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**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

IDAHO GROUND WATER  
APPROPRIATORS, INC, BONNEVILLE-  
JEFFERSON GROUND WATER DISTRICT,  
and BINGHAM GROUND WATER  
DISTRICT,

Petitioners,

vs.

THE IDAHO DEPARTMENT OF WATER  
RESOURCES and GARY SPACKMAN in  
his official capacity as Director of the Idaho  
Department of Water Resources,

Respondents.

Case No.: CV01-23-8187

**DECLARATION OF CANDICE MCHUGH**

IN THE MATTER OF THE DISTRBUTION  
OF WATER RIGHTS TO VARIOUS  
RIGHTS HELD BY AND FOR THE  
BENEFIT OF A&B IRRIGATION  
DISTRICT, AMERICAN FALLS  
RESERVOIR DISTRICT NO. 2, BURLEY  
IRRIGATION DISTRICT, MILNER  
IRRIGATION DISTRICT, MINIDOKA  
IRRIGATION DISTRICT, NORTH SIDE  
CANAL COMPANY, AND TWIN FALLS  
CANAL COMPANY

I, Candice McHugh 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 one of two owners of McHugh Bromley, PLLC, the law firm that represents the Coalition of Cities, made up of the Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell
3. Attached hereto as Exhibit 1 is a true and correct copy of the deposition transcript of Matt Anders, Vol. 11 from the deposition taken May 26, 2023, with relevant portions highlighted.

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

Dated this 31st, day of May, 2023.

MCHUGH BROMLEY, PLLC



---

Candice M. McHugh  
Attorney for Coalition of Cities

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 2023, I served a true and correct copy of the foregoing document was served through iCourt on any other persons who have entered notices of appearances or are named parties through iCourt:

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/s/ Candice McHugh  
CANDICE MCHUGH

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 ) DOCKET NO.  
 IRRIGATION DISTRICT, AMERICAN ) CM-DC-2010-001  
 FALLS RESERVOIR DISTRICT #2, )  
 BURLEY IRRIGATION DISTRICT, )  
 MILNER IRRIGATION DISTRICT, )  
 MINIDOKA IRRIGATION DISTRICT, )  
 NORTH SIDE CANAL COMPANY, AND )  
 TWIN FALLS CANAL COMPANY )  
 \_\_\_\_\_ )

CONTINUED DEPOSITION OF MATTHEW ANDERS, P.G.

May 26, 2023

Volume II, Pages 224 - 277

REPORTED BY:

COLLEEN P. DOHERTY, CSR 345

Notary Public

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1 CONTINUED DEPOSITION OF MATTHEW ANDERS, P.G.  
 2 was taken on behalf of the Various Water Users, at the  
 3 offices of the IDWR, located at 322 E. Front Street, 6th  
 4 Floor, Boise, Idaho, commencing at 10:02 a.m., on May  
 5 26, 2023, before Colleen P. Doherty, Certified Shorthand  
 6 Reporter and Notary Public within and for the State of  
 7 Idaho, in the above-entitled matter.  
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 19 ALSO PRESENT REMOTELY:  
 20 Dave Colvin  
 21 Jay Barlogi  
 22 Erick Powell  
 23 Max Bricker  
 24 Dave Shaw  
 25

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 20 Garrick Baxter, Subject: Methodology Order  
 21 Technical Work Group, 9/30/22, 1:44:07 p.m.  
 22 Exh 45 - Copy of Email to Gary Spackman from 255  
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 24 Technical Work Group, 9/30/22, 2:38:10 p.m.  
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1 MATTHEW ANDERS, P.G.,  
 2 having been called as a witness and duly sworn to tell  
 3 the truth relating to said cause, testified as follows:  
 4 EXAMINATION  
 5 QUESTIONS BY MS. KLAHN:  
 6 Q. Good morning, Matt. My name is Sarah Klahn.  
 7 I represent the City of Pocatello. We're on Day 2 of  
 8 the deposition, of your deposition in this matter.  
 9 MS. KLAHN: Colleen, do you have all of the  
 10 exhibits sitting there?  
 11 THE REPORTER: Yes.  
 12 (Exhibit 2 referenced.)  
 13 MS. KLAHN: Could you hand Mr. Anders Exhibit  
 14 2, which is the Fifth Methodology Order?  
 15 THE WITNESS: Yes, I have it.  
 16 Q. (BY MS. KLAHN) Okay. The last time we had  
 17 quite a lot of discussion about the acres that are  
 18 incorporated into the methodology order. And I'm  
 19 looking specifically at paragraph 22, which is on page  
 20 10 of Exhibit 2.  
 21 A. Yes, I'm there.  
 22 Q. One thing we didn't talk about, I mean, do you  
 23 recall that the testimony you gave last time when we  
 24 talked about the acres?  
 25 A. I do.

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1 Q. Could you describe how the acres are used in  
 2 determining any of the demand --  
 3 A. Okay.  
 4 Q. -- pieces of the methodology order?  
 5 A. Sure. So we take the acres and -- I should  
 6 back up. We first calculate the crop water need. We  
 7 take ET. We adjust it for precipitation. And then we  
 8 also calculate the crop mix, which is the percentage of  
 9 each crop type for each Surface Water Coalition member.  
 10 And then we multiply that, the crop water need by the  
 11 acreage for each crop and by each member.  
 12 Q. But after you do that calculation, if the crop  
 13 water need is lower than the diversions associated with  
 14 the baseline year, don't you just use the baseline year?  
 15 A. Could you say that again?  
 16 Q. Sure. After you do the calculation you just  
 17 described for me for crop water need, if the crop water  
 18 need value you derive is lower than the diversions  
 19 associated with the baseline year, don't you just use  
 20 the baseline year diversions, instead of the crop water  
 21 need calculated?  
 22 A. I think what you are talking about is in the  
 23 calculator. I don't remember on that. I remember -- I  
 24 think I know what you're talking about on the calculator  
 25 where we calculated over by each milestone. But I don't

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1 remember if we used the demand if the crop water need is  
 2 slower -- or lower. Sorry.  
 3 Q. So if a particular canal company's acreage  
 4 changes, if let's say the acreage goes up. So for  
 5 whatever reason the Department accepts the information  
 6 submitted by Canal Company X. The acres are larger than  
 7 they were in the past. What impact does higher acres  
 8 have on the calculation of the crop water need?  
 9 A. Higher acres would calculate -- would increase  
 10 the reasonable in-season demand, which is the crop water  
 11 need divided by the project efficiency. So as we're  
 12 calculating the crop water need and increase in acres  
 13 will increase that as well.  
 14 Q. So by the same token, if the Canal Company X  
 15 submits information that shows less fewer acres used  
 16 than in the past, what will be the impact on  
 17 determination of crop water need?  
 18 A. It will go down. Assuming, I guess in both  
 19 cases, assuming everything is equal, other than just the  
 20 change in acres that you suggested.  
 21 Q. Okay.  
 22 A. Because you could have less acres or more  
 23 water intensive crops, and it could actually go up. But  
 24 if you kept everything else the same, and we're just  
 25 adjusting acres, that's what would happen.

