

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF ACCOUNTING)	
FOR DISTRIBUTION OF WATER)	
TO THE FEDERAL ON-STREAM)	IDWR WITNESS, EXHIBIT,
RESERVOIRS IN WATER)	AND DOCUMENT LIST
DISTRICT 63)	

On May 20, 2015, the Director ("Director") of the Idaho Department of Water Resources ("IDWR") issued a *Fifth Amended Scheduling Order; Notice of Hearing* ("Order") in the above-captioned matter. The Director ordered a July 31, 2015, deadline for IDWR to submit a list of witnesses who may testify and documents IDWR may make part of the record in this matter.

Order at 1. IDWR submits the following in compliance with the Order:

Witness List:

Elizabeth Cresto, Hydrology Section Manager
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720

A. Kenneth Dunn
4273 West Sugar Tree Drive
Meridian, Idaho. 83646

Robert Sutter
824 E. Bannock Street
Boise, Idaho 83712-7910

David R. Tuthill, Jr., Ph.D., P.E.
2918 N. El Rancho Place
Boise, Idaho 83704

Exhibit List:

- “Analysis of Junior Diversions During Flood Control Years Limited To Those Period When The Boise Reservoirs Were Physically Filling” (IDWR Memorandum by Elizabeth Cresto, Technical Hydrologist, Feb. 4, 2015);
- “Accounting For The Distribution Of Water To The Federal On-Stream Reservoirs In Water District 63” (IDWR Memorandum from Elizabeth Cresto, Technical Hydrologist to Gary Spackman, Director, Nov. 4, 2014);
- “Affidavit of Elizabeth Anne Cresto” (Jul. 19, 2015), filed in SRBA Subcase Nos. 63-33732 (consolidated subcase no. 63-33737), 63-33733 (consolidated subcase no. 63-33738,) and 63-33734 on July 21, 2015;
- The document identified and described on IDWR’s website under “Water District 63 Contested Case” (url: <http://idwr.idaho.gov/legal-actions/administrative-actions/contested-cases.html#wd63-archived-documents>) as “BOR Memorandum Re: Letter from Ken Dunn to Lee Sisco” (April 13, 1987);
- The document identified and described on IDWR’s website under “Water District 63 Contested Case” (url: <http://idwr.idaho.gov/legal-actions/administrative-actions/contested-cases.html#wd63-water-district-documents>) as “Affidavit of Robert J. Sutter” (Feb. 12, 2008);
- The documents identified and described on IDWR’s website under “Water District 63 Contested Case” (url: <http://idwr.idaho.gov/legal-actions/administrative-actions/contested-cases.html#wd63-depositions>) as “Deposition of Robert J. Sutter (Volume I)” (March 28, 2008) and “Deposition of Robert J. Sutter (Volume II)” (April 16, 2008);
- “Second Affidavit of Robert J. Sutter” (Jul. 19, 2015), filed in SRBA Subcase Nos. 63-33732 (consolidated subcase no. 63-33737), 63-33733 (consolidated subcase no. 63-33738,) and 63-33734 on July 21, 2015;
- The document identified and described on IDWR’s website under “Water District 63 Contested Case” (url: <http://idwr.idaho.gov/legal-actions/administrative-actions/contested-cases.html#wd63-archived-documents>) as “Letter from IDWR to Boise Project Board of Control” (Feb. 2, 1993);
- Email correspondence regarding “Arrowrock Reservoir water right” (Feb. 26, 2002, and Feb. 27, 2002) located in the Department’s “Adjudication Claim Backfile” for Water Right No. 63-303 on pages 55-56.

