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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  
MATTHEW ANDERS, P.G.**

TO: Matthew Anders and all counsel of record.

PLEASE TAKE NOTICE that on **May 12, 2023, from 9:00 a.m. – 5:00 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 MATTHEW ANDERS, P.E., 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**. This 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 advise 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. All documents, memoranda, reports, analyses or notes relied on by the Department to prepare the December 23, 2022 *Summary of Recommended Technical Revisions to the 4th Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover for the Surface Water Coalition*.
2. All documents, memoranda, reports, analyses or notes related to the Department’s decision to exclude from the Fifth Methodology Order:
  - a. Near Real Time METRIC for determining Crop Water Need;
  - b. April and July Regressions used to predict natural flow water supply.
3. All documents, memoranda, reports, analyses or notes related to the Department’s decision to *include* in the Fifth Methodology Order:
  - a. Transient modeling simulations for determining curtailment priority dates.
4. All documents, memoranda, reports, analyses, or notes related to the Department’s review of information submitted by Greg Sullivan and/or Spronk

Water Engineers to IDWR and the Methodology Technical Work Group (“TWG”) on December 12, 2022, December 21, 2022, and January 16, 2023, on behalf of the Eastern Snake Plain Aquifer (“ESPA”) Cities.

5. All documents, memoranda, reports, analyses, or notes related to the Department’s review of information submitted by Sophia Sigstedt to IDWR on January 16, 2023, on behalf of IGWA.
6. All documents, memoranda, reports, analyses or notes related to analyses of other potential Baseline Year(s) for use in the Fifth Methodology Order other than the 2018 BLY that was selected.
7. All documents, memoranda, reports, analyses, or notes related to the authorized and actual irrigated area of the Surface Water Coalition (“SWC”) members.
8. All documents, memoranda, reports, analyses, or notes related to SWC member groundwater pumping and other sources of water available to the SWC members.
9. All documents, memoranda, reports, analyses, or notes related to the analysis of reasonable carryover for the SWC members.
10. All materials presented at the technical meetings, and all analyses, reports, data sets, and other materials evaluated, examined, or developed in connection therewith.
11. All documents, memoranda, reports, analyses or notes related to any analysis of an average of multiple years for consideration on the Base Line Year(s) and associated hindcast in the Base Line Year(s) shortfall.

- 12. All court filings that discuss, review, analyze, or identify areas of the methodology that require further technical analysis.
- 13. All documents, memoranda, reports, analyses or notes related to any analysis in the intervening years from the 2015 TWG to the 2022 TWG related to the Fifth Methodology Order.
- 14. 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.

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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