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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

**CITY OF IDAHO FALLS, CITY
OF POCATELLO, AND
COALITION OF CITIES’
AMENDED JOINT
DISCLOSURE OF PROPOSED
EXHIBITS FOR HEARING**

The City of Idaho Falls, the City of Pocatello, and the Coalition of Cities¹ (collectively, “Cities”) submit this *Amended Joint Disclosure of Proposed Exhibits for Hearing* (“Amended Joint Exhibit Disclosure”) in compliance with the Director of the Idaho Department of Water Resources Department’s May 2, 2023 *Scheduling Order and Order Authorizing Remote Appearance at Hearing* (p. 3), and use the exhibit numbers assigned to the City of Pocatello (300-399) rather than file separate lists which would contain multiple duplicates of exhibits.

¹ The Coalition of Cities includes the Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell

The Amended Joint Exhibit Disclosure includes several documents that were not included on the Sharefile link disclosed with the Cities’ Joint Disclosure of Proposed Exhibits for Hearing filed and served on May 30, 2023 (“Cities’ May 30th List”) or that were omitted from both the Cities’ May 30th List and the Sharefile. See, items in **bold** text below.

Cities’ Exhibit No.	Exhibit Description
	ORDERS
300	4/21/2023 Fifth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover
301	4/21/2023 Final Order Regarding April 2023 Forecast Supply (Methodology Steps 1-3)
302	11/30/2022 Final Order Establishing 2022 Reasonable Carryover (Methodology Step 9)
303	8/18/2022 Order Revising July 2022 Forecast Supply (Methodology Steps 7-8)
304	7/20/2022 Order Revising April 2022 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6)
305	4/20/2022 Final Order Regarding April 2022 Forecast Supply (Methodology Steps 1-3)
306	4/19/2016 Fourth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover
	DEPOSITION NOTICES & TRANSCRIPTS
307	5/4/2023 Joint Notice of Deposition Duces Tecum of Jennifer Sukow, P.E., P.G. (Sukow Depo Ex. 1)
308	5/4/2023 Joint Notice of Deposition of Matthew Anders, P.G. (Anders Depo Ex. 10)
309	5/10/2023 Deposition Transcript of Jennifer Sukow, P.E., P.G.
310	5/12/2023 Deposition Transcript of Matthew Anders, P.G., Volume 1
311	5/22/2023 Cities’ Amended I.R.C.P. 30(b)(6) Notice of Taking Deposition Duces Tecum of Twin Falls Canal Company (Barlogi Ex. 20)
312	5/23/2023 GWD Notice of Taking Deposition Duces Tecum of TFCC- (Barlogi Ex 28)
313	5/25/2023 Amended Notice of Deposition of Matthew Anders, P.G.
314	5/25/2023 Deposition Transcript of Twin Falls Canal Company (Barlogi)
315	5/26/2023 Deposition Transcript of Matthew Anders, P.G., Volume 2


Cities' Exhibit No.	Exhibit Description
	DEPOSITION EXHIBITS
316	12/23/2022 IDWR 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 SWC, by Kara Ferguson & Matt Anders (Sukow Depo Ex. 4)
317	4/25/2023 Surface Water Coalition Delivery Call, Amended 5th Methodology and April 2023 As-Applied Orders, FAQs (Sukow Depo Ex. 5)
318	11/28/2022 IDWR, SWC Methodology - Calculation of Priority Dates for Curtailment of Junior Ground Water Users, Presented to the SWC Methodology Technical Working Group (Sukow Depo Ex. 6)
319	11-12/2022 Table 1 - Summary of Hindcast SWC Delivery Call Demand Shortfall Calculations 2000-2022 (Sukow Depo Ex. 7)
320	5/23/2023 Email to TJ Budge from Garrick Baxter, Subject: Request to Delineate Proportionate Shares of Mitigation Obligation (Sukow Depo Ex. 8)
321	1/2013 Enhanced Snake Plain Aquifer Model, Version 2.1, Final Report, (Sukow Depo Ex. 9)
322	1/16/2023 Spronk Water Engineers, Inc., Comments on Behalf of the Coalition of Cities and the City of Pocatello on the IDWR Recommendation SWC Methodology Update (Anders Depo Ex. 11)
323	Color Photograph of Thumb Drive Directories (Anders Depo Ex. 12)
324	2/19/2015 Proposed Modification to Method for Determining Reasonable In-Season Demand for the Surface Water Coalition (Anders Depo Ex. 13)
325	12/1/2022 Proposed Modification to Method for Determining Reasonable In-Season Demand for the Surface Water Coalition: Use of the Near Real Time METRIC (Anders Depo Ex. 14)
326	1/16/2023 Comments on 2022 IDWR Staff Recommendations Memorandum (Anders Depo Ex. 15)
327	11/17/2022 Evaluation of Method for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover: April and July Forecast Supply (Anders Depo Ex. 16)
328	12/1/2022 Proposed Modification to Method for Determining Reasonable In-Season Demand for the Surface Water Coalition: Use of Near Real Time METRIC. Presented by Ethan Geisler, Kara Ferguson, & Matt Anders (Anders Depo Ex.17)
329	IDAPA 37.03.11 Rules for Conjunctive Management of Surface and Ground Water Resources (Anders Depo Ex. 18)