The following documents may be made part of the record in this matter:

- All documents (including recordings, expert reports, and documents considered or relied upon by experts) identified or described on IDWR’s website under “Water District 63 Contested Case” (url: <http://idwr.idaho.gov/legal-actions/administrative-actions/contested-cases.html>);
- All documents identified or described in the “Document Overview” (Nov. 4, 2014) (url: <http://idwr.idaho.gov/legal-actions/administrative-actions/contested-cases.html>);
- Documents listed in Attachment A that were taken from files made available for review by the Bureau of Reclamation and referenced in the “Supplement to Document Overview” (Jun. 18, 2015) (url: <http://idwr.idaho.gov/legal-actions/administrative-actions/contested-cases.html>). Attachment A is attached hereto.

Dated this 31st day of July 2015.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July 2015, I served the foregoing to the following and by the method indicated below:

Erika E. Malmén Perkins Coie LLP 1111 West Jefferson St., Ste 500 Boise, ID 83702-5391 emalmen@perkinscoie.com	<input checked="" type="checkbox"/> U.S. Mail, certified, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
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Michael P. Lawrence Givens Pursley P.O. Box 2720 Boise, ID 83701-2720 mpl@givenspursley.com	<input checked="" type="checkbox"/> U.S. Mail, certified, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email



Deborah J. Gibson
Administrative Assistant for the Director
Idaho Department of Water Resources

**IDWR WITNESS, EXHIBIT AND DOCUMENT LIST
ATTACHMENT A**

1. Boise River Analysis - Computation and Allocation of Lucky Peak Uncontracted Water, Feb. 1977
2. Supplemental Report on Twin Springs And Anderson Ranch Reservoir Sites, June 15, 1940
3. Letter from Commissioner of Reclamation to Secretary of the Interior, June 24, 1940
4. Letter from Secretary of the Interior US President, June 25, 1940
5. Boise River Reservoirs, May 19, 1959
6. Corps of Engineers Memorandum from Chief, Engineering Division to Chief, Operations Div., Subject: Study of Recreational Pool Level, Lucky Peak Reservoir, October 9, 1959
7. Idaho Statesman Newspaper Article - "Superintendent Cites Reservoir Filling Due To Coordinated System Operations", October 4, 1960
8. Letter from Bureau of Reclamation to Water Users Entities, April 23, 1962
9. Letter from Bureau of Reclamation to Wilder Irrigation District, April 8, 1964
10. Letter from Bureau of Reclamation to Boise River Watermaster, July 16, 1964
11. Letter from Bureau of Reclamation to Senator Frank Church, January 20, 1965
12. Letter from Bureau of Reclamation Boise River Watermaster, August 10, 1967
13. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director - Water Service Contracts--Lucky Peak Reservoir, December 4, 1967
14. Letter from US Bureau of Reclamation to Supervisor of Water Distribution, Idaho Department of Reclamation, March 20, 1968
15. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director - Use of Lucky Peak storage water during the 1968 Irrigation season, July 10, 1969
16. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Allotment of Lucky Peak storage water—Boise Project, August 6, 1969
17. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Use of Lucky Peak storage water, September 12, 1969
18. Letter from Bureau of Reclamation to Corps of Engineers Streamflow Maintenance in 1966-69, September 18, 1969
19. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Use of Lucky Peak storage water during the 1969 irrigation season, December 2, 1969
20. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Accrual of new inflow to reservoirs in Boise River system--Boise Project, July 20, 1970
21. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Use of Lucky Peak Reservoir Storage Water, October 15, 1970
22. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Use of Lucky Peak Reservoir Storage Water—1970 Irrigation Season, October 30, 1970
23. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Accrual of New Inflow to Reservoirs in Boise River System--Boise Project, July 16, 1971