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1 Q. So at any point, and I think you might have  
 2 answered this before, but let me just ask it to kind of  
 3 close the loop on this series of questions. At any  
 4 point when you are looking at the inputs to the crop  
 5 water need calculation, do you ever go back and look at  
 6 the decreed place of use as part of the check on the  
 7 acres that are being claimed?  
 8 A. I think, if I understand it correctly, I think  
 9 that is when we are doing our initial, or we did our  
 10 initial check on these permissible places of use, and we  
 11 take out any acres that are outside of that.  
 12 Q. So that would be part of the initial review of  
 13 the data before you go into this crop water need  
 14 calculation; is that right?  
 15 A. Yeah, we don't -- those shapefiles that we  
 16 have, we did that back in 2014, and we're not getting  
 17 new shapefiles. So we don't do that every year except  
 18 for that analysis, except for Minidoka -- or I guess  
 19 anybody that submits a new shapefile, then we analyze  
 20 it in that way. The only one that -- the only company  
 21 that's been submitting on a regular basis is Minidoka.  
 22 So normally that's the only one we're doing.  
 23 Q. So if the acres change, go up or down, and  
 24 that's what dictates the reasonable in-season demand,  
 25 why do you need a baseline year?

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1 A. At the beginning of the year, we don't have  
 2 any crop water need. We're using baseline year to  
 3 forecast what demand will be. So in April, it is what  
 4 we think the demand, and the crop water need, and the  
 5 reasonable in-season demand is going to be for the  
 6 entire season. We only use the baseline year for the  
 7 portion of the season that we don't know.  
 8 So in July, we use the crop water need from  
 9 April through June. But for the rest of the year, the  
 10 June -- or the July through September, October time  
 11 frame, we're using the baseline year. So as you  
 12 progress through the season, the baseline year has less  
 13 of an effect on the demand shortfall.  
 14 Q. So why can't you just use the crop water need  
 15 in April if you have the acres and the crop mix? Why  
 16 have a baseline year?  
 17 A. Could you repeat the first portion of that  
 18 question?  
 19 Q. So why can't you just use your calculated crop  
 20 water need in April? You have the acres. You know the  
 21 crop mix. Why do you need a baseline year in April?  
 22 A. Because when we do the April order, that is  
 23 basically the first two weeks of April. We don't have  
 24 any crop water need yet to use during that time. We  
 25 start the first week of April.

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1 Q. But you know generally what the crop mix is;  
 2 right? I mean that's something you track?  
 3 A. Yes, we have to use the crop mix from the  
 4 previous year. So we do know the crop mix. But we  
 5 don't know the crop water need at that point, because  
 6 that comes from ET.  
 7 Q. Were you aware that the shapefile submitted by  
 8 Twin Falls Canal Company has not been updated since  
 9 2013?  
 10 A. Yes.  
 11 Q. So what's the point of asking for a shapefile  
 12 for current acres if the shapefile is ten years old?  
 13 MR. BAXTER: Objection. It calls for a legal  
 14 conclusion.  
 15 Mr. Anders, if you --  
 16 MS. KLAHN: I don't think so. I'm asking  
 17 technically. The last time he talked quite a lot about  
 18 this kind of stuff.  
 19 MR. BAXTER: Objection. It calls for a legal  
 20 conclusion.  
 21 Mr. Anders, if you know the answer, you can go  
 22 ahead and answer it.  
 23 THE WITNESS: Could you repeat the question.  
 24 Q. (BY MS. KLAHN) Why ask for shapefiles every  
 25 year if you are not going to require the entity to

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1 maintain current irrigated acres in the shapefile?  
 2 A. So I think we allow them, or there is two  
 3 options that they have. They could submit a shapefile,  
 4 or they can submit a letter that says their acres from  
 5 the previous year haven't changed by more than five  
 6 percent.  
 7 Q. But I'm saying based on what I understood from  
 8 the testimony of Mr. Barlogi yesterday, they don't do  
 9 any evaluation. They just send you a shapefile. They  
 10 say, okay. It's the same. We're pretty sure it's the  
 11 same?  
 12 A. I don't think they even send us a shapefile.  
 13 We just have that shapefile from 2013. They just send a  
 14 letter.  
 15 Q. So from the standpoint of being the  
 16 administrators who are supposed to be distributing water  
 17 to seniors on the acres that are actually being  
 18 irrigated, why is that acceptable from a technical  
 19 perspective? How do you know that you're actually  
 20 calculating demand when you don't actually know what the  
 21 acres are?  
 22 MR. BAXTER: Objection; a compound question.  
 23 Q. (BY MS. KLAHN) You can answer it.  
 24 MR. BAXTER: If you understand the question,  
 25 you can answer it, Mr. Anders.

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1 THE WITNESS: Those -- that's the best acres  
 2 that we have at that point. We --  
 3 Q. (BY MS. KLAHN) So --  
 4 A. Go ahead.  
 5 Q. I'm sorry. Go ahead. I didn't mean to  
 6 interrupt you.  
 7 A. No, I -- we, from a technical standpoint, we  
 8 would like better data, but that is the best data that  
 9 we have.  
 10 Q. And last time we talked about how the  
 11 Department has insufficient resources to do its own  
 12 evaluation of acreage for the Surface Water Coalition;  
 13 is that right?  
 14 MR. BAXTER: Objection. It mischaracterizes  
 15 previous testimony.  
 16 Q. (BY MS. KLAHN) Well, characterize it however  
 17 you want. That was my understanding. Correct me.  
 18 A. Could you repeat the question?  
 19 Q. Last time we talked about how the Department  
 20 has insufficient resources to do its own evaluation of  
 21 irrigated acreage for the Surface Water Coalition lands.  
 22 If that's not a correct characterization, tell me what  
 23 you meant?  
 24 A. I think that at this point, yes, we haven't  
 25 invested or dedicated the resources to get it to where

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1 we would like it to be, which is something timely and  
 2 accurate.  
 3 Q. And you haven't insisted that the seniors  
 4 provide current acreage; correct?  
 5 A. I think the word "insisted," we have not  
 6 insisted.  
 7 Q. And to the extent that there is available  
 8 information that the juniors could develop to provide  
 9 accurate acres, is that the sort of thing that the  
 10 Department would consider?  
 11 A. Yeah, I think we would consider any data that  
 12 we receive.  
 13 Q. So from the standpoint of our discussion of  
 14 acreage, I just want to make sure I'm clear. There is a  
 15 component of the crop water need for the adjustments  
 16 later in the season that requires acreage. But at the  
 17 April determination, acreage is not relevant to the  
 18 Department's calculation of whether or not there is a  
 19 shortage; is that right?  
 20 A. We just use the forecast supply and the  
 21 baseline year, yes, there is no acreage calculation  
 22 there in the April order.  
 23 Q. Mr. Anders, who have you talked to about this  
 24 deposition since we met last time?  
 25 A. I talked to legal counsel. I talked to other

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1 staff in IDWR just generally, how did it go, what did  
 2 they ask. I talked to Kara Ferguson. I think I talked  
 3 to Sean Vincent. I think Mat Weaver stopped by and  
 4 asked. But generally, they were just informal, how did  
 5 it go? What were they interested in knowing? What were  
 6 they interested in you talking about?  
 7 Q. Did you prepare for today?  
 8 A. Yes.  
 9 Q. How did you prepare?  
 10 A. I read through the transcript from the  
 11 deposition two weeks ago as I was requested for errors  
 12 or anything. I reviewed my notes that I prepared, which  
 13 was distributed to the parties. I reviewed the orders a  
 14 little bit. That's about all.  
 15 Q. Did you talk with legal counsel?  
 16 A. Yeah.  
 17 Q. Why did you review the orders?  
 18 A. Just to refresh my memory. The Fifth  
 19 Methodology Order is very long, and in places it's  
 20 complicated. Just to refresh my memory so that I  
 21 remembered kind of the pieces that we talk about in the  
 22 order. And the same with the as-applied is relatively  
 23 short compared to the Fifth Methodology. But just to  
 24 remind myself of what we talked about in there.  
 25 Q. When you reviewed the transcript from two

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1 weeks ago, did you find any answers to questions that  
 2 you gave that you disagree with now?  
 3 A. I did as I went through preparing things for  
 4 discovery, and then read that transcript. I determined  
 5 that I was inaccurate about the first review that I  
 6 referred to in the deposition as the 2021 review. And I  
 7 think I talked to you about it. And I think I talked to  
 8 TJ about it.  
 9 Q. And how were you inaccurate in your testimony  
 10 on May 12th on that topic?  
 11 A. So the questioning that I remember was that  
 12 when did you start working on reviewing the methodology  
 13 for a possible amendment to the Fourth Methodology. And  
 14 I stated at that time that I thought we started in  
 15 August or, you know, late 2021, August, sometime around  
 16 there.  
 17 In doing the discovery, I started looking at  
 18 file dates, and, you know, when we were doing some of  
 19 this. And I determined that we started talking about a  
 20 review baseline year and forecast supply in around the  
 21 time that we did the April order in 2020. And it really  
 22 was focusing on Box Canyon and was that, you know, the  
 23 regressions for Twin Falls Canal Company working  
 24 correctly or the way we thought they were. And then was  
 25 the baseline years still performing the way we wanted to



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1 perform.

2 And we talked kind of on and off, internally

3 Kara and I talked during the summer. And then maybe in

4 the October time frame, we started doing the review.

5 And then we reviewed forecast supply and baseline year

6 and near real-time metric as possible things to

7 upgrade -- or update or amend -- I'm sorry -- the Fourth

8 Methodology Order.

9 And we worked on that through from October to

10 about February. We did present our findings to the

11 Director. And then at that point we stopped kind of our

12 formal check in review in April -- or I'm sorry -- in

13 February of 2021. And then there was a break. We may

14 have kind of worked on it, Kara and I kind of informally

15 on our own a little bit, but nothing formally until the

16 fall or late summer of 2022.

17 So where I was inaccurate was I thought it

18 started in -- we started working on it in the fall of

19 2021. It was actually the fall of 2020. But the

20 general outline was the same.

21 Q. And you derived that timeline from a

22 conversation with someone?

23 A. No, that was looking -- Kara and I had a

24 conversation as we were preparing, you know, finding

25 documents for discovery that were requested by the

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1 parties. And we started talking about when that review

2 started, and then started the looking at file dates, and

3 like on Excel files, and things like that. So it was

4 between Kara and I as we were doing discovery that I

5 realized that.

6 Q. And you used the term "doing discovery" a few

7 times. What are you referring to there?

8 A. The documents requested --

9 Q. Okay.

10 A. -- by the parties. I've gotten -- I don't

11 know what you call them. I don't know what the legal

12 term is. But something from the parties that are listed

13 on our website, you know, we're asking for this, this,

14 and this. We went through it during my other -- at the

15 beginning of my last deposition, like we're asking for

16 this, we're asking for that.

17 And so as we're fulfilling those things, you

18 know, following up. And I think there were some

19 additional ones in addition to that list. As we're

20 trying to get all that out, that's when. So that's what

21 I'm talking about in discovery.

22 Q. Okay. So the last time we talked about the

23 documents that were listed in your subpoena --

24 A. Yes.

25 Q. -- the document categories that were listed in

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1 your subpoena. And then I think subsequent to that,

2 there was what we call a request for production. And

3 that was a separate, not deposition related requests.

4 Does that ring a bell at all?

5 A. Yes. In my mind, it's all connected.

6 Q. That's okay.

7 A. But you guys may have different legal terms

8 for that.

9 Q. And so you were involved in pulling the

10 documents together for the requests for production?

11 A. Some of them. There were other sections as

12 well that produced things.

13 Q. Okay. Thank you.

14 MS. KLAHN: So I would like the court reporter

15 to hand you and Garrick a document that we marked as

16 Exhibit 47 and Exhibit 48. Colleen, if you could find

17 those.

18 (Exhibits 47 and 48 marked.)

19 Q. (BY MS. KLAHN) These were the documents that

20 were produced to us, among the documents that were

21 produced to the ground water interests in response to

22 the requests for production. And I will say for the

23 record, that we pre-marked these with exhibit numbers

24 just to make it easier for the court reporter to

25 identify what we were talking about.

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1 And so at the end of the deposition, we can

2 maybe talk about how to deal with the gap, Colleen, and

3 lawyers, because I think there is a gap between the

4 deposition exhibits that got marked yesterday and the

5 starting point for ours. But anyway, we'll worry about

6 that later.

7 So I would like you to look at Exhibit 47,

8 which is an email?

9 A. Yes, I have Exhibit 47.

10 Q. And that's an email from Mat Weaver to Gary

11 Spackman copying you. Do you recall seeing this

12 document or this email rather?

13 A. Yeah, it looks familiar.

14 Q. Then I'd like you to look at Exhibit 48. And

15 I will represent to you that Exhibit 48 was attached to

16 this email, Exhibit 47, that we received from the

17 Department in requests for production, in response to

18 the requests for production. So Exhibit 48 was attached

19 to the email, which is marked as Exhibit 47.

20 A. Okay.

21 Q. And could you read the message at the top of

22 Exhibit 47 from Mat Weaver to Gary Spackman?

23 A. It says, "Find attached the draft document.

24 Gary, I understand that you will take the first review

25 and edit. Matt and I will be ready to respond following

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1 initial edits."  
 2 Q. And then Exhibit 48 was the attachment. Now,  
 3 I've been through Exhibit 48, and it looks to me like it  
 4 is simply a Word version of the Fourth Amended  
 5 Methodology Order. Do you have any way of taking a look  
 6 at that and telling me if that's correct? I didn't see  
 7 any edits in this.  
 8 A. Just looking through it, I don't see any edits  
 9 in it. But this follows our normal process of how we  
 10 edit as-applied, and how we edit an order. We ask legal  
 11 to provide the final word version from last time.  
 12 They keep that. We don't keep any of that.  
 13 Most of these, I think they all come out as  
 14 PDFs. So we don't want to start with the PDF and edit.  
 15 We want to start with the Word document. So this would  
 16 be how we would normally start the process.  
 17 Q. Okay. So on January 3rd, Gary was provided  
 18 the final Fourth Amended Final Order, Methodology Order.  
 19 And the normal workflow was Gary would have taken that  
 20 and started editing it; is that right?  
 21 A. It varies. It varies based on what he wants  
 22 to do. We might take the first edits. He may ask  
 23 technical staff to start editing, or he could do it  
 24 himself. It's up to him about how he wants it to go.  
 25 Q. Do you recall how it went with regard to this

