

**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)
_____)

**ORDER ON REQUEST
FOR DEPOSITION OF
ADDITIONAL DEPARTMENT
EMPLOYEES AND
MODIFYING AVAILABILITY
OF ALLAN WYLIE**

On September 2, 2005, the Director of the Department of Water Resources (“Director” or “Department”) issued an *Order Regarding Deposition of Department Employees*, in which dates were provided for seven Department employees and contractors to be available for deposition.

On September 20, 2005, the Director received a filing entitled *IGWA and the City of Pocatello’s Joint Request for Deposition of Additional IDWR Employees* (“Joint Request”). The Joint Request asks to depose an additional employee or employees of the Department, or Department contractors, who can testify regarding various issues related to the Surface Water Coalition (“SWC”) delivery call (“Delivery Call”), the Department’s orders issued in response to the Delivery Call (“Delivery Call Orders”), and IGWA’s filings with the Department concerning providing replacement water for 2005 (“Replacement Water Plan”), collectively referred to in the Joint Request as the “Delivery Call Review.”

The issues relating to the Delivery Call Review for which the Director is asked to identify one or more persons who can speak for the Department include (1) water supply availability analysis, (2) ground water availability, (3) material injury, (4) actual SWC beneficial use/reduced acres analysis, and (5) computer modeling analysis. The Director is also asked to designate deposition availability dates for the identified persons. Deposition availability dates have already been designated for two of the Department employees identified. No date is designated for the third Department employee identified because of his limited involvement with the computer modeling analysis issue and the uncertainty of whether the parties will desire to take his deposition. The remaining two persons identified as having knowledge regarding the listed issues are former Department employees whom the IGWA and the City of Pocatello may contact to determine their availability dates.

The Director also received on September 20, 2005, a filing entitled *IGWA and the City of Pocatello’s Joint Request for Modification of Deposition Availability of Allan Wylie*. This request asks that the availability date for Department employee Allan Wylie be changed from September 29, 2005, to a date in early October due to a conflict with other scheduled discovery by the parties in this matter.

ORDER

Based upon consideration of the foregoing, IT IS HEREBY ORDERED as follows:

The Director identifies the following Department employees and former Department employees as persons who have knowledge relating to various issues associated with the Delivery Call Review:

- (1) Water supply availability analysis – Pam Pace (ex-employee), Bill Ondrechen (retired);
- (2) Ground water availability - Pam Pace (ex-employee), Bill Ondrechen (retired);
- (3) Material injury - Pam Pace (ex-employee), Bill Ondrechen (retired);
- (4) Actual SWC beneficial use/reduced acres analysis – Dave Tuthill; and
- (5) Computer modeling analysis – Allan Wylie, John Lindgren (knowledge of the latter limited to making verification model runs).

IT IS FURTHER ORDER THAT the *Order Regarding Deposition of Department Employees*, dated September 2, 2005, is modified to provide that Department employee Allan Wylie will be made available for deposition by all of the parties in the above captioned matter, on October 6, 2005, and continuing as necessary on October 7, 2005, at the offices of the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho.

DATED this 23rd day of September 2005.



KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of September, 2005, the above and foregoing, was served by the method indicated below, and addressed to the following:

TOM ARKOOSH
ARKOOSH LAW OFFICES
PO BOX 32
GOODING ID 83330
(208) 934-8873
alo@cableone.net

U.S Mail, Postage Prepaid
 Facsimile
 E-mail

W. KENT FLETCHER
FLETCHER LAW OFFICE
PO BOX 248
BURLEY ID 83318-0248
(208) 878-2548
wkf@pmt.org

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

ROGER D. LING
LING ROBINSON
PO BOX 396
RUPERT ID 83350-0396
(208) 436-6804
lnrlaw@pmt.org

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JOHN ROSHOLT
TRAVIS THOMPSON
BARKER ROSHOLT
113 MAIN AVE WEST STE 303
TWIN FALLS ID 83301-6167
(208) 735-2444
jar@idahowaters.com
tlt@idahowaters.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JOHN SIMPSON
BARKER ROSHOLT
PO BOX 2139
BOISE ID 83701-2139
(208) 344-6034
jks@idahowaters.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JEFFREY C. FEREDAY
MICHAEL C. CREAMER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720
(208) 1300
cf@givenspursley.com
mcc@givenspursley.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

SCOTT CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701
(208) 385-5384
slc@moffatt.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

KATHLEEN CARR
OFFICE OF THE FIELD SOLICITOR
550 W FORT STREET MSC 020
BOISE ID 83724
(208) 334-1378

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

MATT HOWARD
US BUREAU OF RECLAMATION
1150 N CURTIS ROAD
BOISE ID 83706-1234
(208) 378-5003
mhoward@pn.usbr.gov

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

RON CARLSON
LEWIS ROUNDS
IDWR
900 N SKYLINE DR
IDAHO FALLS ID 83402-6105
(208) 525-7177
ron.carlson@idwr.idaho.gov
lewis.rounds@idwr.idaho.gov

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

ALLEN MERRITT
CINDY YENTER
IDWR
134I FILLMORE ST STE 200
TWIN FALLS ID 83301-3033
(208) 736-3037
allen.merritt@idwr.idaho.gov
cindy.yenter@idwr.idaho.gov

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JOSEPHINE BEEMAN
BEEMAN & ASSOC.
409 W JEFFERSON
BOISE ID 83702
(208) 331-0954
jo.beeman@beemanlaw.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

MICHAEL GILMORE
ATTORNEY GENERAL'S OFFICE
PO BOX 83720
BOISE ID 83720-0010
(208) 334-2830
mike.gilmore@ag.idaho.gov

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

TERRY UHLING
JR SIMPLOT CO
999 MAIN STREET
BOISE ID 83702
tuhling@simplot.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

SARAH KLAHN
WILLIAM A HILLHOUSE II
AMY W BEATIE
WHITE JANKOWSKI
511 16TH ST STE 500
DENVER CO 80202
sarahk@white-jankowski.com
billh@white-jankowski.com
amyb@white-jankowski.com

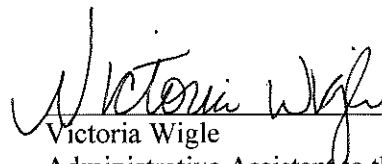
U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JAMES TUCKER
IDAHO POWER CO
1221 W IDAHO ST
BOISE ID 83702
jamestucker@idahopower.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JAMES LOCHHEAD
ADAM DEVOE
BROWNSTEIN HYATT
410 17TH ST 22ND FLOOR
DENVER CO 80202
jlochhead@bhf-law.com
adevoe@bhf-law.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail



Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources