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DEPARTMENT OF
WATER RESOURCES

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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 THANE KINDRED
IN SUPPORT OF MOTION FOR
RECONSIDERATION OF DENIAL
OF CONTINUANCE**

I, THANE KINDRED, 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 staff geologist at Rocky Mountain Environmental Associates Inc. in Idaho Falls, Idaho (hereafter "Rocky Mountain"). Before starting at Rocky Mountain as a staff geologist, I received my Bachelor of Science degree in geology from Brigham Young University in Provo, Utah, and my master's degree from Idaho State University in Pocatello, Idaho.

3. Bonneville-Jefferson Ground Water District (hereafter “Bonneville-Jefferson”) retained the services of Rocky Mountain to assist Bonneville-Jefferson 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.

4. 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 5th 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 further understand that the Director intends to hold an evidentiary hearing on both these orders beginning on June 6, 2023.

5. In my professional opinion, I will not have time to fully understand the 5th Amended Methodology Order issued by the Director and perform a comprehensive technical review of it to be prepared for June 6th. I was not invited to any sort of Technical Working Group with IDWR concerning the Methodology Order. Similarly, I received no other indication (i.e., letter, email, etc.) that the Methodology Order would change prior to April 21 when it came out. As such, I do not currently have access to many of the documents and data that I would need to perform the analysis.

6. I understand that Depositions so far will be held in the middle of May 2023, but they will likely not produce documents until after the depositions occur, which only provides about two weeks for a technical review of all information before the date of the hearing.

7. 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.

8. Further your declarant saith not.

DATED this the 5th day of May 2023.

/s/ Thane Kindred
THANE KINDRED

CERTIFICATE OF SERVICE

I hereby certify that on this the 5th 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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