

Thomas J. Budge (ISB# 7465)
Elisheva M. Patterson (ISB# 11746)
RACINE OLSON, PLLP
201 E. Center St. / P.O. Box 1391
Pocatello, Idaho 83204
(208) 232-6101 – phone
tj@racineolson.com
elisheva@racineolson.com
Attorneys for Idaho Ground Water Appropriators, Inc.

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

**IGWA’s Witness and
Exhibit Lists**

Idaho Ground Water Appropriators, Inc., (“IGWA”), acting for and on behalf of North Snake Ground Water District, Magic Valley Ground Water District, Carey Valley Ground Water District, American Falls-Aberdeen Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, and Henry’s Fork Ground Water District, submits the following witness and exhibit lists.

WITNESSES

1. **Sofia Sigstedt.** Sofia Sigstedt is expected to testify as to her expert report, technical aspects of the Fifth Methodology Order and the April 2023 As-Applied Order, communications with the Department’s technical working group, and other matters involving the Fifth Methodology Order and the April 2023 As-Applied Order.
2. **Jaxon Higgs.** Jaxon Higgs intended to testify as to his expert report, the proportionate mitigation obligations of IGWA’s member ground water districts under the April 2023 As-Applied Order, irrigated acreage within Twin Falls Canal Company, conveyance efficiency of Twin Falls Canal Company, and other matters involving the Fifth Methodology Order and the April 2023 As-Applied Order. Mr. Higgs is not able to participate in the hearing scheduled June 6-10, 2023, due to a previously scheduled

family vacation out of the country.

3. **Mathew Weaver.** Mathew Weaver is expected to testify regarding information considered by Department personnel in developing the Fifth Methodology Order and the April 2023 As-Applied Order, the Department's application of the futile call doctrine, and other matters involving the Fifth Methodology Order and the April 2023 As-Applied Order.
4. **Tony Olenichak.** Tony Olenichak is expected to testify regarding the Department's distribution of water to members of the Surface Water Coalition and the Department's application of the futile call doctrine.
5. **Jennifer Sukow.** Jennifer Sukow is expected to testify regarding information considered and technical analyses performed by Department personnel in developing the Fifth Methodology Order and the April 2023 As-Applied Order.
6. **Matt Anders.** Matt Anders is expected to testify regarding information considered and technical analyses performed by Department personnel in developing the Fifth Methodology Order and the April 2023 As-Applied Order.
7. **Kara Ferguson.** Kara Ferguson is expected to testify regarding information considered and technical analyses performed by Department personnel in developing the Fifth Methodology Order and the April 2023 As-Applied Order.
8. **Other Department Staff.** IGWA reserves the right to call any other Department staff having information considered and technical analyses performed in connection with the development of the Fifth Methodology Order and the April 2023 As-Applied Order.
9. **Jay Barlogi.** Jay Barlogi is expected to testify regarding Twin Falls Canal Company's water delivery system, conveyance efficiencies, hydropower plants served by the Company's delivery system, Company policies, and others matters involving the Company.
10. **Lynn Carlquist.** Lynn Carlquist is expected to testify regarding the consequences for IGWA member districts and their patrons of the Fifth Methodology Order and the April 2023 As-Applied Order, and other matters involving the administration of water rights under the SWC delivery call related to the Fifth Methodology Order and the April 2023 As-Applied Order.
11. **Tim Deeg.** Tim Deeg is expected to testify regarding the consequences for IGWA member districts and their patrons due to the decisions contained within the Fifth Methodology Order and the April 2023 As-Applied Order, and other matters involving the administration of water rights under the SWC delivery call related to the Fifth Methodology Order and the April 2023 As-Applied Order.
12. **Kirk Jacobs.** Kirk Jacobs is expected to testify regarding the consequences for IGWA member districts and their patrons due to the decisions contained within the Fifth Methodology Order and the April 2023 As-Applied Order, and other matters involving the administration of water rights under the SWC delivery call related to the Fifth

Methodology Order and the April 2023 As-Applied Order.

13. Any witness identified by any other party.
14. Any witness needed to authenticate any exhibit.
15. Any witness needed for rebuttal purposes.

EXHIBITS

Attached herewith as *Appendix A* is IGWA's Exhibit List. In addition, IGWA reserves the right to utilize as exhibits (a) any document listed in the exhibit list of any other party to this proceeding; (b) water right records kept by the Department in its ordinary course of business; (c) any exhibit, pleading, or order filed previously with the Department in this matter; (d) transcripts of testimony proffered previously in this matter; (e) exhibits created for illustrative purposes; (f) exhibits utilized for rebuttal purposes; (g) subsequently disclosed exhibits for which the Director approves late disclosure; and (h) documents of which the Director takes official notice per IDAPA 30.01.01.602.


