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Department of Water Resources

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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	AFFIDAVIT OF JOHN S. KORENY

STATE OF)
) ss.
County of)

JOHN S. KORENY, being first duly sworn on oath, deposes and hereby states as follows:

Introduction

My name is John S. Koreny. I am employed as a Principal Hydrologist by HDR Engineering, Inc. (HDR). HDR has been retained by the Idaho Surface Water Coalition (Coalition) to provide technical evaluations pertaining to hydrology and water supply. I serve as HDR's Project Manager for this project. My work address is: HDR Engineering, Inc., 500-108th Avenue NE, Suite 1200, Bellevue, Washington 98004. I reside in Redmond, Washington.

My professional experience, education and credentials are described in the resume provided (**Exhibit A**). In summary, I have 15 years of experience as a professional consultant performing technical hydrologic analyses of aquifers and river basins. Some of these projects are described in **Exhibit A**. I have received an M.S. degree in Civil and Environmental Engineering from the University of Washington, an M.S. degree in Environmental Science with a concentration in Hydrogeology from Ohio State University and a B.S. degree in Environmental Science from Rutgers University. I am registered as a Professional Geologist with the State of Idaho and as a Professional Hydrologist with the American Institute of Hydrology.

This affidavit includes the following:

A. A partial summary of the attempts by HDR to obtain information necessary to comply with the Scheduling Order requirements and schedule for submission of expert reports on November 4, 2005 and to prepare for the delivery request hearing scheduled for January 30, 2006. Documentation showing that the

necessary information that has been requested of IDWR has not been provided in a timely manner in the context of the Scheduling Order schedule requirements.

B. Statement of my professional opinion and the opinion of other professionals on the HDR project team that it is not possible to adequately prepare reports or testimony for the hearing under the current schedule requirements.

A. Partial Summary of Attempts by HDR to Obtain Information

Initial Communications with IDWR through IWRRI Prior to Scheduling Order

- Paul Castelin of IDWR was contacted during July 2004 to obtain copies of files necessary to run the revised ESPA ground water model and associated pre- processor files and data management utilities. Paul Castelin indicated that information requests should be submitted to IWRRI. An email was submitted to IWRRI on July 20, 2004 and phone calls were placed at that time to request copies of model files, supporting documentation, data and programs used to process the input data (**Exhibit B**).

- HDR did receive copies of the "Scenario Training Course" notes dated May 11, 2004, MODFLOW input files for the steady-state and transient model and some of the electronic files necessary to run the GIS pre-processor for the model. However, the organizational structure of the files was unclear and some files were missing. Attempts were made to obtain the information needed to identify which files corresponded to which analyses and to obtain additional missing files through phone calls to IWRRI during the later part of the week of July 18, 2005. An email from IWRRI indicated that IWRRI was not available for further communication on this subject (**Exhibit B**).

- A letter was sent to IWRRI dated September 30, 2004 requesting documentation of the revised ESPA ground water model and the missing files as stated above (**Exhibit C**). A follow-up phone call was conducted after the letter was sent.

- In a follow-up email to IWRRI dated October 8, 2004, electronic files for the ESPA ground water model were again requested (**Exhibit D**). Several follow-up phone calls were placed to IWRRI at approximately this time.

Information Requested and Received After Scheduling Order

- After receiving the delivery request Scheduling Order (dated July 22, 2005), a detailed information request was developed by HDR and submitted to IDWR on July 29, 2005 for information necessary to prepare expert reports (**Exhibit E**). On August 1, 2005, a letter was submitted by HDR requesting that IDWR respond with the requested information within 5 days (**Exhibit F**). This letter was submitted as a Public Records Request (**Exhibit G**).

- During the week of July 13, 2005 the information requested by Idaho Power from IDWR in letters dated June 7, 9 and 27, 2005 was made available to the parties in the contested case. This information was requested by HDR on July 27, 2005 and made available by IDWR on July 28, 2005 (**Exhibit H**).

- IWRRI submitted a draft ESPA ground water model report to IDWR on approximately July 29, 2005, as indicated in the distribution email from IWRRI (**Exhibit I**). The final report has not yet been submitted. The appendix to the report documenting use of the IWRRI-developed GIS pre-processor for the ESPA ground water model is not yet complete.

