

**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**

**METHOD OF SERVICE ORDER;
NOTICE OF STATUS
CONFERENCE; INFORMAL
PROCEEDINGS ORDER**

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”). Edwards requests 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*.

On December 3, 2024, the Hearing Officer held a prehearing conference to prepare for the requested hearing. At the prehearing conference, Edwards and the City of Boise (“City”) requested that the matter be referred to informal proceedings.

RELEVANT RULES OF PROCEDURE

IDAPA 37.01.01.100.01 states:

Informal proceedings are wholly administrative evaluations and processes, without a presiding officer and hearing record to be preserved for later agency or judicial review, and with representation according to Rule 201.01.

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 37.01.01.103 states:

During informal proceedings the agency may stay the contested case at the request of the applicant or petitioner, upon stipulation of the parties, when the agency determines that such delay will assist the agency in resolving or deciding the contested case, or when an agency moratorium prevents consideration of the application or petition.

IDAPA 37.01.01.053.02.B states:

If authorized by the presiding officer, documents that must be sent by mail or delivered personally to the representatives of each party may be served by email as an alternative to service by mail or personal service. It is not necessary to serve copies by mail or personal service if service is completed by email.

CONCLUSIONS OF LAW

Informal proceedings may assist in resolving this contested case. The Hearing Officer should stay the formal proceedings and authorize Edwards, the City, and IDWR staff to engage in informal proceedings in this matter.

The Hearing Officer should hold a formal status conference on April 17, 2025, to evaluate whether informal proceedings should continue or a hearing should be held. If the Hearing Officer determines a hearing should be held, the contested case schedule should be discussed at the prehearing conference.

Edwards and the City are amenable to service of documents by email. The Hearing Officer should authorize service by email.

METHOD OF SERVICE ORDER

IT IS HEREBY ORDERED that, pursuant to IDAPA 37.01.01.053, documents filed in this proceeding may be served on the parties and the Department via email. Electronic service on the Department shall be made by email to file@idwr.idaho.gov. Electronic service on the parties shall be emailed to the email addresses listed in the Certificate of Service below.

NOTICE OF STATUS CONFERENCE

NOTICE IS HEREBY GIVEN that the Hearing Officer will hold a formal status conference to discuss the status of and schedule for this contested proceeding. The continued prehearing conference will be held on **April 17, 2025, at 2 PM (MST)** in Conference Room 602B of the IDWR's State Office, located at 322 E. Front Street, 6th Floor, Boise, Idaho.

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

INFORMAL PROCEEDINGS ORDER

IT IS HEREBY ORDERED that in the interim between the issuance of this order and the scheduled status conference, discussions to resolve the *Petition for Hearing* in the matter of the *Order Extending Moratorium* shall proceed informally.


IT IS FURTHER HEREBY ORDERED that formal proceedings in this matter are stayed until the status conference on April 17, 2025.

IT IS FURTHER HEREBY ORDERED that Mike McVay, Engineer Technical 1, is appointed as the IDWR contact for informal proceedings in this case. The parties may reach out to Mike McVay as needed at michael.mcvay@idwr.idaho.gov or by calling (208) 287-4800.

IT IS FURTHER HEREBY ORDERED that Mike McVay shall hold an informal settlement conference in January 2025 and shall conduct additional informal proceedings that, in his judgment, may facilitate settlement of this matter.

IT IS FURTHER HEREBY ORDERED that IDWR shall notify the Hearing Officer when the informal proceedings have resolved the case or when it determines that informal proceedings are unlikely to resolve the case and a hearing is needed.

Dated this 10th day of December, 2024


Shelley W. Keen
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY certify that on the 10th day of December 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

- 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

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



Jean Hersley
Technical Records Specialist II