

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

**IN THE MATTER OF THE BOISE  
FRONT LOW TEMPERATURE  
GEOTHERMAL RESOURCE GROUND  
WATER MANAGEMENT AREA**

**NOTICE OF PREHEARING  
CONFERENCE**

**BACKGROUND**

On May 3, 2024, the Idaho Department of Water Resources (“IDWR”) issued an *Order Extending Moratorium* (“Moratorium Order”), extending the Boise Front GWMA moratorium for an additional three years to May 5, 2027.

On May 17, 2024, IDWR received a *Petition for Hearing* filed on behalf of Edwards Family LLC (“Edwards”) requesting a hearing pursuant to Idaho Code § 42-1701A(3) “regarding the basis for the three-year moratorium extension.” *Petition for Hearing* at 1.

On August 19, 2024, the Director issued an *Order Granting Request for Hearing* (“Order”) assigning Shelley Keen as the hearing officer (“Hearing Officer”).

On October 22, 2024, the Hearing Officer granted the *City of Boise’s Petition to Intervene*.

**RELEVANT RULES OF PROCEDURE**

IDAPA 37.01.01.101.01 states:

Informal proceedings include correspondence and the exchange of information between the agency and an applicant or petitioner during the agency’s review of an application or petition. If a protest is filed opposing an application, or a response is filed to a petition, the agency will issue a Notice of Informal Settlement Conference. The agency may also issue a Notice of Informal Settlement Conference in un-protested one-party contested cases, where a party has requested a hearing before the agency.

IDAPA 37.01.01.102 states:

When the agency determines that informal proceedings are unlikely to resolve a contested case, the agency will initiate formal proceedings by issuing a Notice of Prehearing Conference and identifying a presiding officer. Representation of parties and other persons in formal proceedings is governed by Rule 201.02.

IDAPA 37.01.01.510 states:

To initiate formal proceedings in a contested case pursuant to Rule 102, the agency will issue a Notice of Prehearing Conference, identifying the presiding officer for the case and setting the date and time for prehearing conference. The prehearing conference shall be convened for purposes of formulating or simplifying the issues, obtaining concessions of fact or identification of documents to avoid unnecessary proof, scheduling discovery (when discovery is allowed), arranging for the exchange of proposed exhibits or prepared testimony, limiting witnesses, discussing settlement offers or making settlement offers, scheduling hearings, establishing procedure at hearings, and addressing other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

### **ORDER**

Pursuant to Rules 102 and 510 of the Department's Rules of Procedure (IDAPA 37.01.01), the Department has scheduled a prehearing conference on December 3, 2024, beginning at 2:00 P.M, at:

Idaho Department of Water Resources  
Conference Room 501E  
322 E. Front Street  
Boise, ID

Edwards and the City of Boise are required to appear at the prehearing conference. Pursuant to Rule 201.02 of the Department's Rules of Procedure, appearances and representation of parties or other persons at the prehearing conference must be as follows:

- a. A party who is a natural person may represent himself or herself or be represented by an attorney.
- b. A federal or tribal governmental entity or agency may be represented as provided by law.
- c. All other parties shall appear and be represented by an attorney admitted to practice and in good standing in the state of Idaho.
- d. Only parties or their representatives at hearing are entitled to examine witnesses and file, make or argue motions.

Agenda items for the prehearing conference will include:

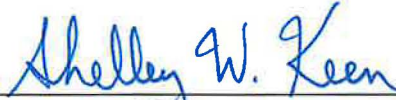
- Identifying a spokesperson and/or counsel representing Edwards and the City of Boise.
- Determining whether referral of the matter to informal proceedings pursuant to IDAPA 37.01.01.101 could be an efficient path to resolution.
- If the matter will not be referred to informal proceedings, setting a target date for conducting an administrative hearing.

- Discussing whether discovery should be authorized and setting a schedule for discovery.
- Designating a date for identifying witnesses and exhibits.
- Addressing other matters that may promote orderly conduct at the hearing and speedy resolution of the matter.

The prehearing conference will be conducted consistent with the Department's Rules of Procedure.

The prehearing conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations to attend, participate in, or understand the prehearing conference, please contact Jean Hersley at 208-287-4942 no later than ten days prior to the conference.

Dated this 18th day of November 2024.



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Shelley W. Keen  
Hearing Officer

**CERTIFICATE OF SERVICE**


I HEREBY certify that on the 18<sup>th</sup> day of November 2024, I served a true and correct copy of the Notice of Prehearing Conference to the parties by the following method(s):

DYLAN LAWRENCE  
VARIN THOMAS  
PO BOX 1676  
BOISE ID 83701  
[dylan@varinthomas.com](mailto:dylan@varinthomas.com)

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

MARY GRANT  
DEPUTY CITY ATTORNEY  
BOISE CITY ATTORNEY'S OFFICE  
PO BOX 500  
BOISE ID 83701-0500  
[mrgrant@cityofboise.org](mailto:mrgrant@cityofboise.org)

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

  
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Jean Hersley  
Technical Records Specialist II