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1 email exchange, January 3rd, 2023?  
 2 A. Yes. What I remember he asked for the Word  
 3 document. I don't think he asked me. I didn't see  
 4 anything before this email. He asked for the Word  
 5 document, and then it was provided to him.  
 6 Q. Do you recall when you got Gary's initial  
 7 edits?  
 8 A. Yeah, it was a while when we got those. I'm  
 9 just estimating here, probably late January time frame  
 10 is when we started. He asked us to then look at his  
 11 edits, and then start proposing our own.  
 12 Q. How many times did you exchange drafts with  
 13 the Director before April 21st?  
 14 A. I don't know that number, but many.  
 15 Q. Do you remember when in the process the  
 16 transient modeling approach was included in the draft?  
 17 A. I don't know the exact date. It would have  
 18 been after Gary gave it back to technical staff, meaning  
 19 Kara and Jennifer and I, to start doing our edits. And  
 20 then we would have coordinated between the three of us  
 21 about who's working on it. And Jennifer would have made  
 22 those edits. I don't know exactly when she did, but it  
 23 would have been after we got it back, sometime after  
 24 late January or February sometime is my estimate.  
 25 Q. So as of December 23rd, 2022, you and

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1 Jennifer, you and Kara I guess were not recommending  
 2 adopting the transient modeling approach; isn't that  
 3 right?  
 4 MR. BAXTER: Objection; a leading question.  
 5 Q. (BY MS. KLAHN) If I'm wrong, tell me?  
 6 A. Kara and I wouldn't recommend, yes or no on  
 7 transient. That is Jennifer's specialty.  
 8 MS. KLAHN: So does somebody know what the  
 9 exhibit number is for the December 23rd, 2022,  
 10 recommendations, just so we can look at that? I may  
 11 have it here, actually. We marked it during the last  
 12 deposition.  
 13 MS. PATTERSON: Depo Exhibit 4, the staff  
 14 recommendation, the one pager.  
 15 MS. KLAHN: Thank you. Yes.  
 16 (Exhibit 4 referenced.)  
 17 Q. (BY MS. KLAHN) Could you hand that to the  
 18 witness? Thanks.  
 19 A. Yes, I have -- well, wait a minute. That's  
 20 the letter on December 23rd?  
 21 Q. Yes.  
 22 A. Yes.  
 23 Q. So if you would go down to the next to the  
 24 last paragraph, Matt.  
 25 A. "At this time," it starts?

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1 Q. Yes. Yeah.  
 2 A. Okay.  
 3 Q. And it says, at this time staff do not have  
 4 recommendations on using -- and I'm skipping a little  
 5 bit -- but on using transient model simulation for  
 6 determining curtailment priority dates?  
 7 A. That is correct. I see that, yeah.  
 8 Q. And so as of December 23rd, 2022, you weren't  
 9 recommending, the "you" meaning whoever in the group is  
 10 that authored this, but it's you and Kara on the title.  
 11 You didn't have recommendations about imposing transient  
 12 modeling simulation; is that right?  
 13 A. Yes. This letter came out under Kara's name  
 14 and my name. Jennifer had input on it, and would have  
 15 made, you know, edits to this document. We didn't make  
 16 a recommendation, because it was a legal and a technical  
 17 question.  
 18 Q. Okay. So when you got the draft back from  
 19 Gary sometime after January 3rd, 2023, were you directed  
 20 at that point to include the transient model simulations  
 21 in the order?  
 22 MR. BAXTER: Sarah, I'm going to object at  
 23 this particular point in time. I've been very flexible  
 24 up to this point to let you explore the process in which  
 25 the Director has worked with staff. But I think we're

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1 crossing the line here that you are asking specific  
 2 questions as to the Director's deliberative process on  
 3 legal and policy issues.  
 4 And so, Matt, I'm going to instruct you not to  
 5 answer the question because it gets to the Director's  
 6 deliberative process, and is inconsistent with the  
 7 Director's order limiting the scope of depositions in  
 8 this matter.  
 9 The next question, Sarah, if we could.  
 10 MS. KLAHN: Yes, let's let Colleen give the  
 11 remainder of the exhibits to Matt and Garrick.  
 12 (Exhibit 40 marked.)  
 13 Q. (BY MS. KLAHN) So could you take a look at  
 14 Exhibit 40, Matt?  
 15 A. Yep, I have Exhibit 40.  
 16 Q. Okay. I'll represent to you that this Exhibit  
 17 40 came from an email. It was an attachment to an email  
 18 from Mat Weaver. And I have some questions about it.  
 19 But first of all, I want you to please take a look at  
 20 it. And let me know if you've ever seen it?  
 21 A. I don't know that I've seen it in this form  
 22 with the red and the black. I think this is the talking  
 23 points possibly a press release. I don't -- I did not  
 24 edit it.  
 25 Q. The title is "Settlement Agreement Small Group

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1 Meeting." What settlement does this refer to?  
 2 A. Sorry. I totally -- my answer before was  
 3 inaccurate. I thought this was the discussion points  
 4 just on the press release that we made for the Fifth  
 5 Amended Methodology Order. My apologies there.  
 6 Q. That's okay.  
 7 A. Could you repeat the question?  
 8 Q. Yeah. The title is "Settlement Agreement  
 9 Small Group Meeting, Main Discussion Points."  
 10 A. Okay.  
 11 Q. What settlement agreement does this refer to?  
 12 A. I wasn't involved. I assume this is the  
 13 settlement agreement for the Surface Water Coalition  
 14 between IGWA and the Surface Water Coalition, but I  
 15 don't -- I'm not positive on that.  
 16 Q. Would you turn to the last page?  
 17 A. Yep.  
 18 Q. There is some red font there at the very  
 19 bottom, the words, the two paragraphs start after the  
 20 word "Scott." And I believe that's Lieutenant Governor  
 21 Scott Bedke, that's who that's being addressed to. If  
 22 you go down to the last paragraph. Could you read that,  
 23 please, just read it into the record?  
 24 A. On our version, it's on two pages; is that  
 25 correct? The one where it says, "One component"

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1 Q. It's on two pages?  
 2 A. Yeah, it's on the second -- it starts on the  
 3 second to the last page. And you originally said "on  
 4 the last page." So I'm just making sure --  
 5 Q. It may be because of just when we added the  
 6 exhibit numbers, it sort of scooted some things down.  
 7 A. Okay.  
 8 Q. So it says "Scott," and then there is two  
 9 paragraphs regardless of which page it's on; is that  
 10 right?  
 11 A. Yes, it is. And the second one starts with  
 12 the "One component not described"?  
 13 Q. Yes.  
 14 A. Okay. You want me to read that.  
 15 Q. Yes, please.  
 16 A. "One component not described in the  
 17 methodology is the historical practice of running the  
 18 ESPAM in steady state to establish the priority  
 19 curtailment date. In Idaho, it is settled law that  
 20 mitigation activities must mitigate for material injury  
 21 in time, location, and quantity. Does IDWR's current  
 22 state method, comply with the timing component of injury  
 23 determination and mitigation? IDWR is reconsidering  
 24 this issue and it could have very large implications on  
 25 the methodology and mitigation. This issue is one to

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1 keep in your back pocket for now."  
 2 Q. So was the decision made to impose the  
 3 transient modeling approach after the negotiations  
 4 between the Surface Water Coalition and IGWA broke down?  
 5 A. I think that decision was being considered  
 6 through the fall at least. I think the decision was,  
 7 you know, it finally was made after in the January,  
 8 February time frame when we started editing the order.  
 9 Q. I have a dog here, who has an opinion about  
 10 it. Sorry about that.  
 11 Do you know what this message means about  
 12 "keeping the issue in your back pocket for now"?  
 13 A. I do not.  
 14 Q. Who would be the best person to ask about the  
 15 information in this document?  
 16 A. I don't know.  
 17 Q. Well, it was on an email from Mat Weaver.  
 18 Would you expect Mat Weaver might know something about  
 19 it?  
 20 A. If it was on his email, I would assume.  
 21 (Exhibit 41 marked.)  
 22 Q. (BY MS. KLAHN) I would like you to turn to  
 23 Exhibit 41?  
 24 A. Okay. I have it.  
 25 Q. Take a look at Exhibit 41, which is titled

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1 "Surface Water Coalition Steering Committee Meeting,  
2 July 13, 2022"?