- IDWR responded to HDR's July 29, 2005 information request on August 8, 2005 and provided some of the requested information (**Exhibit J**). However, some of the information requested was missing, including (but not limited to) input and output files associated with the Accounting Model, input files and documentation associated with the GIS pre-processor for the ESPM ground water model, Snake River reach gain data, recent and historic Water District 1 water supply records for the Upper Snake Basin, data and electronic files associated with the Curtailment and Base-Case Scenarios and the electronic files used for the May 2, 2005 Order.

- A follow-up letter was submitted by HDR on August 9, 2005 identifying some of the missing information listed above and again requesting the information described in the July 29, 2005 information request (**Exhibit K**).

- A more current version of the ESPA ground water model files was provided by IDWR during the week of August 8, 2005, as documented in email dated August 15, 2005 (**Exhibit L**). HDR began a review of these model files along with previously obtained files.

- A response was received from IDWR dated August 17, 2005, that provided some of the requested information missing as referenced in August 9, 2005 correspondence (**Exhibit M**). Again, some information from the July 29, 2005 information request was missing including Water District 1 supply records, files associated with the Accounting Model and files associated with the pre-processor for the ESPM ground water model.

- A follow-up letter was sent on August 24, 2005 to identify missing information and again requesting information described in the July 29, 2005 information request **(Exhibit N).**

- An email was received from IDWR dated August 25, 2005 regarding August 24, 2005 correspondence but the email did not provide the requested information. A follow-up letter was submitted by HDR on August 29, 2005 again requesting missing information **(Exhibit N)**.

- During a ESHM Committee meeting on September 1, 2005 at IDWR's offices, IDWR and IWRRI staff informed the meeting attendees that due to discrepancies discovered in the ESPA model calibration procedures, a new version of the ground water model was being issued (version 1.1). During this meeting the IDWR Director stated that the newer version of the model was sufficiently different from the former version as to warrant re-release of the steady-state and transient model and re-running of the Curtailment Scenario. The agenda for this meeting as issued by IDWR is attached in **Exhibit O**.

- Comments on the draft ESPA ground water modeling report requested by IDWR were submitted on September 8, 2005.

- HDR began a re-review of the ESPA ground water model using Version 1.1. Our review indicated that some of the input files necessary to run the GIS pre-processor for the ESPA ground water model run from 1980 to 2002 were not available. Several phone calls were placed to IDWR to attempt to obtain the missing files during the end of August and during the first week of September. A meeting on this subject was

requested by HDR during a phone call during the first week of September and by email on September 8, 2005. On September 13, 2005 IDWR made arrangements for a meeting scheduled for September 21, 2005 (**Exhibit P**). During a meeting on September 21, 2005, IDWR informed the meeting attendees that some of the input files necessary to run the GIS pre-processor for the ESPA ground water model had not yet been provided and would be distributed.

- Another information request was submitted on September 23, 2005 again requesting the missing ground water modeling files (**Exhibit Q**).

- The 2001 to 2004 draft Water District 1 Watermaster Reports (originally requested July 29, 2005) were received on September 23, 2005 (**Exhibit R**)

- IDWR recently posted additional ground water modeling files on their web page on September 29, 2005 (**Exhibit S**). HDR is currently reviewing these files to determine if new information has been made available. A conference call was conducted on September 30, 2005 with representatives from HDR, IDWR and IWWRI to discuss the missing files. Additional information was again produced on October 4, 2005 (**Exhibit T**). This material is currently being reviewed.

- With the exception of the information request submitted by Idaho Power as referenced in **Exhibit H**, HDR has not been provided copies of other information requests submitted by other parties or provided copies of information responses provided to other parties involved in the delivery request. IDWR representatives have stated that this information would be made available and Rick Raymondi re-affirmed this commitment during the meeting at IDWR on September 21, 2005.

B. Opinion Regarding Schedule of Delivery Request Hearing

The following are statements of fact regarding items associated with the stipulated schedule associated with the Coalition Delivery Request.

1. The Director's first Scheduling Order for the Coalition Delivery Request Hearing was submitted on July 22, 2005 and amended on September 1. The amended Scheduling Order states that expert reports must be submitted by technical consultants on November 4, 2005. This schedule provided only 75 business days (from July 22 to Nov. 4) from the first Order to the date of submission of expert reports.

