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	)	**ORDER ON REQUEST FOR DEPOSITION OF ADDITIONAL DEPARTMENT EMPLOYEES AND MODIFYING AVAILABILITY OF ALLAN WYLIE**

On September 2, 2005, the Director of the Department of Water Resources ("Director" or "Department") issued an *Order Regarding Deposition of Department Employees*, in which dates were provided for seven Department employees and contractors to be available for deposition.

On September 20, 2005, the Director received a filing entitled *IGWA and the City of Pocatello's Joint Request for Deposition of Additional IDWR Employees* ("Joint Request"). The Joint Request asks to depose an additional employee or employees of the Department, or Department contractors, who can testify regarding various issues related to the Surface Water Coalition ("SWC") delivery call ("Delivery Call"), the Department's orders issued in response to the Delivery Call ("Delivery Call Orders"), and IGWA's filings with the Department concerning providing replacement water for 2005 ("Replacement Water Plan"), collectively referred to in the Joint Request as the "Delivery Call Review."

The issues relating to the Delivery Call Review for which the Director is asked to identify one or more persons who can speak for the Department include (1) water supply availability analysis, (2) ground water availability, (3) material injury, (4) actual SWC beneficial use/reduced acres analysis, and (5) computer modeling analysis. The Director is also asked to designate deposition availability dates for the identified persons. Deposition availability dates have already been designated for two of the Department employees identified. No date is designated for the third Department employee identified because of his limited involvement with the computer modeling analysis issue and the uncertainty of whether the parties will desire to take his deposition. The remaining two persons identified as having knowledge regarding the listed issues are former Department employees whom the IGWA and the City of Pocatello may contact to determine their availability dates.

The Director also received on September 20, 2005, a filing entitled *IGWA and the City of Pocatello's Joint Request for Modification of Deposition Availability of Allan Wylie*. This request asks that the availability date for Department employee Allan Wylie be changed from September 29, 2005, to a date in early October due to a conflict with other scheduled discovery by the parties in this matter.

ORDER

Based upon consideration of the foregoing, IT IS HEREBY ORDERED as follows:

The Director identifies the following Department employees and former Department employees as persons who have knowledge relating to various issues associated with the Delivery Call Review:

(1) Water supply availability analysis – Pam Pace (ex-employee), Bill Ondrechen (retired);

(2) Ground water availability - Pam Pace (ex-employee), Bill Ondrechen (retired);

(3) Material injury - Pam Pace (ex-employee), Bill Ondrechen (retired);

(4) Actual SWC beneficial use/reduced acres analysis – Dave Tuthill; and

(5) Computer modeling analysis – Allan Wylie, John Lindgren (knowledge of the latter limited to making verification model runs).

IT IS FURTHER ORDER THAT the *Order Regarding Deposition of Department Employees,* dated September 2, 2005, is modified to provide that Department employee Allan Wylie will be made available for deposition by all of the parties in the above captioned matter, on October 6, 2005, and continuing as necessary on October 7, 2005, at the offices of the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho.

DATED this 23rd day of September 2005.

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of September, 2005, the above and foregoing, was served by the method indicated below, and addressed to the following:

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