

**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 ADOPTING STIPULATED
SCHEDULING ORDER**

NOTICE OF STATUS CONFERENCE

BACKGROUND

On November 22, 2024, Falls Water Co., Inc. ("Falls") submitted *Falls Water Co., Inc.'s CM Rule 43 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 ("SWC") timely protested the proposed mitigation plan. Bonneville-Jefferson Ground Water District and Idaho Ground Water Appropriators, Inc. sought and were granted intervention in this matter.

On August 19, 2025, Hearing Officer Schroeder held a prehearing conference, during which all parties were represented and agreed to submit a stipulation for scheduling and planning, addressing deadlines for discovery, expert report and witness disclosures, motions, and prehearing briefing. On September 15, 2025, the Hearing Officer issued an order requiring the parties "to file a stipulation for scheduling and planning by October 1, 2025. Upon receipt, the Hearing Officer will issue an order adopting it in full or with modification." *Order Grant. Interv'n & Authorizing Email Service; Notice of Hr'g*, at 2. On October 2, 2025, Falls filed a *Stipulated Scheduling Order* proposing discovery deadlines and representing that counsel for Falls "received email confirmation from counsel for the protestants for the following schedule and deadlines" *Stip. Schedul. Order*, at 1. No responses in opposition to the stipulation were received.

ANALYSIS

The Department's Rules of Procedure allow a hearing officer discretion to authorize discovery and resolve discovery disputes in contested cases. IDAPA 37.01.01.412 (authorizing hearing officers to hear and rule on motions and evidentiary issues, schedule and compel discovery, and consider stipulations and settlements); IDAPA 37.01.01.521 (authorizing hearing officers to "limit the type and scope of discovery"). Given no objections were raised, the Hearing Officer will exercise his discretion to adopt the *Stipulated Scheduling Order*, as modified by the order section below, and issue a notice of status conference in accordance with the adopted schedule.

The Department's Rules of Procedure also permit the Hearing Officer to request briefs or statements of position in any contested case. IDAPA 37.01.01.562. Pursuant to Rule 562, during the prehearing the Hearing Officer exercised his discretion and requested the parties submit prehearing briefs to help clarify the issues and positions of the parties to be considered at the hearing. *Order Grant. Interv'n & Authorizing Email Service; Notice of Hr'g*, at 1. Although one was requested, a deadline for prehearing brief submissions was not included in the *Stipulated Scheduling Order*, therefore, the Hearing Officer will set one below.

ORDER

IT IS HEREBY ORDERED that the attached *Stipulated Scheduling Order* is ADOPTED, except to the extent that the following orders conflict with or add to the requirements and deadlines included.

IT IS FURTHER ORDERED that as of October 1, 2025, and pursuant to IDAPA 37.01.01.521, the parties are authorized to conduct and engage in the methods of discovery listed under IDAPA 37.01.01.520.01. Barring any conflicting discovery procedures or limitations set forth in the Department's Rules of Procedure or an order of the presiding officer, discovery shall conform to Title V of the Idaho Rules of Civil Procedure.

IT IS FURTHER ORDERED that unless the expert identified is an employee of the Department, if a party intends to have an expert testify during the hearing, the expert needs to have authored an expert report, and the party must disclose said report with a copy of the expert's updated curricula vitarum.

IT IS FURTHER ORDERED that by **January 16, 2026**, all parties who intend to participate in the hearing must file a prehearing brief giving a statement of the issues for hearing and their positions.

IT IS FURTHER ORDERED that by **January 16, 2026**, the parties must exchange and submit to the Department an electronic copy (via e-file email, USB thumb drive, or disc) of their pre-marked exhibits. Each exhibit must be an independent file, and all file text must be able to be searched (machine readable). Exhibits shall be pre-marked in the bottom right corner of every page and must include the name of the party proposing the exhibit, the exhibit number, and a page number (each exhibit must start with page 1). Additionally, prior to the start of the hearing, the parties shall submit to the Department three physical copies of their pre-marked exhibits. Exhibits shall be organized in binders that are labeled with the party's name and include dividers that identify each exhibit by its number.