3 A. Oh, I'm sorry. Yes. I'm sorry. I do have  
4 that. I was reading the top.

5 Q. So does the Department participate in Surface  
6 Water Coalition steering committee meetings?

7 A. Yes, I believe Brian Regan. There might be  
8 other people, but I am pretty sure Brian Regan does  
9 participate in that committee meeting.

10 Q. Have you seen this outline before that's  
11 marked as Exhibit 41?

12 A. It looks like something that I would prepare.  
13 I don't remember preparing this. But this does look  
14 like something that Kara and I would have put together  
15 kind of summarizing the elements of the methodology.  
16 It's very similar to a general presentation that we gave  
17 to Brian and the technical working group -- I meant for  
18 the Surface Water Coalition.

19 Q. When you say the "technical working group," do  
20 you mean the one that convened in November and December  
21 of 2022?

22 A. Yes, that is the one I'm referring to.

23 Q. Okay. And you say it's very similar to a  
24 general presentation that we gave to Brian and the  
25 technical working group? So the Brian part of that

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1 would have been a separate presentation, or did Brian  
2 participate in the technical work group?

3 A. We gave Brian a separate -- and we've met with  
4 Brian from time to time to try to, you know, bring  
5 him -- make him aware of what the methodology is, and  
6 what we're doing in our section. So we met with him  
7 around this time, and we gave him a presentation that  
8 was kind of an overview of the methodology.  
9 And it was a very similar presentation that we  
10 gave to the technical working group. I think we cut out  
11 a couple of slides that the technical working group  
12 already knew, like where the ground water districts are  
13 located, and things like that. But it was a very  
14 similar presentation.  
15 (Exhibit 42 marked.)

16 Q. (BY MS. KLAHN) And then take a look at  
17 Exhibit 42. This is also titled "Surface Water  
18 Coalition, Steering Committee Meeting, July 13th, 2022."

19 A. Okay.

20 Q. But it has the subheading heading "Speaking  
21 Outline."

22 A. Okay. I see it.

23 Q. Have you seen this document before?

24 A. I don't think I've seen this document before,  
25 but it seems to be similar to the Exhibit 41.

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1 Q. Do you have any recollection if you had any  
2 involvement in creating it?

3 A. I don't remember creating this. But it may  
4 have been based on if I did create, or help create  
5 Exhibit 41, I may have been indirectly involved.  
6 (Exhibits 43, 44, and 45 marked.)

7 Q. (BY MS. KLAHN) Okay. And I would like you to  
8 just take Exhibits 43, 44, and 45, and lay them out in  
9 front of you.

10 A. Okay. I have them laying side by side.

11 Q. So Exhibit 43 is an email string from Garrick  
12 Baxter to Gary Spackman, Mat Weaver, Matt Anders,  
13 copying I think another lawyer at the time, Mark  
14 Cecchini-Beaver. I'm not sure how to say his name. And  
15 the top is blacked out. And then there is an email from  
16 TJ Budge to Garrick below that. Do you see that?

17 A. I do. That's Exhibit 43.

18 Q. Yes. And let me just ask. Do you recall this  
19 email exchange?

20 A. Yeah, I'm familiar with this.

21 Q. Okay. And then just in order to get sort of  
22 the timing pieces in front of us, if you look at Exhibit  
23 44, it's another email from Garrick to Gary Spackman,  
24 Mat Weaver, Matt Anders, and Mark Cecchini-Beaver from  
25 later in the same day, of September 30, 2022, with a

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1 bunch of blacked out redactions. Would you agree that  
2 this is part of the same email chain as Exhibit 43 from  
3 the look of it?

4 A. Yes, it appears to be a continuation of  
5 Exhibit 43.

6 Q. And then Exhibit 45 is another email from  
7 Garrick Baxter to Gary Spackman, Mat Weaver, Matt  
8 Anders, Mark Cecchini-Beaver, again from September 30,  
9 2022, but now at 2:38 in the afternoon, with a one line  
10 email from Gary Spackman entered in between the earlier  
11 emails.  
12 And would you take a look at that. And just  
13 tell me if you think it looks like the entirety of the  
14 email chain from starting with Exhibit 43 is contained  
15 on Exhibit 45?

16 A. 43, 44, and 45 appear to be the same, you  
17 know, email chain just at different times. I don't know  
18 if it's the complete email chain, but it does appear to  
19 be a --

20 Q. That's fair.

21 A. -- continuation.

22 Q. That's fair. I wanted to just establish that  
23 so we could just work from Exhibit 45. Because it does  
24 appear to me to contain the same messages back and forth  
25 with the most extent of the messages.

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1 So in Exhibit 45, if we could turn to the  
 2 email that's from TJ Budge to Garrick. It's about in  
 3 the middle of the group of emails. TJ's email is from  
 4 September 29th, 2022, at 11:53 a.m. to Garrick. Do you  
 5 see that?  
 6 A. I do see that.  
 7 Q. So just take a look, you don't need to read it  
 8 into the record. But just take a look at TJ's email  
 9 message and read that to yourself, please?  
 10 A. (Witness complying.) Okay. I have read it.  
 11 Q. Okay. My question is, from your perch as the  
 12 technical person integrated into the methodology order,  
 13 what discussions has the Department had about developing  
 14 a framework for methodology order updates that would  
 15 take things like the Administrative Procedures Act  
 16 requirements into account?  
 17 MR. BAXTER: Objection. It calls for a legal  
 18 conclusion.  
 19 To the extent you can answer, Mr. Anders, you  
 20 can answer it.  
 21 THE WITNESS: I haven't been a part of any  
 22 discussions or meetings.  
 23 Q. (BY MS. KLAHN) In your own work have you ever  
 24 considered the value of having a time step check-in with  
 25 the parties about issues in the methodology order, maybe

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1 say, just making this up, like every two years check in  
 2 to say, "Hey, let's have some technical work groups, and  
 3 talk about how things are going?" Has that ever been  
 4 something that you've ever considered?  
 5 A. On a technical level?  
 6 Q. Uh-huh.  
 7 A. Yeah, Kara and I have had discussions about  
 8 having -- it would be beneficial to have input from the  
 9 consultants. Many of them are very good at this, you  
 10 know, at the methodology and understanding what's  
 11 happened. IDWR has many -- not "many" -- we have  
 12 several technical working groups where we work with  
 13 outside parties. So it would be beneficial, I think, on  
 14 a technical level. Yes.  
 15 Q. Has there ever been any mention of some sort  
 16 of approach like that from any of the leadership in the  
 17 Department, Mat Weaver, Gary Spackman?  
 18 A. I don't remember that Kara and I have ever  
 19 approached them with that idea.  
 20 Q. And they haven't approached you with it; is  
 21 that right?  
 22 A. Not that I remember.  
 23 MS. KLAHN: I have maybe one or two more  
 24 questions. And I would suggest we take like a  
 25 ten-minute break, so I can make sure that I've got

