

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

IN THE MATTER OF FALLS WATER  
CO., INC.'S MITIGATION PLAN FOR  
THE SURFACE WATER COALITION

Docket No. CM-MP-2024-004

**ORDER DENYING UNOPPOSED  
MOTION TO AMEND STIPULATED  
REVISED SCHEDULING ORDER AND  
VACATING HEARING**

**BACKGROUND**

On November 22, 2024, Falls Water Co., Inc. (“Falls”) submitted *Falls Water Co., Inc.’s CM Rule 43 Mitigation Plan* (“*Proposed Mitigation Plan*”) with the Idaho Department of Water Resources (“Department”), pursuant to Rule 43 of the Department’s Rules for Conjunctive Management of Surface and Ground Water Resources (“CM Rules”), IDAPA 37.03.11.043.

The Surface Water Coalition protested the proposed mitigation plan. Bonneville-Jefferson Ground Water District and Idaho Ground Water Appropriators, Inc. were granted intervention in this matter.

On January 8, 2026, Hearing Officer Schroeder issued an *Order Adopting Stipulated Revised Scheduling Order; Order Vacating and Resetting Status Conference and Hearing* (“*Stipulated Revised Scheduling Order*”), scheduling a status conference for April 1, 2026 and a hearing for April 15–16, 2026. *Stipulated Revised Scheduling Order*, at 2–3.

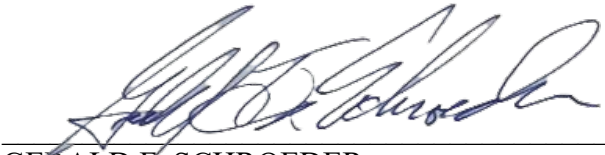
On February 4, 2026, Falls submitted the *First Amended Falls Water Co., Inc.’s CM Rule 43 Mitigation Plan* (“*Amended Mitigation Plan*”) pursuant to CM Rule 43. That same day, Falls filed an *Unopposed Motion to Amend Stipulated Revised Scheduling Order* (“*Motion to Amend*”). Falls asserts that readvertisement of the *Amended Mitigation Plan* is unnecessary but requests that, if the Hearing Officer determines otherwise, the hearing and related scheduling deadlines be vacated and a new scheduling conference set after the protest period concludes following advertisement. *Motion to Amend*, at 1.

Pursuant to Rule 412.01.a of the Department’s Rules of Procedure (IDAPA 37.01.01), the Hearing Officer is authorized to decide motions. The Hearing Officer finds that the differences between the *Proposed Mitigation Plan* and the *Amended Mitigation Plan* are sufficient enough to warrant readvertisement to ensure all interested persons and parties have an opportunity to review and, if desired, protest the amended plan. In light of these findings, the Hearing Officer denies the *Motion to Amend*; vacates the currently scheduled status conference, hearing, and associated deadlines; and will schedule a prehearing conference following the conclusion of the protest period.

## ORDER

IT IS HEREBY ORDERED that the hearing scheduled for April 15–16, 2026, the status conference scheduled for April 1, 2026, and other associated deadlines in the *Order Adopting Stipulated Revised Scheduling Order; Order Vacating and Resetting Status Conference and Hearing* are VACATED.

DATED this 10th day of February 2026.



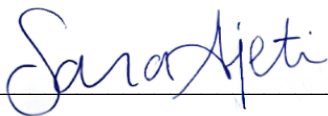
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GERALD F. SCHROEDER  
Hearing Officer

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of February 2026, the above and foregoing, was served by the method indicated below, and addressed to the following:

|                                                                                                                                                                                                                                                                                   |                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
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Sara Ajeti  
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