

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

IN THE MATTER OF DISTRIBUTION OF WATER
TO VARIOUS WATER RIGHTS HELD BY OR
FOR THE BENEFIT OF A&B IRRIGATION
DISTRICT, AMERICAN FALLS RESERVOIR
DISTRICT #2, BURLEY IRRIGATION DISTRICT,
MILNER IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE CANAL
COMPANY, AND TWIN FALLS CANAL
COMPANY

Docket No. CM-DC-2010-001

**ORDER GRANTING A&B'S
MOTION TO AMEND
DEADLINES; SETTING
DEADLINE TO PROVIDE
STAFF MEMO**

BACKGROUND

On October 7, 2025, Hearing Officer Schroeder issued an *Order on Intervention, Authorizing Discovery, Email Service, and Scheduling; Order Granting Motion for Subpoena; Notice of Hearing* (“*Scheduling Order*”), establishing a deadline of December 5, 2025 for the exchange of rebuttal expert reports and a deadline of December 19, 2025 for completing all depositions. *Scheduling Order*, at 6.

On November 18, 2025, the Idaho Department of Water Resources (“Department”) received *American Falls-Aberdeen Ground Water District’s Motion to Reconsider Order Granting Hearing and Vacate Hearing or, Alternatively, to Clarify the Scope of Hearing; Request for Expedited Ruling; Brief in Support* (“*American Falls Motion*”), requesting an expedited ruling from the Director. *American Falls Motion*, at 8. That same day, Idaho Ground Water Appropriators, Inc. (“IGWA”) filed its *Motion for Summary Judgment* (“*IGWA Motion*”).

On November 19, 2025, A&B Irrigation District (“A&B”) filed *A&B Irrigation District’s Unopposed Motion to Amend Deadlines for Rebuttal Expert Reports/Depositions; Partial Unopposed Motion to Modify Response Deadline to Pending Motions Filed by IGWA and American Falls-Aberdeen Ground Water District* (“*A&B Motion*”), requesting an extension of both discovery-related deadlines and response deadlines for the *American Falls Motion* and *IGWA Motion*. *A&B Motion*, at 1.

On November 20, 2025, the Department received *American Falls-Aberdeen Ground Water District’s Response to A&B Irrigation District’s Partial Unopposed Motion to Modify Response Deadline to Pending Motions Filed by IGWA and AFA* (“*American Falls Response*”), arguing that extending the response deadline would preclude an expedited ruling on the *American Falls Motion*. *American Falls Response*, at 2.

ANALYSIS

I. Extending Discovery-Related Deadlines

A&B, American Falls, IGWA, the Coalition of Cities, and Bonneville-Jefferson Ground Water District (“Bonneville-Jefferson”) jointly requested an extension of the deadlines associated with rebuttal expert reports and depositions. For good cause shown, the Hearing Officer will exercise his discretion to grant the unopposed portion of the *A&B Motion* and extend the deadlines as requested.

II. Extending Motion Response Deadlines

A&B also requests to extend the deadline for responding to the *American Falls Motion* and the *IGWA Motion* to December 9, 2025. *A&B Motion*, at 4. Counsel for A&B demonstrates that it has several upcoming litigation commitments, discovery deadlines before the Department on several matters, and personal holiday plans. *Id.* at 2–3. IGWA, the Coalition of Cities, and Bonneville-Jefferson all stipulated to this request. *Id.* at 3. However, American Falls declined to stipulate given its interest in receiving an expedited decision on the *American Falls Motion*. *American Falls Response*, at 2.

Rule 220.02.f. of the Department’s Rules of Procedure (“Rules”) authorizes the hearing officer to modify the time limits for responding to motions “for good cause shown.” IDAPA 37.01.01.220.02.f. The Hearing Officer finds good cause here, including the prompt filing of the *A&B Motion* and the significant scheduling constraints outlined in its motion. American Falls’ opposition is not persuasive as it does not demonstrate how extending the response deadline one week will impact the expedited consideration of the *American Falls Motion*. Therefore, the Hearing Officer will grant the *A&B Motion* and extend the response deadline to December 9, 2025.

III. Agency Staff Memo

Pursuant to Rule 602, a hearing officer “may ask agency staff to prepare reports or memoranda to be used in deciding a contested case.” IDAPA 37.01.01.602. The Hearing Officer finds it appropriate and helpful for the Department staff identified to testify at the hearing to prepare a memorandum outlining the subjects of the staff’s expected testimony at the hearing.

ORDER

IT IS HEREBY ORDERED that the *A&B Irrigation District’s Unopposed Motion to Amend Deadlines for Rebuttal Expert Reports/Depositions; Partial Unopposed Motion to Modify Response Deadline to Pending Motions Filed by IGWA and American Falls-Aberdeen Ground Water District* is GRANTED.

IT IS FURTHER ORDERED that the Department staff identified to testify at the hearing shall file an agency staff memorandum pursuant to IDAPA 37.01.01.602 outlining the subjects of their expected testimony.

IT IS FURTHER ORDERED that the *Scheduling Order* is AMENDED to add or modify the following deadlines:

- Dec. 9, 2025** Deadline for A&B to respond to the *American Falls Motion* and *IGWA Motion*.
- Dec. 16, 2026** Deadline for the parties to file any reply brief.
- Dec. 19, 2025** Deadline for the parties to exchange rebuttal expert reports, if any. If an updated curricula vitarum for the rebuttal expert witness was not previously disclosed, one shall be provided with their report.
- Dec. 30, 2026** Deadline for the Department staff to provide an agency staff memorandum explaining what they anticipate testifying about at the hearing.
- Jan. 9, 2026** Deadline for the parties to complete all depositions.

DATED this 25th day of November 2025.



GERALD F. SCHROEDER
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of November 2025, the above and foregoing, was served by the method indicated below, and addressed to the following:

Travis L. Thompson PARSONS BEHLE & LATIMER PO Box 63 Twin Falls, ID 83303-0063 tthompson@parsonsbehle.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Abby R. Bitzenburg PARSONS BEHLE & LATIMER PO Box 63 Twin Falls, ID 83303-0063 abitzenburg@parsonsbehle.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Norman M. Semanko Garrett M. Kitamura PARSONS BEHLE & LATIMER 800 W. Main Street, Suite 1300 Boise, Idaho 83702 nsemanko@parsonsbehle.com gkitamura@parsonsbehle.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Thomas J. Budge Elisheva M. Patterson RACINE OLSON PO Box 1391 Pocatello, ID 83204-1391 tj@racineolson.com elisheva@racineolson.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Sarah A Klahn Maximilian C. Bricker Somach Simmons & Dunn 1155 Canyon Blvd, Ste. 110 Boulder, CO 80302 sklahn@somachlaw.com mbricker@somachlaw.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC PO Box 107 Boise, ID 83702 cmchugh@mchughbromley.com cbromley@mchughbromley.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Skyler C. Johns Nathan M. Olsen Steven L. Taggart OLSEN TAGGART PLLC PO Box 3005 Idaho Falls, ID 83403 sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email

COURTESY COPIES VIA EMAIL TO:

Craig Chandler
IDWR—Eastern Region
craig.chandler@idwr.idaho.gov

Corey Skinner
IDWR—Southern Region
corey.skinner@idwr.idaho.gov



Sara Ajeti
Deputy Attorney General