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1 everything that I need to get asked asked. Does that  
 2 sound okay? Come back at 11:05?  
 3 MR. BAXTER: So just so I understand, do you  
 4 want to break now, and then come back with your  
 5 questions, or did you want to ask your last few  
 6 questions, and then break? I was unsure.  
 7 MS. KLAHN: I want to break first.  
 8 MR. BAXTER: That's fine. That works for me.  
 9 MS. KLAHN: Thank you.  
 10 (Recess.)  
 11 MS. KLAHN: Mr. Anders, I don't have any  
 12 further questions at this time. To the extent that the  
 13 district court vacates the hearing in ten days, whenever  
 14 it is, and we get a more reasonable hearing schedule, we  
 15 may want to bring you back to ask you a few more  
 16 questions. But I am done for today. And I'm going to  
 17 pass the baton to whoever wants to go next. Thank you  
 18 for your time.  
 19 THE WITNESS: Thank you.  
 20 MS. McHUGH: This is Candice. I have just a  
 21 couple lines of questions that won't take very long. I  
 22 don't know who else might have any questions. But does  
 23 anybody care if I go next?  
 24 MS. KLAHN: Go for it.  
 25 ///

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1 EXAMINATION  
 2 QUESTIONS BY MS. McHUGH:  
 3 Q. I am not in a place where I can do video. But  
 4 can you hear me fine, Matt?  
 5 A. Yes, I can hear you.  
 6 Q. Okay. Just for the record, I'm Candice  
 7 McHugh. I represent the Coalition of Cities in this  
 8 matter.  
 9 I just want to go back and make sure I  
 10 understood your answers to Ms. Klahn's questions about  
 11 crop water need. And correct me, I'm truly just trying  
 12 to figure out what really is going on. My understanding  
 13 is that in the summer, the Department uses ET and acres  
 14 in order to determine whether or not there is going to  
 15 be a potential bigger shortage in July, or a less of the  
 16 shortage that was forecast; is that correct?  
 17 A. Yeah, we use ET for crop water need. We use  
 18 ET precipitation. And then the acreage of the separate,  
 19 of the individual crops.  
 20 Q. Okay. And then my understanding is that Twin  
 21 Falls Canal Company has used the same acres and crop mix  
 22 since 2013; is that true?  
 23 A. The same acres it does maybe -- I think it was  
 24 since 2013, but it might have been 2015, something right  
 25 in there. The crop mix is updated every year to the

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1 previous -- to the previous year.  
 2 Q. And does Twin Falls update their crop mix to  
 3 you?  
 4 A. We update that. That's a calculation we do.  
 5 Q. And that calculation is done how?  
 6 A. So we get from the Department of Ag, we  
 7 download a data set called the "crop data layer." That  
 8 comes out at the end -- or in January for the previous  
 9 irrigation season. So this year, we will be using, for  
 10 example, we'll be using the 2022 crop data layer to  
 11 establish the crop mix for each of the Surface Water  
 12 Coalition members.  
 13 Q. For 2023?  
 14 A. Yes.  
 15 Q. And that's used in July?  
 16 A. Yep, it's used in July, and then at the time  
 17 of need, and then in November, when we do our final  
 18 calculation.  
 19 Q. Okay. And if Twin Falls Canal Company's  
 20 acreage has stayed the same, and you have that crop mix  
 21 that you are using in January, why can't you just use  
 22 that in April, and essentially just change your  
 23 forecasts supply to determine whether or not Twin Falls  
 24 Canal Company is going to suffer injury?  
 25 A. The other part of that -- two other variables

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1 in the crop water need calculation are ET and  
 2 precipitation. And they are what's happening during the  
 3 irrigation season. So when we make our calculation on  
 4 April 1st, or around the first week of April, we don't  
 5 have any ET or precipitation data for the irrigation  
 6 season yet. So we can't calculate crop water need.  
 7 Q. Okay. So let's say in January, you received  
 8 from the Department of Ag this -- what did you call that  
 9 data layer again?  
 10 A. Crop data layer.  
 11 Q. Crop data layer. Have you ever done any  
 12 analysis on that crop data layer for Twin Falls in  
 13 particular, and compared whether or not, you know, the  
 14 2022 crop data layer looks significantly different than  
 15 the '21, and the '20, and the '19, or whether or not  
 16 they look fairly consistent --  
 17 MR. BAXTER: Objection.  
 18 Q. (BY MS. McHUGH) -- and see if they look very  
 19 different? Have you looked at that?  
 20 MR. BAXTER: Objection; a compound question.  
 21 Q. (BY MS. McHUGH) You can answer, if you  
 22 understood my question.  
 23 A. Yeah, we analyze it every year, and the  
 24 results go into an Excel file. And then we always  
 25 monitor, was there a big change from the previous year,

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1 like an abnormal change, something that we would  
 2 consider out of the ordinary. Like maybe one of the  
 3 crop mix for, or the crop acreage for, or the percentage  
 4 for alfalfa tripled or something like that. We would  
 5 analyze it for that just general QA/QC.  
 6 Q. Okay. And when you analyzed it for that and  
 7 you've compared one year to the next, have you seen any  
 8 dramatic changes, or are they about the same each year?  
 9 A. No, we don't see dramatic changes, but we do  
 10 see a change over time. That data set was an Excel file  
 11 that we distributed to the parties for the discovery  
 12 phase of this hearing. And each year, we put that out  
 13 in July and in November, that whole file. So people can  
 14 see what it is.  
 15 But we do see over time a change in a trend,  
 16 like more of a trend change, not an abrupt change in  
 17 different -- what the crop mix is for Twin Falls Canal  
 18 Company.  
 19 Q. Okay. And we did hear some testimony  
 20 yesterday from their manager. Is it fair that you would  
 21 agree to say that change over time has become more  
 22 alfalfa, a more water intensive crop?  
 23 A. I would agree. When I did my kind of trend  
 24 analysis on it, I saw more alfalfa, more field corn, and  
 25 a little bit more potatoes. All three of those are more

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1 intensive crops, are water intensive crops.  
 2 Q. And what would be the Department's reaction,  
 3 in your opinion, if in January, you looked at the data  
 4 and there was a sudden and abrupt change to a  
 5 significant amount -- I'm going to say, and I know this  
 6 is kind of ridiculous number, but I'm just trying to do  
 7 this as proof purposes of an example. If suddenly they,  
 8 you know, did 30 percent more alfalfa in 2022 than they  
 9 did in 2021. What would you do with that if that did  
 10 happen?  
 11 MR. BAXTER: Objection. It's a compound  
 12 question. Objection. It's asking the witness to  
 13 speculate. Goodness, there is one more in there. I  
 14 can't remember what it was now. To the extent you  
 15 can -- oh, and lacks foundation. That's what it was.  
 16 Q. (BY MS. McHUGH) Do you understand what I'm  
 17 asking you?  
 18 MR. BAXTER: Go ahead and answer the question.  
 19 THE WITNESS: Yeah, I think. I think the  
 20 first thing we would do is take a closer look at the  
 21 data set, and see if there was something obvious that  
 22 happened. If we had the data wrong, or we analyzed it  
 23 wrong. If it looked like the data were correct, we  
 24 would probably call Twin Falls Canal Company, the  
 25 manager, and ask them, does this seem -- does this seem