DATED this 30th day of May, 2023.

RACINE OLSON, PLLP

By: 
Thomas J. Budge
Attorneys for IGWA

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May, 2023, I served the foregoing document on the persons below via email or as otherwise indicated:


Thomas J. Budge

Director Gary Spackman Garrick Baxter Sarah Tschohl Idaho Department of Water Resources 322 E Front St. Boise, ID 83720-0098	gary.spackman@idwr.idaho.gov garrick.baxter@idwr.idaho.gov sarah.tschohl@idwr.idaho.gov file@idwr.idaho.gov
Dylan Anderson DYLAN ANDERSON LAW PO Box 35 Rexburg, Idaho 83440	dylan@dylanandersonlaw.com
Skyler C. Johns Nathan M. Olsen Steven L. Taggart OLSEN TAGGART PLLC 1449 E 17th St, Ste A PO Box 3005 Idaho Falls, ID 83403	sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com
John K. Simpson Travis L. Thompson MARTEN LAW P. O. Box 63 Twin Falls, ID 83303-0063	tthompson@martenlaw.com jsimpson@martenlaw.com jnielsen@martenlaw.com
W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318	wkf@pmt.org
Kathleen Marion Carr US Dept. Interior 960 Broadway Ste 400 Boise, ID 83706	kathleenmarion.carr@sol.doi.gov

<p>David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. Department of Justice 999 18th St., South Terrace, Suite 370 Denver, CO 80202</p>	<p>david.gehlert@usdoj.gov</p>
<p>Matt Howard US Bureau of Reclamation 1150 N Curtis Road Boise, ID 83706-1234</p>	<p>mhoward@usbr.gov</p>
<p>Sarah A Klahn Somach Simmons & Dunn 2033 11th Street, Ste 5 Boulder, Co 80302</p>	<p>sklahn@somachlaw.com dthompson@somachlaw.com</p>
<p>Rich Diehl City of Pocatello P.O. Box 4169 Pocatello, ID 83205</p>	<p>rdiehl@pocatello.us</p>
<p>Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC 380 South 4th Street, Suite 103 Boise, ID 83 702</p>	<p>cbromley@mchughbromley.com cmchugh@mchughbromley.com</p>
<p>Robert E. Williams WILLIAMS, MESERVY, & LOTH SPEICH, LLP P.O. Box 168 Jerome, ID 83338</p>	<p>rewilliams@wmlattys.com</p>
<p>Robert L. Harris HOLDEN, KIDWELL, HAHN & CRAPO, PLLC P.O. Box 50130 Idaho Falls, ID 83405</p>	<p>rharris@holdenlegal.com</p>
<p>Randall D. Fife City Attorney, City of Idaho Falls P.O. Box 50220 Idaho Falls, ID 83405</p>	<p>rfife@idahofallsidaho.gov</p>
<p>Corey Skinner IDWR-Southern Region 1341 Fillmore St., Ste. 200 Twin Falls, ID 83301-3033</p>	<p>corey.skinner@idwr.idaho.gov</p>

<p>Tony Olenichak IDWR-Eastern Region 900 N. Skyline Drive, Ste. A Idaho Falls, ID 83402</p>	<p>Tony.Olenichak@idwr.idaho.gov</p>
<p><i>COURTESY COPY TO:</i> William A. Parsons PARSONS SMITH & STONE P.O. Box 910 Burley, ID 83318</p>	<p>wparsons@pmt.org</p>

