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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

**Docket No. CM-DC-2010-001**

**JOINT NOTICE OF DEPOSITION  
DUCES TECUM OF  
JENNIFER SUKOW, P.E., P.G.**

TO: Jennifer Sukow and all counsel of record.

PLEASE TAKE NOTICE that on **May 10, 2023, from 8:00 a.m. – 3:30 p.m.**, counsel for the Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell (collectively, the “Coalition”), City of Pocatello, City of Idaho Falls, Idaho Ground Water Appropriators, Inc. (“IGWA”), Bonneville-Jefferson Ground Water District, and Bingham Groundwater District in the above-entitled action will take the deposition of JENNIFER SUKOW, P.E., P.G., in accordance with the Order Authorizing Discovery issued April 21, 2023, in this matter, IDAPA 37.01.01.520.01.a and 37.01.01.520.02, and Idaho Rules of Civil Procedure 26, 30(a), and 34, and continue from day to day thereafter until completion, at the offices of the **Idaho Department of Water Resources, 322 E. Front Street, Boise, Idaho 83702**. The deposition will be “hybrid,” with the witness, court reporter, and some attorneys present at the Idaho Department of Water Resources (“IDWR” or “Department”), and others present via the Zoom video platform, hosted by M&M Court Reporting. Participants will receive a Zoom link via email from M&M the day before the deposition.

### **DOCUMENTS REQUESTED**

The words used in these requests for identification of documents for copying and inspection are to be interpreted according to their plain meanings. The following definitions are provided in the spirit of good faith and cooperation to assist the Responding Party in preparing responses to each of the following demands below.

A. “Announcement(s)” means any document or electronic communication that is not merely a publication or news release and that advises ground water users within the Eastern Snake Plain Aquifer of a particular action to be taken by IDWR.

B. “Document(s)” shall mean the original, all copies and drafts of papers and writings of every kind, description and form, whether handwritten or typed, and all mechanical, magnetic media and electronic recordings, records and data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: correspondence, letters, notes, e-mails, computer files, memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, calendars, datebooks, appointment books, day-timers, intra- or inter-office communications, canceled checks, minutes, bulletins, circulars, pamphlets, telegrams, instructions, work assignments, messages (including reports, notes and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge slips, working papers, graphs, charts, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other documents filed or prepared in connection with any court or agency or other proceeding, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trusts, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. “Document(s)” are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents.

C. “External Communications” include, but are not limited to, emails, text messages, letters, notes, phone calls, voicemails, and any voice and audio recordings between

IDWR employees, including, but not limited to managers, directors, or board members and persons that are not employed by the Department.

D. “Internal Communications” include, but are not limited to, emails, text messages, letters, notes, phone calls, voicemails, and any voice and audio recordings between IDWR employees, including, but not limited to managers, directors, or board members.

E. “Notice” means any publication or news release advising ground water users within the Eastern Snake Plain Aquifer of a particular action to be taken by IDWR.

The Deponent is required to produce the following to the deposition:

1. Any and all documents reflecting the Deponent’s involvement in the issuance of the Fifth Amended Methodology Order.
2. Any and all documents the Deponent is aware of, whether or not authored by her, that reflect Department employees’ input on the Department’s decision to move from steady state to transient modeling in the Fifth Methodology Order.
3. Any memoranda or reports authored by the Deponent or others that report to her that describe the change in the number of water rights likely to be curtailed as a result of the Department’s reliance on transient modeling in the Fifth Methodology Order.
4. All model files, including input files, output files, post-processing analyses, documentation, communications, and notes associated with the Eastern Snake Plain Aquifer Model (“ESPAM”) transient curtailment run used to support the proposed December 10, 1953 curtailment date that were not already provided.
5. All model files, including input files, output files, post-processing analyses, documentation, communications, and notes associated with any and all

ESPAM transient curtailment runs used to evaluate curtailment dates other than the December 10, 1953 curtailment date.


6. All model files, including input files, output files, post-processing analyses, documentation, communications, and notes for any and all ESPAM steady-state curtailment runs used to evaluate potential curtailment dates for the 2023 Methodology Order.
7. Any and all documents relied upon by the Department to support the technical rationale for the original use of Steady State.
8. Any and all internal and external communications regarding or pertaining to the information provided pursuant to paragraph 1 above.
9. Any and all Department notices or announcements regarding the Department's transition from Steady State to Transient State.
10. Any and all internal and external communications pertaining to the information provided pursuant to paragraph 3 above.
11. Any and all documents pertaining to the Department's decision to transition from Steady State to Transient State.
12. Any and all internal and external communications pertaining to the information provided pursuant to paragraph 5 above.
13. Any and all documents and electronic or recorded communications or discussions pertaining to credits for accruals to non-target reaches and non-target time periods.
14. Any and all internal and external communications regarding or pertaining to the information provided pursuant to paragraph 7 above.

15. Any and all documents pertaining to modeling stress file for the model run that produced the 1953 curtailment date in the *April 2023 As-applied Order* issued on April 21, 2023, in a format readable by ESRI software, a text reader, or a spreadsheet program (e.g., a Well File from Item C on page 7 of the IWRRI curtailment scenario).
16. Any and all internal and external electronic or recorded communications regarding or pertaining to the information provided pursuant to paragraph 9 above.
17. All documents, analyses, reports, data, and other materials evaluated, examined, or developed in connection with, or related to, model uncertainty, the futile call doctrine, or implementation of a trim line.
18. All model files, including input files, output files, post-processing analyses, documentation, communications, and notes for any model evaluation applying the transient modeling as a hindcast to previous years to 2023 where the Methodology Order applied.
19. All documents, analyses, reports, data, and other materials evaluated, examined, or developed in connection with, or related to, the differences between the ESPAM2.1 and ESPAM2.2 curtailment scenarios.
20. All documents, analyses, reports, data, and other materials evaluated, examined, or developed in connection with, or related to, the differences between the modeled project efficiencies for SWC irrigation entities in ESPAM2.1 and ESPAM2.2.

21. All documents, analyses, reports, data, and other materials evaluated, examined, or developed in connection with, or related to, the Department's determination and reasoning to use steady state modeling in the previous as applied orders.
22. Any and all internal and external electronic or recorded communications regarding or pertaining to the information provided pursuant to paragraph 18 above.
23. Any and all internal and external electronic or recorded communications regarding or pertaining to the information provided pursuant to paragraph 19 above.
24. Any and all internal and external electronic or recorded communications regarding or pertaining to the information provided pursuant to paragraph 20 above.
25. Any and all internal and external electronic or recorded communications regarding or pertaining to the information provided pursuant to paragraph 21 above.

DATED May 4, 2023.

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 2023, a true and correct copy of the foregoing document was served via email to the following:

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