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MAY 13 2021
DEPARTMENT OF
WATER RESOURCES

Attorneys for South Valley Ground Water District

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF BASIN 37
ADMINISTRATIVE PROCEEDING

Docket No. AA-WRA-2021-001

**DECLARATION OF DAVID B.
SHAW IN SUPPORT OF MOTION
FOR CONTINUANCE OF
HEARING**

I, David B. Shaw, hereby declare and state as follows:

1. My name is David B. Shaw, and my work address is ERO Resources Corporation (ERO), 4001 E Main St., Emmett, ID 83617. My telephone number is (208) 365-7684. I am over the age of 18 and state the following based upon my own personal knowledge.
2. Since July 1996 I have been employed by ERO providing consulting services to clients in the areas of water rights, water right adjudication, and water distribution and management.

**DECLARATION OF DAVID B. SHAW IN SUPPORT OF MOTION FOR
CONTINUANCE**

3. I have experience providing expert opinions in conjunctive administration cases before IDWR, including the Surface Water Coalition and A&B Irrigation District delivery call cases. In each of those matters, IDWR provided for a discovery and pre-hearing schedule that spanned several months. Evaluating issues concerning conjunctive administration in Basin 37 is no less complex given the unique hydrology, ground water interaction, and hundreds of individual water rights, irrigation delivery systems, and irrigated areas.
4. The Director recently issued a *Request for Staff Memorandum* on May 11, 2021, requesting certain information and reports to be disclosed on May 17, 2021, exactly three weeks from the start of the proposed hearing.
5. ERO has been retained to assist the South Valley Ground Water District (SVGWD) prepare for the contested case currently scheduled for hearing June 7-11, 2021 in Boise, Idaho. As part of our research to prepare for this case we will need to analyze and evaluate the 10 items requested by the Director to be disclosed on May 17, 2021. Among other items, the disclosure will include multiple evaluations of ground water conditions and relationships using the WRV 1.1 Wood River Valley Ground Water Flow Model. The Director's request contemplates at least 8 separate runs of the WRV 1.1 Model, each of which will need to be separately evaluated. One of the WRV 1.1 input files contains over 6 million records and is expected to be modified for each of the 8 or more conditions evaluated using the WRV 1.1 Model.
6. The Director's request for Staff Memorandum does not provide time for deposition of the Staff Memorandum authors prior to the hearing scheduled to

begin on June 7, 2021. Depositions of the Memorandum authors would assist the preparation of my expert opinion.

7. In my professional opinion I do not believe the time provided from May 27 to June 7 will provide me with a reasonable and fair opportunity to evaluate all of the data, information, analysis, and reports in order to formulate an expert opinion in this case.
8. The schedule proposed is shorter than any administrative proceeding I have personally been involved in, including contested applications for permit or transfer.
9. The schedule is prejudicial to my client SVGWD if I am prevented from having sufficient time to adequately evaluate and prepare an expert opinion on SVGWD's behalf.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

DATED this 13th day of May, 2021.



David B. Shaw

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 2021, the foregoing was filed, served, and copied as shown below.

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