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Irrigation District, Milner Irrigation District,  
North Side Canal Company and Twin Falls  
Canal Company*

**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

**DECLARATION OF DAVID COLVIN**

I, David Colvin, P.G., hereby declare and state as follows:

1. I am over the age of 18 and state the following based upon my own personal knowledge.
2. I am licensed as a Professional Geologist in the State of Idaho (#PGL-1453). I have a Bachelor of Science degree in Geology from Syracuse University. I have a Master of

Science degree in Environmental Science and Engineering from the Colorado School of Mines.

3. I am a Principal Hydrogeologist and the Groundwater Team Leader for LRE Water, located at 1221 Auraria Pkwy, Denver, CO 80204. I provide groundwater resource management and planning services.
4. I have been a member of the Eastern Snake Hydrologic Modeling Committee since 2011.
5. I have been retained by the Surface Water Coalition to provide Eastern Snake Plain Aquifer water resources support, including a review of the annual well measurement data that is part of the sentinel well index. Attached hereto as Exhibit A is a true and correct copy of the index graph and table that includes the most recent data gathered in the spring of 2023.
6. In November and December of 2022, I participated in Technical Work Group meetings related to Idaho Department of Water Resources (IDWR) staff considerations for methodology updates related to the *Fourth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover*.
7. I have reviewed the IDWR staff recommendations and materials related to the *Fifth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* and the *April As Applied Order*.
8. I have previously planned international travel to Vietnam from June 8 to June 21. The time difference between Boise, Idaho and Vietnam is 13 hours. I will be unable to attend

an administrative hearing concerning the above-referenced orders in person during this timeframe. I have made travel arrangements and am planning on attending the hearing on June 6 and 7, 2023.

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

Dated this 23<sup>rd</sup> day of May, 2023.

/s/ David Colvin  
David Colvin

## CERTIFICATE OF SERVICE

I hereby certify that on this 23<sup>rd</sup> day of May, 2023, I served a true and correct copy of the foregoing on the following by the method indicated:

<p>Director Gary Spackman Garrick Baxter Sarah Tschohl State of Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail</p> <p><a href="mailto:gary.spackman@idwr.idaho.gov">gary.spackman@idwr.idaho.gov</a> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a> <a href="mailto:sarah.tschohl@idwr.idaho.gov">sarah.tschohl@idwr.idaho.gov</a> <a href="mailto:file@idwr.idaho.gov">file@idwr.idaho.gov</a></p>	<p>Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise, ID 83706-1234 *** service by electronic mail only</p> <p><a href="mailto:mhoward@usbr.gov">mhoward@usbr.gov</a></p>	<p>Tony Olenichak IDWR – Eastern Region 900 N. Skyline Dr., Ste. A Idaho Falls, ID 83402-1718 *** service by electronic mail only</p> <p><a href="mailto:tony.olenichak@idwr.idaho.gov">tony.olenichak@idwr.idaho.gov</a></p>
<p>T.J. Budge Elisheva Patterson Racine Olson P.O. Box 1391 Pocatello, ID 83204-1391 *** service by electronic mail only</p> <p><a href="mailto:tj@racineolson.com">tj@racineolson.com</a> <a href="mailto:elisheva@racineolson.com">elisheva@racineolson.com</a></p>	<p>Sarah A. Klahn Somach Simmons &amp; Dunn 2033 11<sup>th</sup> St., Ste. 5 Boulder, CO 80302 *** service by electronic mail only</p> <p><a href="mailto:sklahn@somachlaw.com">sklahn@somachlaw.com</a> <a href="mailto:dthompson@somachlaw.com">dthompson@somachlaw.com</a></p>	<p>David Gehlert ENRD – DOJ 999 18<sup>th</sup> St. South Terrace, Ste. 370 Denver, CO 80202 *** service by electronic mail only</p> <p><a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p>
<p>Rich Diehl City of Pocatello P.O. Box 4169 Pocatello, ID 83201 *** service by electronic mail only</p> <p><a href="mailto:rdiehl@pocatello.us">rdiehl@pocatello.us</a></p>	<p>William A. Parsons Parsons, Smith &amp; Stone LLP P.O. Box 910 Burley, ID 83318 *** service by electronic mail only</p> <p><a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a></p>	<p>Corey Skinner IDWR – Southern Region 650 Addison Ave W, Ste. 500 Twin Falls, ID 83301-5858 *** service by electronic mail only</p> <p><a href="mailto:corey.skinner@idwr.idaho.gov">corey.skinner@idwr.idaho.gov</a></p>
<p>W. Kent Fletcher Fletcher Law Offices P.O. Box 248 Burley, ID 83318 *** service by electronic mail only</p> <p><a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<p>Kathleen Carr U.S. Dept. Interior, Office of Solicitor Pacific Northwest Region, Boise 960 Broadway, Ste. 400 Boise, ID 83706 *** service by electronic mail only</p> <p><a href="mailto:kathleenmarion.carr@sol.doi.gov">kathleenmarion.carr@sol.doi.gov</a></p>	<p>Candice McHugh Chris M. Bromley McHugh Bromley, PLLC 380 South 4<sup>th</sup> Street, Ste. 103 Boise, ID 83702 *** service by electronic mail only</p> <p><a href="mailto:cbromley@mchughbromley.com">cbromley@mchughbromley.com</a> <a href="mailto:cmchugh@mchughbromley.com">cmchugh@mchughbromley.com</a></p>