IGWA's Hearing Exhibits	
#	Description
100	20150310 IGWA Comments on Draft IDWR Staff Memo
101	20150310 Pocatello Comments on Draft IDWR Staff Memo
102	20150310 SWC Comments on Draft IDWR Staff Memo
103	20150316 SWC Staff Recommendations Memo (CM-DC-2010-001)
104	20221116 SWC Delivery Call Overview
105	20221117 Forecast_Supply_SWC_TWG
106	20221119 NRT METRIC_SWC_TWG_11-17-22_with supplemental slides
107	20221119 BLY_SWC_TWG_11-16-22_with supplemental slides
108	20221119 ESPAM_SWC_TWG_11-28-22
109	20221119 Project Efficiency_SWC_TWG_11-28-22_with supplemental slides
110	20221201 NRT METRIC_SWC_TWG_12-1-22_with supplemental slides (Numbered)
111	20221209 BLY_reasonable carryover
112	20221209 NRT METRIC_SWC_TWG
113	20221214 Forecast_Supply_SWC_TWG_12-14-2022_V2 (Numbered)
114	20221221 SWC Diversions and CWN Charts
115	20221223 IDWR Preliminary Recommendations
116	20230116 Cities Comments on SWC Methodology Recommendation
117	20230116 Lynker Memo re IDWR Staff Recommendations
118	20230116 SWC Comments to IDWR re Methodology Update
119	Depo Ex. 1 - 20230504 Joint Notice of Deposition Duces Tecum - J. SUKOW
120	Depo Ex. 2 - 20230421 Fifth Amended Final Order Regarding Methodology
121	Depo Ex. 3 - 20230421 Final Order Regarding April 2023 Forecast Supply (Methodology Steps 1-3)
122	Depo Ex. 4 - 20221223_SWC_TWG_Summary
123	Depo Ex. 5 - 20230425 FAQ on new Methodology and SWC delivery call
124	Depo Ex. 6 - 20221119 ESPAM_SWC_TWG_11-28-22
125	Depo Ex. 7 - Hindcast_Table1_Settlement_20221221
126	Depo Ex. 8 - 20230503 Baxter email re GWD mitigation obligations
127	Depo Ex. 9 - ESPAM V.2.1 Final Report
128	Depo Ex. 10 - 20230504 Joint Notice of Deposition Duces Tecum - M. ANDERS
129	Depo Ex. 11 - 20230116 Cities Comments on SWC Methodology Recommendation
130	Depo Ex. 14 - 20221201 NRT METRIC_SWC_TWG_12-1-22_with supplemental slides (Numbered)
131	Depo Ex. 15 - 20230116 MEMORANDUM_630PM_Lynker
132	Depo Ex. 16 - 20221117 NRT METRIC_SWC_TWG_11-17-22_with supplemental slides (Numbered)
133	Depo Ex. 17 - 20221201 NRT METRIC_SWC_TWG_12-1-22_with supplemental slides (Numbered)
134	Depo Ex. 18 - CM Rules
135	Depo Ex. 19 - 20160419 Fourth Methodology Order
136	Depo Ex. 20 - Cities Amended Notice of Deposition of TFCC
137	Depo Ex. 21 - Screenshot of 2023 SWC-IGWA Legal Folders
138	Depo Ex. 22 - Screenshot of Folders within the Deposition Folder
139	Depo Ex. 23 - TFCC Water Delivery Schedule 1990 to 2022 Spreadsheets
140	Depo Ex. 24 - Amended Agreement for Sprinkler Installation
141	Depo Ex. 25 - Census Bureau Population in Twin Falls County Graph
142	Depo Ex. 26 - SWC data requested by Chuck Brockway

143	Depo Ex. 27 - Email from Sarah Tschohl to multiple parties dated 5-22-23
144	Depo Ex. 28 - GWD Depo Notice to TFCC
145	Depo Ex. 29 - Ltrs from Thompson to Spackman 2013 to 2022
146	Depo Ex. 30 - TFCC Profit and Loss 2014 to 2022
147	Depo Ex. 31 - TFCC Operating Policy
148	Depo Ex. 40 - 20220621 - Small Group Discussion Points - 4Bedke
149	Depo Ex. 41 - 2022.7.13 SWC Methodology Outline_v2
150	Depo Ex. 42 - 2022.7.13 Revisions_Methodology_Outline
151	Depo Ex. 45- GBaxter_RE_ Methodology Order Technical Work Group_20220930_3_Redacted (002)
152	Depo Ex. 46 - 2022.12.20 Anders Email re TWG Data (002)
153	Depo Ex. 47 - 2023.1.3 Email FW_ 4th Amended Methodology Order (002)
154	Depo Ex. 48 - Attmt to 1.3.23 email to M.Weaver - 20160419_SWC RevisedMethodologyLC-MA-EB-Gary-EB3
155	ESPAM21FinalReport
156	ESPAM21FinalReportAppendixA
157	ESPAM21FinalReportAppendixB
158	ESPAM21FinalReportAppendixC
159	ESPAM21FinalReportFiguresSize8.5x11
160	ESPAM21FinalReportFiguresSize11x17
161	ESPAM21FinalReportTables
162	ModelCalibration22_Final
163	ModelCalibration22_FinalAppendixA
164	CurtScen22_FinalwApp
165	ESPAM2 Recharge Tools Documentation_ Processing Steps
166	Super_FullyPop_Final
167	E22PredUnc_Final
168	E22PredUnc_FinalAppendixA
169	E22PredUnc_FinalAppendixB
170	20060428 Affidavit of Scott N. King (SWC Dist Ct Agency Record 3427)
171	20070320 Expert Report of Scott King (Irr Acres Analysis TFCC)
172	20070926 Direct Testimony of Scott King (SWC Dist Ct Agency Record 5205)
173	Exhibit 4166 TFCC Water Management Plan 1999
174	Exhibit 4166A
175	Exhibit 4167 TFCC Operation Policy
176	Exhibit 4607 TFCC Meeting 2005
177	Exhibit 4608 TFCC Meeting Minutes 2004
178	Exhibit 4610 TFCC Ditch Writer 2005
179	01-00209 SRBA SF5
180	20071107 Spronk Water Engineers Expert Rebuttal Report (SWC Dist Ct Agency Record 5371)
181	20080616 Spronk Water Engineering Expert Report (A&B ISC Agency Record Ex 301)
182	20080716 Direct Test. of Charles Brendecke (A&B Dist Ct Agency Record)
183	20080827 Rebuttal Test of Charles Brendecke (A&B ISC Agency Record Ex 460)
184	20120406 Jt Stip to Withdraw Objs TFCC
185	20221001 Budge.Baxter email string RE_ Methodology Order TWG
186	20230425 FAQ on new Methodology and SWC delivery call
187	20230425 IDWR Press Release