Cities' Exhibit No.	Exhibit Description
330	5/24/2023 Screenshot of 2023 SWC-IGWA Legal Folders (Barlogi Ex. 21)
331	5/24/2023 Screenshot of Folders within the Deposition Folder (Barlogi Ex. 22)
332	1990-2022 Water Delivery Schedule Spreadsheets (Barlogi Ex. 23)
333	10/14/2005 Sample Amended Agreement for Sprinkler Installation (Barlogi Ex. 24)
334	5/24/2023 Twin Falls County Census Bureau Population Graph (Barlogi Ex. 25)
335	5/10/2023 SWC Data Requested by C. Brockway – (Barlogi Ex. 26)
336	5/22/2023 S. Tschohl Email Response to Brockway Request (Barlogi Ex. 27)
337	3/29/2013 A-B et al Response to 2.21.2013 Letter re Step 1 Methodology Order (Barlogi Ex. 29)
338	10/31/2022 TFCC Profit & Loss 11.2014 through 10.2022 (Barlogi Ex. 30)
339	1/26/2012 TFCC Operation Policy (Barlogi Ex. 31)
340	6/21/2022 Settlement Agreement Small Group Meeting Main Discussion Points (Anders Depo Ex. 40)
341	7/13/2022 Surface Water Coalition Steering Committee Meeting Methodology Outline v.2 (Anders Depo Ex. 41)
342	7/13/2022 Surface Water Coalition Steering Committee Meeting Speaking Outline (Revisions Methodology Outline) (Anders Depo Ex. 42)
343	9/30/2022 (9:07:27 AM) Email from G. Baxter re Methodology Order Technical Work Group (Anders Depo Ex. 43)
344	9/30/2022 (1:44:07 PM) Email from G. Baxter re Methodology Order Technical Work Group (Anders Depo Ex. 44)
345	9/30/2022 (2:38:10 PM) Email from G. Baxter re Methodology Order Technical Work Group (Anders Depo Ex. 45)
346	1/3/2023 (12:18:22 PM) Email from M. Weaver re FW: 4 th Amended Methodology Order (Anders Depo Ex. 47)
	OTHER DOCUMENTS
347	5/30/2023 Expert Report of Gregory K. Sullivan, P.E. on Behalf of the Cities of Pocatello, Idaho Falls, and the Coalition of Cities
348	City of Pocatello – Summary of Water Rights
349	City of Idaho Falls – Summary of Water Rights
350	Coalition of Cities – Summary of Water Rights
351	3/17/2023 Letter from BWCC/AFRD2 to IDWR re: Shapefile
352	3/10/2023 Marten Law Letter to IDWR re: Shapefile

Cities' Exhibit No.	Exhibit Description
353	3/2/2023 Email from Minidoka Irr. Dist. to IDWR re: Shapefile
354	2/21/2023 Email from G. Spackman FW Discussion on Amended Methodology#4
355	2/2/2023 Letter from AFRD2 to IDWR re: Shapefile
356	1/30/2023 Letter from IDWR to SWC Managers re: Annual Shapefile Submission
357	12/20/2022 (8:54 AM) Email from M. Anders re TWG Data
358	Opinion, <i>State v. Twin Falls Canal Co.</i> , 21 Idaho 410 (June 15, 1911)
359	Opinion, <i>State v. Twin Falls Land & Water Co.</i> , 37 Idaho 73 (April 2, 1923)
360	Opinion, <i>Twin Falls Land & Water Co. v Twin Falls Canal Co.</i> , 79 F.2d 431 (September 9, 1935)
361	Figure 1-1 to 5/30/2023 Expert Report of Gregory K. Sullivan, P.E. on Behalf of the Cities of Pocatello, Idaho Falls, and the Coalition of Cities

DATED this 1st day of June, 2023.

SOMACH SIMMONS & DUNN

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of June, 2023, I caused to be filed a true and correct copy of the foregoing document to be filed and served via electronic mail to the following:

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