2. The initial delivery request as submitted by the Coalition requested administration of water primarily based on shortages as recorded by Coalition entities. The IDWR Director's Orders and other affidavits submitted with respect to this matter are based on a large quantity of hydrologic data using many different analyses and also using two complex surface water computer programs and models (IDWR Accounting Program and IDWR Planning Model) and the newly created ESPA ground water model and several complex model scenarios.

3. Many components of the ESPA ground water model and model scenarios have only recently been completed or are un-complete. Similarly, many parts of the model development and scenario results are not yet documented or have only been recently been documented. Some of the files from the original model version 1.0 GIS-preprocessor and data management utilities have not yet been

released, or have been released in such a confusing format so as to render them not useable within the current time frame available for review.

To further complicate this already-complicated situation, IDWR and IWRRI disclosed discrepancies in the ESPA ground water model calibration on September 1, 2005. These discrepancies were significant enough so that IDWR is now releasing a new version of the model (Version 1.1) as the version of record. The IDWR Director stated on September 1, 2005 that the model calibration discrepancies are of sufficient significance as to warrant re-running of the Curtailment Scenario. A request has been provided to IDWR to also re-run the Base-Case Scenario- since this scenario is relied upon for the May 2, 2005 Order.

Version 1.1 of the model has only been recently released. All of the associated GIS model pre-processor and utility files developed by IWRRI for Version 1.1 have not yet been fully documented or released. The Curtailment Scenario and the Base-Case Scenario have not yet been completed using Version 1.1 of the model. Therefore, all parties involved in the delivery request have not been provided a full opportunity with sufficient time to review all relevant aspects of the ESPA ground water model runs and scenario results.

4. Insufficient time in the schedule combined with a delay in information provided by IDWR has caused HDR to have insufficient time to investigate the following topics necessary for this project: 1) use of the ESPA ground water model and model scenarios as stated in the May 2, 2005 Order, 2) use of the Accounting Model as stated in the May 2, 2005 Order, 3) use of the Planning Model by various parties in affidavits filed in this case and 4) analysis of Water District 1

water use records used in the May 2, 2005 Order and required to develop expert reports.

5. IDWR staff have stated that it is not possible to provide the information requested within the time-frame required for the delivery request hearing schedule due to their other staff requirements on other projects.

It is my professional opinion that the schedule set by the IDWR Director for preparation of expert reports by November 4 is unrealistic and does not allow sufficient time for review of the information cited previously and for preparation of expert reports. This opinion is based on the following:

- Important data and information requested from IDWR was provided only recently or has not yet been provided. The information provided was submitted up to two months past the date requested. This is especially problematic, when only 75 business days is provided for review and analysis of information as per the Scheduling Order. The delay in providing information by IDWR and the failure to provide sufficient time significantly impacts the ability of HDR to perform the technical analyses required for this project.

- Version 1.1 of the ESPA ground water model was only recently completed. At the direction of the IDWR Director, Version 1.1 is now the model version of record for this project. The GIS pre-processor input files for both the original and revised version of the model have not yet been made available. The Curtailment Scenario is being re-run at the direction of the IDWR Director. Requests have been made that IDWR re-run the Base-Case Scenario. The results of the new

Curtailment Scenario and the new Base-Case Scenario need to be reviewed and evaluated as part of the preparation for this project.

- The Coalition consultants have not yet been provided copies of correspondence between IDWR and other parties involved in this matter and data provided to other parties, if such correspondence and data has been exchanged. This information has been requested, but not yet been made available.

It is further my opinion that at least 6 months of additional time beyond the November 4, 2005 schedule for production of expert reports is necessary to adequately review and investigate the information required for this project. This opinion is based on my experience of over 15 years working on multiple large and complex regional aquifer and surface water hydrologic analysis projects as described on the attached resume. This is also the opinion of the following senior HDR professionals working on this project whom I have personally interviewed regarding this matter including: Dr. Jerry Kenny, P.E., PhD, Allison MacEwan, P.E. and Larry Land, P.E. each with at least 15 years of experience working on similar projects of similar complexity.

Further your affiant sayeth naught.

DATED this 6th day of October, 2005.

John S. Koreny, RG, PH

SUBSCRIBED AND SWORN to before me on this 6TH day of October, 2005.

Kristi Morrell

Notary Public for State of WA.
Residing at Monroe WA.
My commission expires: 5/29/09

KRISTI MORRELL NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 5-29-09