

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

IN THE MATTER OF JERRY D. AND
VALERIE H. BINGHAM’S MITIGATION
PLAN FOR THE SURFACE WATER
COALITION

Docket No. CM-MP-2025-003

**ORDER GRANTING MOTION AND
AMENDING SCHEDULING ORDER**

On November 24, 2025, Hearing Officer Burdick issued an *Order on Intervention, on Scheduling, and Authorizing Discovery and Email Service; Notice of Status Conference and Hearing* (“*Scheduling Order*”) in this matter.

On January 7, 2026, counsel for the Surface Water Coalition (“SWC”) filed a *Stipulated Motion to Amend Scheduling Order* (“*Motion*”) with the Department. The SWC asks that the expert witness disclosure and report deadline for protestants and intervenors, and deposition, mediation, and discovery completion deadlines be pushed out to accommodate for “scheduling conflicts and other unforeseen matters” *Motion*, at 1–2. The *Motion* includes a statement that counsel for the parties “have all been contacted and they have all stipulated to the following proposed schedule changes” *Id.* The final paragraph of the *Motion* goes on to add: “the parties further stipulate to not file any dispositive motions.” *Id.* at 2.

The Department’s Rules of Procedure allow a hearing officer discretion to resolve discovery disputes in contested cases. IDAPA 37.01.01.412 (authorizing hearing officers to hear and rule on motions and evidentiary issues, and schedule discovery). While the *Motion* is neither certified by counsel for the SWC, nor executed by all the parties, based on the statements made in the *Motion* and the nature of the impending deadlines for which extensions are being sought, the Hearing Officer does not anticipate granting the *Motion* will cause prejudice or undue burden to any party. Therefore, in the spirit of liberal construction, *see* IDAPA 37.01.01.051, the Hearing Officer will exercise his discretion to expeditiously grant the request for deadline extensions, in accordance with the *Motion* and before the time for responses has run. *See* IDAPA 37.01.01.220.02.b. Any other scheduling matters addressed in the *Scheduling Order* remain unchanged. Further, considering dispositive motion practice aims to dispose of claims, defenses, or cases, the Hearing Officer finds the form and contents of the *Motion* insufficient to bind the parties to an agreement to not file dispositive motions. The Hearing Officer will consider any appropriate and timely filed dispositive motion in this matter.

ORDER

IT IS HEREBY ORDERED that the Surface Water Coalition’s *Stipulated Motion to Amend Scheduling Order* is GRANTED.

IT IS FURTHER ORDERED that the expert witness disclosure and report deadline for protestants and intervenors, and deposition, mediation, and discovery completion deadlines are AMENDED as follows:

Jan. 23, 2026 Deadline for American Falls, Carey Valley, the Cities, the SWC, and IGWA to file a list of expert witnesses they intend to rely upon at the hearing, including names, addresses, and updated curricula vitarum. However, a curricula vitarum is not required if the expert identified is an employee of the Department.

Deadline for American Falls, Carey Valley, the Cities, the SWC, and IGWA to provide the parties with a copy of their proposed expert reports. Unless the expert identified is an employee of the Department, the expert needs to have authored a disclosed expert report.

Feb. 13, 2026 Deadline for the parties to complete all depositions.

Feb. 13, 2026 Deadline for the parties to complete mediation, if desired. The parties may use any unanimously agreed-upon mediator.

Feb. 19, 2026 Deadline for the parties to complete all discovery.

DATED this 8th day of January 2026.

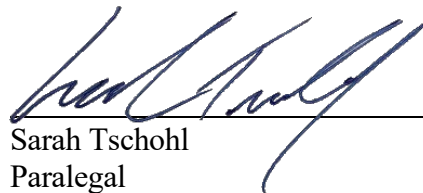


ROGER S. BURDICK
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January 2026, the above and foregoing was served by the method indicated below, and addressed to the following:

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