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24. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Allotment of Storage Water in Lucky Peak Reservoir—Boise Project, July 27, 1971
25. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Water Service Contracts--Lucky Peak Reservoir, January 5, 1972
26. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Accrual of New Inflow to Reservoirs in Boise River System--Boise Project, July 13, 1972
27. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Water Service Contracts--Lucky Peak Reservoir—Boise Project, November 21, 1972
28. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Accrual of New Inflow to Reservoirs in Boise River System, Boise Project, June 15, 1973
29. Bureau of Reclamation Memorandum from Regional Director to Boise Project Superintendent – Temporary Lease of Lucky Peak Storage for Irrigation Supply in 1973, July 10, 1973
30. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Water Service Contracts--Lucky Peak Reservoir, December 3, 1973
31. Letter from Commissioner of Reclamation to Senator McClure, April 10, 1974
32. Letter from Idaho Department of Water Administration to Corps of Engineers, April 23, 1974
33. Summary Minutes - Committee on Review of Boise River Management - May 22, 1974
34. Bureau of Reclamation Memorandum from Chief, Planning Field Branch, Boise, to Regional Director - Committee to Analyze Boise River Flood Control Operations, May 30, 1974
35. Bureau of Reclamation Memorandum to Regional Director - Views on the Director of the Study to Review Boise River Flood Control Management, May 31, 1974
36. Bureau of Reclamation Memorandum from Chief, Planning Field Branch, Boise, to Regional Director - Meeting to Discuss Possible Sources of Water Supply in Boise River to Augment Low Flows, May 31, 1974
37. Letter from Bureau of Reclamation to Senator Church, August 2, 1974
38. Letters from Idaho Department of Water Resources to Bureau of Reclamation and Corps of Engineers, August 15, 1974
39. Comments on Review of Boise River Management (J.W. Frink), October 4, 1974
40. Letter from Bureau of Reclamation to Idaho Department of Water Resources (comments on September 26, 1974 draft of flood control report), November 1, 1974
41. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Water Service Contracts--Lucky Peak Reservoir, November 19, 1974
42. Letter from Corps of Engineers to Idaho Department of Water Resources (comments on draft report on Review of Boise River Flood Control Management), December 11, 1974
43. Bureau of Reclamation Memorandum - IDWR Draft Report on Review of Boise River Flood Control Management, December 13, 1974
44. Bureau of Reclamation Memorandum - Review of Draft - Review of Boise River Flood Control Management, December 16, 1974

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45. Bureau of Reclamation Memorandum to Regional Director - Review of Boise River Flood Control Management - Statement for inclusion in DWR's Report, December 18, 1974
46. Letter from Corps of Engineers to Idaho Governor Andrus, January 21, 1975
47. Letter from Bureau of Reclamation to Idaho Governor Andrus, February 5, 1975
48. Letter from Idaho Department of Water Resources to Bureau of Reclamation, February 25, 1975
49. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Accrual of New Inflow to Reservoirs in Boise River System, Boise Project, July 21, 1975
50. Bureau of Reclamation Memorandum from Chief, Water Operations Branch to Regional Director – Winter Minimum Flow Below Lucky Peak Dam, 1975-76 Season, September 12, 1975
51. Letter from Bureau of Reclamation to the Editor, Idaho Statesman, September 25, 1975
52. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Water Service Contracts--Lucky Peak Reservoir, November 28, 1975
53. Bureau of Reclamation Application for Extension of Time, Permit 63-3618, March 8, 1976
54. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Accrual of New Inflow to Reservoirs in Boise River System, Boise Project, June 28, 1976
55. Memorandum to Regional Planning Officer - Status of Boise Reservoir Regulation Manual, September 8, 1976
56. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Water Service Contracts -- Lucky Peak Reservoir, November 15, 1976
57. Letter from Corps of Engineers to Bureau of Reclamation, December 8, 1976
58. Boise River Water Supply Situation - Computation of Demand on uncontracted Space of Boise System if Minimum of 60% of Normal Use is Supplied, February 28, 1977
59. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Accrual of New Inflow to Reservoirs in Boise River System--1977--Boise Project, April 29, 1977
60. Memorandum to Boise Project Superintendent - New Method Adopted for Allocation of Boise System Storage, May 3, 1977
61. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Water Service Contracts -- Lucky Peak Reservoir, November 18, 1977
62. Meeting Topics - 9 February 1978, February 9, 1978
63. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director - Meeting with Boise Project Board of Control Regarding Flood Control Operations, June 22, 1978
64. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Accrual of New Inflow to Reservoirs in Boise River System, Boise Project— 1978, July 14, 1978
65. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Water Service Contracts--Lucky Peak Reservoir, October 20, 1978