1 realistic? Is that what you saw, or what you think  
 2 happened?  
 3 Q. (BY MS. McHUGH) And let's say the answer is,  
 4 yes. The Twin Falls manager said, yes, a whole bunch of  
 5 people put in a whole lot more alfalfa. What would it  
 6 do, if anything, to the Department's analysis on the  
 7 Twin Falls Canal Company?  
 8 MR. BAXTER: Objection. It calls for  
 9 speculation on behalf of the witness.  
 10 Mr. Anders, if you know the answer you can,  
 11 answer the question.  
 12 THE WITNESS: If we thought the data were  
 13 correct and accurate. We would use it in our  
 14 calculation.  
 15 Q. (BY MS. McHUGH) And that calculation would be  
 16 what occurred in July?  
 17 A. Starting in July, and then at the time of  
 18 need, and at the end of the year, or in November, yes.  
 19 Q. Okay. There was a line of questioning from  
 20 Ms. Klahn about a meeting between you and Kara in  
 21 roughly fall of 2020. Do you remember those questions?  
 22 A. Yep, I do.  
 23 Q. Okay. And I think, if I understood your  
 24 testimony correctly, you were saying that you and Kara  
 25 were discussing whether or not some things in the

1 methodology should be reconsidered; is that correct?  
 2 A. Yeah, evaluating whether we needed to amend  
 3 the Fourth Methodology Order.  
 4 Q. Okay. And can you remind me of what those  
 5 three things were?  
 6 A. At that point, we were looking at baseline  
 7 year, forecast supply, and adding real-time metric to  
 8 the methodology.  
 9 Q. Did you discuss changing the use of the model  
 10 to use a transient model run to predict curtailment  
 11 dates?  
 12 A. Not that I remember.  
 13 Q. And who were you discussing this with?  
 14 A. Kara and I were discussing between the two of  
 15 us about what we thought possibly we should start  
 16 looking at. We were also communicating with the  
 17 Director about what we thought should be looked at, or  
 18 possibly looked at.  
 19 Q. Anyone else?  
 20 A. Often in those meetings, legal counsel is  
 21 there, Mat Weaver is often in those meetings, if we did  
 22 it through a meeting.  
 23 Q. And did you do it through a meeting?  
 24 A. Most likely.  
 25 Q. And in those meetings in the fall of 2020 when

1 you discussed those three items that you just told me  
 2 about with the Director, did he essentially approve you  
 3 to look at those or to create some sort of a task force  
 4 within the agency? What was that process?  
 5 MR. BAXTER: Matt, I'm going to object to the  
 6 question here. I think we are back in getting to the  
 7 Director's deliberative process on legal and policy  
 8 considerations here, which have been excluded by the  
 9 Director as being outside the scope of this deposition.  
 10 So I'm going to instruct you not to answer that  
 11 question.  
 12 Ms. McHugh, go ahead and ask your next  
 13 question, if you would, please.  
 14 Q. (BY MS. McHUGH) Okay. So when you and Kara  
 15 discussed with each other the three items. One of them  
 16 was real-time metric; correct?  
 17 A. Yes.  
 18 Q. Did you have any conversations with Rick Allen  
 19 about ET, and how it might be used in real-time metric,  
 20 and whether that would be helpful?  
 21 A. I don't remember in the fall of 2021 that we  
 22 contacted Rick or anybody from his group. We've had a  
 23 contract with Rick and his group to produce real-time,  
 24 near real-time metrics since about 2016.  
 25 Q. And it was determined that real-time metrics

1 shouldn't be used; would you agree?  
 2 A. That was determined in late 2022, around the  
 3 time that we were doing the technical working group.  
 4 Q. And who made the decision to reject that?  
 5 A. Ultimately the Director made that decision.  
 6 Q. And did he communicate that to you?  
 7 A. Yeah, he did.  
 8 Q. And then did you communicate that to the  
 9 technical working group?  
 10 A. We did not recommend it in our December 23rd  
 11 summary.  
 12 Q. Was the use of real-time metrics a topic that  
 13 was discussed within the technical working group?  
 14 A. It was. And at that time, I thought we -- I  
 15 thought it was a likely that we were going to do, try to  
 16 put near real-time metric in the Fifth Methodology.  
 17 Q. What is your understanding as to why it was  
 18 rejected?  
 19 A. It came down to staff time. So we had a  
 20 contract with Rick Allen's group. And the contract was  
 21 that they would produce it by the 5th of each month.  
 22 So, for example, they would give us near real-time  
 23 metric for April by the -- April is not a good  
 24 example -- for May for April by the 5th of May, and then  
 25 by the 5th of June, and by the 5th of July, and so

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1 forth. And they had been doing that, and we were  
 2 testing if we could get it done on time and accurately.  
 3 Then that contract ended, and we took that process  
 4 in-house. I don't know the exact date of that, but it  
 5 was like in 2021 or 2022. So we were starting to work  
 6 on it in-house. And we realized that we had one staff  
 7 assigned to doing that. And in talking with that  
 8 person, during the technical working group time -- we  
 9 had been talking other times, but during the technical  
 10 working group time during that meeting, we were starting  
 11 to talk to him more about the effort that it took, and  
 12 could he meet those deadlines of the 5th of each month,  
 13 which is what we needed to do it in the methodology.  
 14 And based on his responses, we realized that  
 15 it was a lot more staff time -- or a lot more of his  
 16 time than we had. He estimated it was going to take  
 17 about a month in some cases to get the July data ready.  
 18 And we were -- we started getting nervous about whether  
 19 we could actually reliably get it in time for the  
 20 milestones of the methodology.  
 21 Q. And who is that staff member at the  
 22 Department?  
 23 A. Phil Blankenau.  
 24 Q. Was there any discussion because of that kind  
 25 of hurdle to just not amend the Fourth Methodology until

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1 that resource issue was addressed?  
 2 A. Not amend it at all, was that your question?  
 3 Q. Right.  
 4 A. No, I don't remember any conversation that  
 5 said we should wait on amending it until near real-time  
 6 is ready, or we have some other alternative to use  
 7 instead of near real-time metric.  
 8 Q. Is the Department currently addressing that  
 9 resource limitation?  
 10 A. Yeah, we're talking about if near real-time  
 11 metric is the best route to take. Phil has had  
 12 discussions with us about, we want -- I guess our  
 13 comment to him was is we want spatially distributed data  
 14 if we can get it. And his response was, maybe near  
 15 real-time metric isn't, in its current form, isn't the  
 16 best option. He recommended maybe we need to rewrite  
 17 the code, so we can streamline it and make it run  
 18 faster. So that we can make the timelines that you need  
 19 for the methodology. He also recommended maybe open ET,  
 20 or another third-party source of spatially distributed  
 21 precipitation and ET data.  
 22 Q. And why do you want spatially -- why do you  
 23 want to upgrade the spatially distributed data?  
 24 A. So right now we use ET and precipitation from  
 25 the Twin Falls AgriMet site, and the Rupert AgriMet

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1 site. And we assume that those values for those two  
 2 variables at those locations represent the ET and the  
 3 precipitation throughout the Surface Water Coalition  
 4 service areas. In some cases, for example, AFRD2, they  
 5 have portions of their service area that might be 20, 30  
 6 miles from those stations. So we feel that there are  
 7 other data sets available, that if we could get them  
 8 more spatially distributed, we could get a more accurate  
 9 crop water need calculation.  
 10 MS. McHUGH: Okay. I don't have any further  
 11 questions. Thank you.  
 12 THE WITNESS: You're welcome.  
 13 MR. BAXTER: Are there any more questions for  
 14 Matt from the ground water folks?  
 15 MS. PATTERSON: Not from IGWA.  
 16 MR. BAXTER: Hearing nothing there, I guess  
 17 Surface Water Coalition folks.  
 18 MR. SIMPSON: Yeah. Matt, I've got probably  
 19 one quick question for you that came up.  
 20 MR. BAXTER: John says he has a quick  
 21 question. He's going to move tables here, so he's  
 22 closer to the microphone.  
 23 Dylan.  
 24 MR. ANDERSON: This is Dylan. I don't have  
 25 any questions.

