

**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

**NOTICE OF PREHEARING
CONFERENCE**

**ORDER APPOINTING HEARING
OFFICER**

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. Notice of the *Proposed Mitigation Plan* and March 31, 2025 deadline to file a protest against its approval was published in accordance with the Department’s CM Rules. *See* IDAPA 37.03.11.043.02.

On March 28, 2025, Bonneville-Jefferson Ground Water District filed a *Petition to Intervene* with the Department. On March 31, 2025, A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company, American Falls Reservoir District #2, and Minidoka Irrigation District (collectively, the “Surface Water Coalition”) filed the *Surface Water Coalition’s Joint Protest*. On April 25, 2025, Idaho Ground Water Appropriators, Inc. (“IGWA”) filed *IGWA’s Petition to Intervene*, which Falls has since opposed.

The Director, having determined that informal proceedings are unlikely to resolve this contested case, will set the matter for a prehearing conference and will appoint Gerald F. Schroeder, former Idaho Supreme Court Chief Justice, to serve as the hearing officer in this matter.

NOTICE OF PREHEARING CONFERENCE

NOTICE IS HEREBY GIVEN that a prehearing conference in this matter will be held on **August 19, 2025, at 1:30 p.m. (MT)**, at the Department’s State Office, located at 322 E. Front Street, 6th Floor, Conference Rooms 602C–D, Boise, Idaho. All parties and entities seeking party status must be represented at the prehearing conference, whether in person or remote. Participants shall come prepared to discuss progress made toward settlement, proposed issues for hearing, scheduling and procedural requests, and any other matters that could aid in the fair and efficient resolution of this contested case.

NOTICE OF PREHEARING CONFERENCE; ORDER APPOINTING HEARING OFFICER

To join the conference via computer or smartphone, please click the following Webex link and follow the prompts:

<https://idahogov.webex.com/idahogov/j.php?MTID=mdec332d9ff36c56e8dfc28b9f80fa44>.

To join the conference via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: 2632 582 8022.

The conference will be held in accordance with the provisions of Chapter 17, Title 42, and Chapter 52, Title 67, Idaho Code, and the Department's Rules of Procedure, IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/370101.pdf>.

The prehearing conference will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require reasonable accommodation to attend, participate in, or understand the conference, please advise the Department no later than five (5) days before the conference. Inquiries for reasonable accommodations should be directed to Sarah Tschohl, Idaho Department of Water Resources, PO Box 83720, Boise, Idaho 83720-0098, telephone (208) 287-4815, or email sarah.tschohl@idwr.idaho.gov.

ORDER

IT IS HEREBY ORDERED that Gerald F. Schroeder is appointed to serve as hearing officer in this matter and is authorized to hear this contested case on behalf of the Department pursuant to IDAPA 37.01.01.410–414 and the provisions of chapter 52, title 67, Idaho Code. Hearing Officer Schroeder's contact information is as follows:

Gerald F. Schroeder
gerald_23107@msn.com

DATED this 5th day of August 2025.

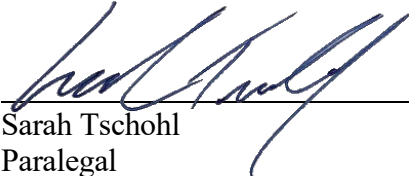


SHELLEY W. KEEN
Acting Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August 2025, the above and foregoing, was served by the method indicated below, and addressed to the following:

Robert L. Harris, Esq HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C. PO Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
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Sarah Tschohl
Paralegal