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66. Letter from Bureau of Reclamation to Corps of Engineers - Boise Reservoir System 40/60 Space Split, February 12, 1979
67. Bureau of Reclamation Memorandum from Boise Project Superintendent to Regional Director – Accrual of New Inflow to Reservoirs in Boise River System, Boise Project— 1979, June 20, 1979
68. Letter from Idaho Department of Water Resources to Corps of Engineers, November 30, 1979
69. Bureau of Reclamation copy of Letter from Idaho Department of Water Resources to Corps of Engineers, September 30, 1980
70. Letter from Idaho Department of Water Resources to Senator Church - Mrs. Ben Korn's Request, November 20, 1980
71. Bureau of Reclamation Memorandum from Boise Project Superintendent to Chief, Anderson Ranch Field Station - River Flow Increases Below Anderson Ranch Dam-- South Fork Boise River, December 24, 1980
72. Letter from Bureau of Reclamation to Boise Project Board of Control, June 16, 1982
73. Letter from Idaho Department of Water Resources to Bureau of Reclamation - Boise River Modification Study, September 3, 1982
74. Letter from Bureau of Reclamation to Idaho Department of Water Resources, February 18, 1983
75. Letter from Corps of Engineers to Bureau of Reclamation, February 25, 1983
76. Letter from Idaho Department of Water Resources to Bureau of Reclamation, March 7, 1983
77. Letter from Bureau of Reclamation to Corps of Engineers, April 8, 1983
78. Letter from Corps of Engineers to Bureau of Reclamation, April 22, 1983
79. Comparison of Rule Curve Space Requirements - Boise River Reservoir System, April 22, 1983
80. Bureau of Reclamation Memorandum from Regional Planning Officer to Field Supervisor, U.S. Fish & Wildlife Service - Boise River Basin Fish and Wildlife Coordination Act Report, Boise Project Power and Modification Study (BPPMS), April 25, 1983
81. Letter from Bureau of Recommendation to Idaho Department of Water Resources, May 16, 1983
82. Notes of Computer Modeling of Boise Project Power and Modification Study Recommended Operational Features, October 6, 1983
83. Letter from Bureau of Reclamation to Corps of Engineers, October 26, 1983
84. Letter from Bureau of Reclamation to Boise Project Board of Control, August 28, 1984
85. Letter from Boise Project Board of Control to Bureau of Reclamation, September 6, 1984
86. Letter from Bureau of Reclamation to Boise Project Board of Control, September 12, 1984
87. Letter from Bureau of Reclamation to Corps of Engineers, September 26, 1984
88. Letter from Idaho Department of Water Resources to Water District 63 Watermaster - Reservoir Accrual Accounting W.D. 63, March 19, 1987
89. Water Delivery Accounting, Boise River, WD-63, March 19, 1987
90. Letter from Idaho Department of Water Resources to Water District 63 Watermaster - Reservoir Accrual Accounting W.D.63, March 19, 1987

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91. Letter from Boise Project Board of Control to Bureau Requesting That Water Which Could Be diverted into Lake Lowell be Stored in Lucky Peak, March 30, 1987
92. Letter from Bureau of Reclamation to Boise Project Board of Control, March 30, 1987
93. Uncontracted Space in Lucky Peak-Streamflow Maintenance Account, April 14, 1987
94. Letter from Bureau of Reclamation to Water District 63 Watermaster, September 11, 1987
95. Letter from Bureau of Reclamation to Water User Entities - Status Report on Boise Reservoir System Operation, September 8, 1989