188	20230503 Baxter email re GWD mitigation obligations
189	20230504 Baxter emails re deposition of Weaver
190	20230504 CM-DC-2010-001 Joint Notice of Deposition Duces Tecum - M. ANDERS (00151692xD2C75)
191	CM-DC-2010-001_20150316_SWC_Staff_Recommendations_Memo
192	CM-MP-2014-007-20150123-Staff-Memo-Cities-2nd
193	CurtScen22_FinalwApp
194	Hindcast BLY v Nov Actual DS chart
195	Table1_Settlement_20221221
196	Transient State Benefits by GWD 2023
197	Attachment 1 - IGWA Proportionate Share Modeling
198	Attachment 2 - Model Cells by District
199	Figure 2-1 Sequence of IDWR Irrigated Land dataset processing
800	Figure 2-2 Example of seasonal 2002 METRIC ET within the ESPAM boundary
801	Figure 2-3 Total SWC April-Oct Diversion 1992-2021
802	Figure 2-4 Sum of Heise natural flow and storage allocation for Snake River above Milner 1992-2021
803	Figure 2-5 Reference ET for Twin Falls with both AgriMet and ETIdaho data 1992-2021
804	Figure 2-6 Growing Degree Days for Twin Falls AgriMet Site 1992-2021
805	Figure 2-7 Growing Season Precip Twin Falls Weather Station 1992-2021
806	Figure 2-8 Normal Distribution of SWC Total Diversions over POR 2000-2014
807	Figure 2-9 Normal distribution of SWC Total Diversion over POR 2000-2021
808	Figure 2-10 IDWR hindcast analysis annual carryover volumes for TFCC 1995-2022 4MO v 5MO
809	Figure 3-1 Excerpts from Ralston 2008 Fence Diagrams
810	Figure 3-2 Excerpt from Ralston 2008 geologic map
811	Figure 3-3 Tranmissivity changes ESPAM 1.1 vs 2.1 vs. 2.2
812	Figure 3-4 Specific Yield changes ESPAM 1.1 vs 2.1 vs 2,2
813	Figure 3-5 Changes in timing rate of river reach gains ESPAM 2.1 vs 2.2
814	Figure 3-6 Changes in steady state response function BF to Minidoka reach ESPAM 2.1 vs 2.2
815	Figure 3-7 Annual volume net aquifer recharge 1981 to 2018
816	Figure 3-8 Storage and Transmissivity distribution using alt METRIC processing
817	Figure 3-9 Comparison water budget components pre and post calibration using METRIC
818	Figure 3-10 Distribution of jr gw pumping curtailed under 1963 priority date
819	Figure 3-11
820	Figure 3-12
821	Figure 3-13
822	Figure 3-14
823	Figure 3-15
824	Figure 3-16
825	Table 2-1 Summary of SWC irrigated acres 2015 TWG
826	Table 2-2 Summary of irrigated acres utilized in protocol calculations
827	Table 2-3 Summary of SWC irrigated acres 2022 TWG
828	Table 2-4 BLY Alternatives and BLY Criteria
829	Table 2-5 Variables Tested in 2015 Multiple Linear Regression Models
830	Table 2-6 Variables tested in 2022 Multiple Linear Regression Models
831	Table 2-7 Maximum Projected Carryover Need Fourth MO Compared to Fifth MO
832	Table 2-8 IDWR Hindcast of April DS with BLY 2018 and Lynker Est Jr GW Curtailment

833	Table 2-9 IDWR Hindcast of Nov Actual DS based on IDWR RISD comparing TFCC acre changes
834	Table 2-10 April Reduction to FS models for natural flow available to SWC entities
835	Table 3-1 Higgs analysis on IGWA proportionate share related to reach gain benefits
836	Expert Report of Jaxon Higgs
837	Expert Report of Sofia Sigstedt