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<p>Skyler Johns Steven Taggart Nathan Olsen Olsen Taggart PLLC P.O. Box 3005 Idaho Falls, ID 83403 *** service by electronic mail only</p> <p><a href="mailto:sjohns@olsentaggart.com">sjohns@olsentaggart.com</a> <a href="mailto:staggart@olsentaggart.com">staggart@olsentaggart.com</a> <a href="mailto:nolsen@olsentaggart.com">nolsen@olsentaggart.com</a></p>	<p>Dylan Anderson Dylan Anderson Law PLLC P.O. Box 35 Rexburg, ID 83440 *** service by electronic mail only</p> <p><a href="mailto:dylan@dylanandersonlaw.com">dylan@dylanandersonlaw.com</a></p>	

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Jessica Nielsen  
*Assistant for Travis L. Thompson*

Exhibit

A

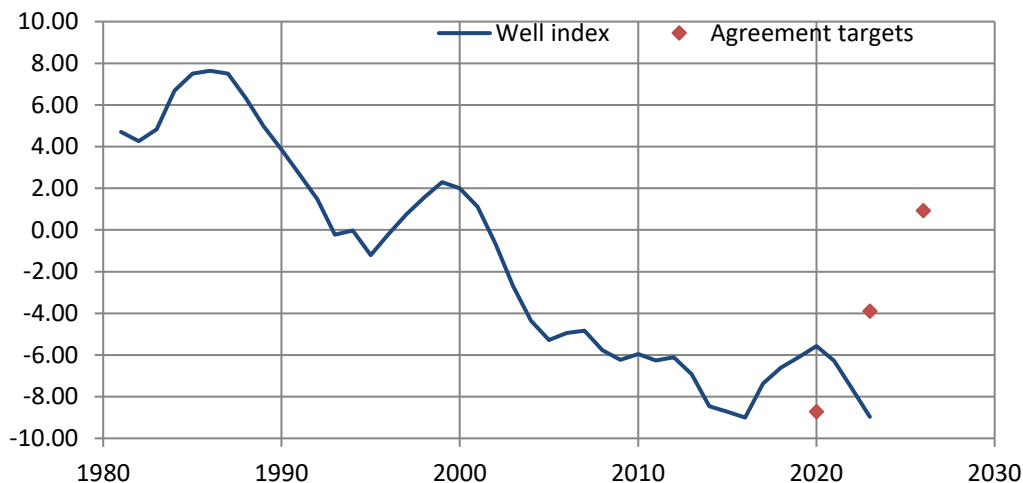
# Groundwater Level Index Calculation Tool

Based on settlement agreement between Surface Water Coalition and IGWA, August 2015

Developed by Brockway Engineering and Lynker Technologies, August 2016 revision

Instructions:

1. Enter March-April groundwater levels on the Well Data tab.
2. Calculated index will display below.
3. Compare calculated index with specific targets in the agreement.



Year	Well Index	Agreement Targets
1981	4.71	
1982	4.26	
1983	4.83	
1984	6.68	
1985	7.51	
1986	7.64	
1987	7.51	
1988	6.32	
1989	4.98	
1990	3.86	
1991	2.68	
1992	1.48	
1993	-0.22	
1994	-0.03	
1995	-1.20	
1996	-0.21	
1997	0.75	
1998	1.56	
1999	2.29	
2000	2.00	

2001	1.11	
2002	-0.67	
2003	-2.70	
2004	-4.35	
2005	-5.28	
2006	-4.94	
2007	-4.84	
2008	-5.77	
2009	-6.23	
2010	-5.96	
2011	-6.26	
2012	-6.11	
2013	-6.92	
2014	-8.45	
2015	-8.73	
2016	-9.00	
2017	-7.37	
2018	-6.62	
2019	-6.11	
2020	-5.57	<b>-8.72</b>
2021	-6.28	
2022	-7.62	
2023	-8.97	<b>-3.90</b>
2024		
2025		
2026		<b>0.93</b>
2027		
2028		
2029		
2030		