regarding various issues

identified below related to: 1) the Surface Water Coalition (“SWC”) January 14, 2005 delivery call (“Delivery Call”); 2) the Department’s February 14th, April 19th and May 2nd Orders on the SWC’s Delivery Call (“Delivery Call Orders”); and 3) IGWA’s several filings with the Department concerning providing replacement water for 2005 (“Replacement Water Plan”), which were required by the Department’s Delivery Call Orders and the Department’s May 2, 2005 Amended Order (collectively the “Delivery Call Review”).

Although IGWA and Pocatello previously filed a joint request to depose certain Department employees and contractors, testimony taken in depositions of Tim Luke and Michael Ciscell made clear that the list of persons jointly requested on August 23, 2005, was incomplete and, in certain cases, inaccurate.¹ Based on this recent experience, and mindful that unnecessary depositions are an unnecessary expense and inconvenience to the parties to this case as well as the Department, IGWA and Pocatello request that the Department designate the person or persons who can speak for the Department regarding the following issues related to the agency’s Delivery Call Review, and in such designation, specify which of the following areas the designated person(s) will be qualified to testify about:

1. WATER SUPPLY AVAILABILITY ANALYSIS.

Analysis of data concerning the historical surface water supply available to SWC members, including the analysis of information contained in the SWC’s March 15 and April 18th information submittals relative to the items a, b, e, f, g, h and i listed in Finding of Fact 7 of the Department’s May 2, 2005 Amended Order, and including analysis in support of Findings of Fact 88 through 107 of the May 2, 2005 Amended Order.

¹ Pocatello and IGWA’s list was developed based on their best understanding at that time concerning persons at the Department and at the Idaho Water Resources Research Institute (“IWRRRI”) who were most likely to have participated materially in the Department’s Delivery Call Review.

2. GROUND WATER AVAILABILITY.

Analysis of data concerning the extent of ground water available to lands served by SWC members, including information contained in the SWC's March 15 and April 18th information submittals to the Department, particularly any documentation relative to items c and d listed in Finding of Fact 7 of the Department's May 2, 2005 Amended Order, and analysis of any other data obtained by the Department.

3. MATERIAL INJURY.

Analysis performed in support of the determination of : 1) reasonably likely material injury, including analysis or investigations relative to alleged shortages in surface water supplies for irrigation, determinations of minimum full supplies, reasonable carryover, predicted 2005 carryover and predicted 2005 material injury described in Findings of Fact 108 through 122; and 2) effects of SWC water bank, leasing and other activities on storage and carryover storage supplies discussed in Findings of Fact 83 through 87 and the relationship of any such effects to the Department's determination of reasonably likely material injury in 2005.

4. ACTUAL SWC BENEFICIAL USE/REDUCED ACRES ANALYSIS.

Analysis of data concerning the extent of actual beneficial use of water within lands served by SWC members, or concerning reductions in irrigated acres or beneficial use due to alleged water shortages, including information contained in the SWC's March 15 and April 18th information submittals relative to items i and j listed in Finding of Fact 7 of the Department's May 2, 2005 Amended Order.

5. COMPUTER MODELING ANALYSIS.

Any computer simulations/model runs and related analysis performed in support of the Delivery Call Review, including model runs made in support of:

- a. establishing the February 27, 1979 priority date for curtailments of ground water rights in Water Districts 120 and 130;
- b. determining the transient and steady state accruals to reach gains between Near Blackfoot gage and the Minidoka gage as a result of ground water curtailments described in Findings of Fact 123 through 131 of the May 2, 2005 Amended Order;
- c. estimating the steady state reach gains resulting from ground water curtailments in Water Districts 120 and 130 described in Finding of Fact 77 of the May 2, 2005 Amended Order; and
- d. determining mitigation credits for reach gains resulting from dry-year leasing, the FMC water rights lease, ongoing WD 130 mitigation activities; voluntary curtailments and other mitigation actions described in IGWA's Replacement Water Plans.

IGWA and Pocatello seek to depose only that person or those persons who can speak for the Department regarding these matters—meaning the person(s) who have substantive, detailed knowledge of the Department's analysis of these matters—and do not seek to depose the cadre of employees who may have performed the actual analyses underpinning these issues related to the Order.

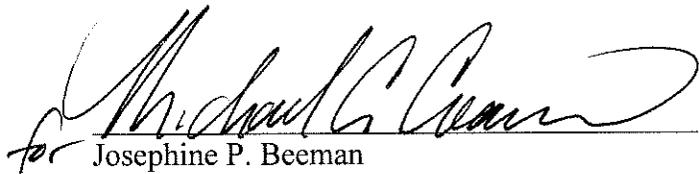
IGWA and Pocatello also request that the Department make available the designated person(s) for deposition. However, as there are nine active parties to the Delivery Call case that currently are engaged in relatively amicable discovery, including cooperative attempts to schedule site visits and depositions, IGWA and Pocatello also ask that to the extent the Department will determine when and where the designated person(s) will be made available for deposition, such availability will be consistent with the draft site visit and deposition schedule attached to this pleading if possible. As time for discovery is limited in this matter, it would expedite matters if the person(s) were made available at times that did not conflict with presently scheduled depositions or site visits.

DATED this 20th day of September 2005.



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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September 2005, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

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DRAFT DEPOSITION AND SITE VISIT SCHEDULE

DATE	EVENT DETAILS
09/19/05	Site Visit for Burley Irrigation District
	Site Visit of Minidoka Irrigation District
09/20/05	Deposition of Burley Irrigation District
	Deposition of Minidoka Irrigation District
09/21/05	Site Visit for Twin Falls Canal Company
09/22/05	Deposition of Twin Falls Canal Company
09/23/05	Continuation of Twin Falls Canal Company Depositions if Necessary
09/28/05	Deposition of Dave Tuthill
09/29/05	Site Visit for A&B Irrigation District (tentative)
09/30/05	Site Visit for American Falls Reservoir District #2 (tentative)
10/03/05	Site Visit Milner Irrigation District (tentative)
10/04/05	Site Visit North Side Canal Company (tentative)
10/05/05	Deposition of Alan Wylie
10/06/05	Deposition of Potential Additional Designated IDWR Witness
10/10/05	Deposition of American Falls Reservoir District #2
10/11/05	Deposition of Ron Carlson
10/12/05	Deposition of Bryce Contor
10/18/05	Deposition of Milner Irrigation District (tentative)
10/19/05	Deposition of North Side Canal Company (tentative)
10/20/05	Deposition of A&B Irrigation District (tentative)
10/24/05	Deposition of U.S. Bureau of Reclamation
10/25/05	Continued Depositions of U.S. Bureau of Reclamation