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*Attorneys for Bonneville-Jefferson Ground Water District*

**STATE OF IDAHO**

**DEPARTMENT OF WATER RESOURCES**

IN THE MATTER OF THE DISTRIBUTION  
OF WATER TO VARIOUS WATER RIGHTS  
HELD BY AND 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

**DECLARATION OF BRYCE CONTOR  
IN SUPPORT OF MOTION FOR  
RECONSIDERATION OF DENIAL  
OF CONTINUANCE**

I, BRYCE CONTOR, under penalty of perjury, make this *Declaration in Support of Motion for Reconsideration of Denial of Continuance*.

1. I am over the age of eighteen (18) and competent to testify in this matter. I make this declaration based upon my own personal knowledge unless otherwise stated.

2. I am currently a senior hydrologist at Rocky Mountain Environmental Associates Inc. in Idaho Falls, Idaho (hereafter “Rocky Mountain”). I have an associate degree in farm crops management from Brigham Young University – Idaho, a Bachelor of Science degree in

agricultural economics from Bingham Young University – Provo, Utah, and a master’s degree in hydrology from the University of Idaho. I am published in the Journal of the American Water Resources Association, in Irrigation and Drainage and as a junior author in the American Journal of Agricultural Economics.

3. I began working in water resources in 1996, with Idaho Department of Water Resources (hereafter “IDWR”). I performed flow measurements, field examinations of beneficial use, GIS mapping of water-right places of use and points of diversion, and prepared water-right recommendations for the Snake River Basin Adjudication.

4. Beginning in 200, I left IDWR for the Idaho Water Resources Research Institute (within University of Idaho) where I worked on water budgets for aquifer modeling, groundwater/surface-water interaction, and some water economics work. In 2010, I transitioned gradually into the private sector, working part-time for the University and part-time for Rocky Mountain Environmental Associates.

5. Currently I work full time at Rocky Mountain after almost three years of limited involvement while working with the Henry’s Fork Foundation and Friends of the Teton River.

6. Bonneville-Jefferson Ground Water District (hereafter “Bonneville-Jefferson”) retained the services of Rocky Mountain to assist the district and its legal counsel with technical matters affecting the litigation in the above-captioned matter. I consult frequently with the district and its legal counsel, and I have personal knowledge of the matters involved in the above-captioned matter.

7. I understand that the Director of the Idaho Department of Water Resources (hereafter “Director”) changed the methodology used to calculate injury to the Surface Water Coalition (hereafter “SWC”) in his 5<sup>th</sup> Amended Methodology Order issued on April 21, 2023. I

also understand that the Director issues the April 2023 As-Applied Order on April 21, 2023, and that the new methodology used in the As-Applied Order calculated a material injury of 75,200-acre feet to SWC. I understand that the As-Applied order calculates a curtailment date of 1953 for groundwater users. I further understand that the Director intends to hold an evidentiary hearing on both these orders beginning on June 6, 2023.

8. In my professional opinion, I do not have time to perform an adequate technical review of the technical information requested from IDWR in this litigation in order to properly testify at hearing. The primary reason for this is that I was never invited to deliberations of the technical working group that advises on technical issues related to the SWC/IGWA Settlement Agreement. I have not received any work products or documentations of decisions or recommendations of that group. I presently do not have access to all the documents and data that I would need to do a defensible technical review of the 5th Methodology Order.

9. I understand that there will be depositions of IDWR personnel late in the middle of May 2023, and that documents and data will be requested. If all those documents and data are produced, the earliest I expect to receive them would be around Monday, May 22, 2023. Even assuming that I could continue technical work on the morning of June 6, that would only give 15 days. If there is a delay in providing the materials, the window would be even shorter.

10. As such, I will be unable to perform comprehensive review and consult with and prepare legal counsel for Bonneville-Jefferson prior to the scheduled hearing date. It is my opinion that I would need at least two months to adequately review and prepare myself and counsel for the hearing.

11. Further your declarant saith not.

DATED this the 5<sup>th</sup> day of May 2023.

/s/ Bryce Conton  
BRYCE CONTOR

## CERTIFICATE OF SERVICE

I hereby certify that on this the 5<sup>th</sup> day of May 2023, I served the foregoing document on the persons below via email or as otherwise indicated:

*/s/ Skyler C. Johns*  
Skyler C. JOHNS

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