NOTICE OF STATUS CONFERENCE

NOTICE IS HEREBY GIVEN that Hearing Officer Schroeder will hold a status conference on this matter on **January 20, 2026, at 10:00 a.m. (MT)**, at the Department's State Office. The hearing will take place at the Department's State Office, located at 322 E. Front Street, 6th Floor, Conference Rooms 602C–D, Boise, Idaho. All parties must be represented at the status conference, whether in person or remote. Participants shall come prepared to discuss

issues identified in the briefing and any other matters that could aid in the fair and efficient resolution of the contested cases.

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=m334c71df254d3cebe0f4d4d698631c94>.

To join the conference via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: 2863 213 6420.

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 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 hearing. 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.

DATED this 27th day of October 2025.

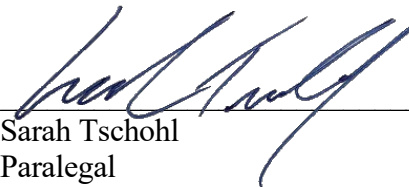


GERALD F. SCHROEDER
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of October 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	☐ U.S. Mail, postage prepaid ☒ Email
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Sarah Tschohl
Paralegal

Oct 02, 2025

DEPARTMENT OF
WATER RESOURCES

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Attorneys for Falls Water Co., Inc.

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

STIPULATED SCHEDULING ORDER

THIS STIPULATED SCHEDULING ORDER is submitted in accordance with Hearing Officer Schroeder's *Order Granting Intervention and Authorizing Email Service; Notice of Hearing* dated September 15, 2025 (the "Order").

The *Order* provides: "The parties are to file a stipulation for scheduling and planning by October 1, 2025. Upon receipt, the Hearing Officer will issue an order adopting it in full or with modification." *Order* at 2.

Counsel for Falls Water Co., Inc. has received email confirmation from counsel for the protestants for the following schedule and deadlines associated with the hearing scheduled for February 3-4, 2026:

1. Discovery may commence immediately. Discovery requests must be submitted on or before October 31, 2025. Responses to written discovery must be served to the requesting parties within 30 days of the discovery requests. Therefore, written discovery requests shall be served by December 1, 2025.
2. Expert Reports must be submitted on or before December 1, 2025. Rebuttal reports must be submitted by December 31, 2025.
3. Expert Reports must be submitted on or before December 1, 2025. Rebuttal expert reports must be submitted by December 31, 2025.

4. Depositions of experts must be completed by January 9, 2026.
5. Witness/Exhibit Lists shall be submitted on or before January 16, 2026. Each party must disclose to all other parties and the hearing officer, in writing, the identity of all witnesses that may testify for the party at the hearing and provide a copy of all proposed exhibits. These documents may be served electronically, but the parties must bring two extra copies of the proposed exhibits to the hearing (one copy for the witness stand and one copy for the hearing officer).
6. The parties shall use the following exhibit numbers:

Falls Water: 1-100
Surface Water Coalition: 101-200
Bonneville-Jefferson GWS: 201-300
IGWA: 301-400
7. A remote status conference will be held on January 20, 2026, at 10:00 a.m. Information for the remote status conference will be provided to the parties prior to the scheduled date.

Date: October 1, 2025



Robert L. Harris,
Holden, Kidwell, Hahn & Crapo, P.L.L.C.

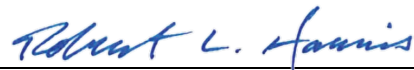
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of October 2025, the above and foregoing, was served by the method indicated below, and addressed to the following:

ORIGINAL TO: Hearing Officer Schroeder
gerald_23107@msn.com

COPIES TO:

Skyler C. Johns OLSEN TAGGART PLLC PO Box 3005 Idaho Falls, ID 83403 sjohns@olsentaggart.com	☐ U.S. Mail, postage prepaid ☒ Email
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