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1 MR. SIMPSON: Does Skylar have any? Let's  
 2 just verify that.  
 3 MR. BAXTER: Skylar, you don't have any  
 4 questions?  
 5 MR. ANDERSON: I think he told me beforehand  
 6 that he didn't think he had questions for follow up,  
 7 so...  
 8 MR. BAXTER: Thanks, Dylan.  
 9 EXAMINATION  
 10 QUESTIONS BY MR. SIMPSON:  
 11 Q. Good morning, Matt.  
 12 A. Good morning.  
 13 Q. John Simpson for the Surface Water Coalition.  
 14 And I just had maybe just one question for you to  
 15 clarify. And I think you testified that you used the  
 16 prior year crop plan data layer for the current year  
 17 crop mix; is that correct?  
 18 A. That is correct.  
 19 Q. Okay. Just so I'm clear, does the calculator  
 20 spreadsheet also just use the prior year, or does it use  
 21 the prior three years?  
 22 A. Oh, that's a good question, and a good  
 23 clarifying question. So what I do when I calculate the  
 24 crop water need, I do use -- I process the most recent  
 25 year, but then I add -- when I put it into the



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1 calculator, I average the most recent three years. So  
 2 you are correct. I was inaccurate in the way I stated  
 3 that. So in the processor, I'm using an average of the  
 4 crop mix for the last three years.  
 5 Q. Okay. Do you recall in Exhibit 2, which is  
 6 the Fifth Methodology Order, the proportionate share  
 7 analysis relative to IGWA of the 75,200 acre-feet?  
 8 A. I do recall that we do make one, yes.  
 9 Q. Yeah. And was that proportionate share  
 10 analysis simply to estimate the relative mitigation  
 11 obligations of those two parties, or was there some  
 12 other reason for that footnote in that proportionate  
 13 share analysis?  
 14 A. That question should be for Jennifer Sukow.  
 15 She does that proportionate share. I'm not exactly sure  
 16 about how she does it.  
 17 MR. SIMPSON: Okay. That's all the questions  
 18 I have. Thanks.  
 19 MR. BAXTER: Kent or Travis, do you have any  
 20 questions?  
 21 MR. FLETCHER: This is Kent. I don't have  
 22 any. Thank you.  
 23 MR. THOMPSON: I don't either, Garrick.  
 24 Thanks.  
 25 MR. BAXTER: All right. I'm going to assume

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1 we're done then for today. Thank you everybody. Thank  
 2 you, Colleen for coming here today.  
 3 MS. KLAHN: Thank you. And everybody have a  
 4 nice weekend.  
 5 MS. McHUGH: I want a copy of the transcript.  
 6 This is Candice.  
 7 MS. KLAHN: I want one to.  
 8 MS. PATTERSON: IGWA would like a copy, also.  
 9 MR. SIMPSON: One for the Surface Water  
 10 Coalition, that's myself, Kent, and Travis. Thank you.  
 11 MR. JOHNS: We'll split the cost with you, if  
 12 that's okay.  
 13 MR. SIMPSON: That's fine.  
 14 (Deposition concluded at 11:32 a.m.)  
 15 (Signature requested.)  
 16  
 17  
 18  
 19  
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 23  
 24  
 25

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1 CERTIFICATE OF WITNESS  
 2 I, MATTHEW ANDERS, P.G., being first duly  
 3 sworn, depose and say:  
 4 That I am the witness named in the foregoing  
 5 deposition, Volume II, consisting of pages 224 through  
 6 274; that I have read said deposition and know the  
 7 contents thereof; that the questions contained therein  
 8 were propounded to me; and that the answers contained  
 9 therein are true and correct, except for any changes  
 10 that I may have listed on the Change Sheet attached  
 11 hereto:  
 12 DATED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
 13  
 14 \_\_\_\_\_  
 15 MATTHEW ANDERS, P.G.  
 16  
 17 SUBSCRIBED AND SWORN to before me this \_\_\_\_ day  
 18 of \_\_\_\_\_, 20\_\_\_.  
 19  
 20 \_\_\_\_\_  
 21 NAME OF NOTARY PUBLIC  
 22  
 23 NOTARY PUBLIC FOR \_\_\_\_\_  
 24 RESIDING AT \_\_\_\_\_  
 25 MY COMMISSION EXPIRES \_\_\_\_\_

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1 ERRATA SHEET FOR MATTHEW ANDERS, P.G.  
 2 Page \_\_\_\_ Line \_\_\_\_ Reason for Change \_\_\_\_\_  
 3 Reads \_\_\_\_\_  
 4 Should Read \_\_\_\_\_  
 5  
 6 Page \_\_\_\_ Line \_\_\_\_ Reason for Change \_\_\_\_\_  
 7 Reads \_\_\_\_\_  
 8 Should Read \_\_\_\_\_  
 9  
 10 Page \_\_\_\_ Line \_\_\_\_ Reason for Change \_\_\_\_\_  
 11 Reads \_\_\_\_\_  
 12 Should Read \_\_\_\_\_  
 13  
 14 Page \_\_\_\_ Line \_\_\_\_ Reason for Change \_\_\_\_\_  
 15 Reads \_\_\_\_\_  
 16 Should Read \_\_\_\_\_  
 17  
 18 Page \_\_\_\_ Line \_\_\_\_ Reason for Change \_\_\_\_\_  
 19 Reads \_\_\_\_\_  
 20 Should Read \_\_\_\_\_  
 21  
 22 Page \_\_\_\_ Line \_\_\_\_ Reason for Change \_\_\_\_\_  
 23 Reads \_\_\_\_\_  
 24 Should Read \_\_\_\_\_  
 25  
 26 You may use another sheet if you need more room.  
 27 WITNESS SIGNATURE \_\_\_\_\_

REPORTER'S CERTIFICATE

1  
2 I, COLLEEN P. DOHERTY, CSR No. 345, Certified  
3 Shorthand Reporter, certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place therein set forth, at  
6 which time the witness was put under oath by me;

7 That the testimony and all objections made were  
8 recorded stenographically by me and transcribed by me or  
9 under my direction;

10 That the foregoing is a true and correct record  
11 of all testimony given, to the best of my ability;

12 I further certify that I am not a relative or  
13 employee of any attorney or party, nor am I financially  
14 interested in the action.

15 IN WITNESS WHEREOF, I set my hand and seal this  
16 30th day of May, 2023.

17  
18  
19 

20  
21 COLLEEN P. DOHERTY, CSR 345  
22 Notary Public  
23 P.O. Box 2636  
24 Boise, Idaho 83701-2636  
25 My commission expires September 7, 2023.

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