

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

IN THE MATTER OF THE WATER
RIGHTS OF: MICHAEL BEER AND LORI
BEER AND WATER RIGHT NO. 29-13740

Docket No. CM-DC-2021-001

**SCHEDULING ORDER, THIRD NOTICE
OF CONTINUED PREHEARING
CONFERENCE, AND NOTICE OF
HEARING**

BACKGROUND

On February 11, 2021, the Idaho Department of Water Resources (“Department”) received a Petition for Delivery Call (“Petition”) filed by Michael and Lori Beer (“Petitioners”). The Petition requests administration of ground water use by the Lava Ranch Property Owners Association, Inc. (“LRPOA”) to deliver water to the Beers’ water right number 29-13740.

The Department held a continued prehearing conference on January 31, 2022, in the above-referenced matter. During the continued prehearing conference, Petitioners agreed to amend the Petition to describe an “area of common ground water supply” (ACGWS) consistent with IDAPA 37.03.11—Conjunctive Management of Surface and Ground Water Resources, Rule 30.01.d. Petitioners filed their *Amended Petition for Delivery Call* on February 22, 2022.

On April 14, 2022, the Department held a second continued prehearing conference via videoconference. All parties and their representatives were present and participated via Zoom. During the prehearing conference, the parties requested that the matter be set for hearing and established an agreed upon hearing schedule.

At the April 14 prehearing conference, in accordance with IDAPA 37.01.01.521, the Hearing Officer authorized the parties to conduct and engage in discovery.

SCHEDULING ORDER

IT HEREBY ORDERED that the following schedule is ADOPTED:

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| July 1, 2022 | Deadline to serve written discovery requests. Answers to discovery are due within 30 days of the service date of the request. |
| July 19, 2022 | Deadline for parties to file dispositive motions. Responses to dispositive motions are due within 14 days of the service date of a motion. Replies to responses are due within 7 days of the service date of a response. |
| July 29, 2022 | Deadline for parties to submit expert reports and file a list of expert witnesses they intend to rely upon at the hearing, including names, addresses, phone numbers, and updated curricula vitarum. |

August 26, 2022 Deadline for parties to submit rebuttal expert reports and file a list of rebuttal expert witnesses they intend to rely upon at the hearing, including names, addresses, phone numbers, and updated curricula vitarum.

September 6, 2022 Deadline for parties to submit a list of lay witnesses and exhibits they intend to rely upon at the hearing. The list should include lay witnesses' names, addresses, and phone numbers, and include a brief summary of their scope of testimony. Please provide three copies of the proposed exhibits to the hearing officer. One of these three copies will be placed on the witness stand, so there is no need to bring extra copies of exhibits for witnesses. Please also provide electronic copies of the proposed exhibits to the hearing officer. Proposed exhibits for the hearing officer should be submitted to the Department's State Office in Boise and to mathew.weaver@idwr.idaho.gov.

THIRD NOTICE OF CONTINUED PREHEARING CONFERENCE

NOTICE IS HEREBY GIVEN that a continued prehearing conference will be held in the above-captioned matter on **September 13, 2022, at 3:00 p.m. (MT)**. The conference meeting will be held via Zoom virtual conferencing. All parties must be present at the continued prehearing conference. The parties shall come prepared to discuss any proposed settlement and to identify and discuss issues to be addressed at hearing.

To join the Zoom conference via computer or smartphone, please click the following link, follow the prompts, and wait to be admitted by the meeting host: <https://us02web.zoom.us/j/83104753766?pwd=R0hwdFAwdUpHQUlzMTRZVWFIS25iUT09>.

To join the Zoom conference via telephone, please dial by your location and enter the meeting ID and passcode when prompted:

+1 253 215 8782 US (Tacoma)
+1 669 900 9128 US (San Jose)

Additional location telephone numbers can be found at:
<https://us02web.zoom.us/j/83104753766?pwd=R0hwdFAwdUpHQUlzMTRZVWFIS25iUT09>.

Meeting ID: 831 0475 3766
Passcode: 156148

The continued prehearing conference will be held in accordance with provisions of Chapters 1, 2, and 6, Title 42, Idaho Code, and the Department's Rules of Procedure (IDAPA 37.01.01). Anyone may obtain a copy of the Rules of Procedure from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/370101.pdf>.

The conference will be conducted in a manner that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations to attend, participate in, or understand the conference, please advise the Department no later than five (5) days before the conference. Inquiries for special accommodations should be directed to Sarah Tschohl, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4815.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Deputy Director of the Department will hold a hearing in this matter on **September 20– 21, 2022, beginning each day at 9:00 a.m. (MT), in Pocatello, Idaho**, with the specific location to be provided to the parties closer to the date of hearing. All parties must be physically present at the hearing location to participate. Remote participation will not be supported.

The hearing will be held in accordance with provisions of Chapters 1, 2, and 6, Title 42, Idaho Code, and the Department’s Rules of Procedure (IDAPA 37.01.01). Anyone may obtain a copy of the Rules of Procedure from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/370101.pdf>.

The hearing will be conducted in a manner that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations to attend, participate in, or understand the hearing, please advise the Department no later than five (5) days before the hearing. Inquiries for special accommodations should be directed to Sarah Tschohl, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4815.

DATED this 2nd day of May 2022.

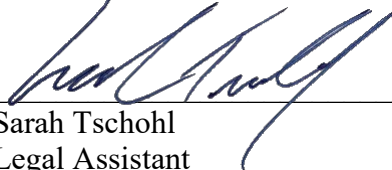


MAT WEAVER
Deputy Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 2nd day of May 2022, I caused to be served a true and correct copy of the foregoing *Scheduling Order, Third Notice of Continued Prehearing Conference, and Notice of Hearing*, by the method indicated below, upon the following:

<p>Lance J. Schuster BEARD ST. CLAIR GAFFNEY PA 955 Pier View Dr. Idaho Falls, ID 83402 lance@beardstclair.com <i>Attorney for Petitioners</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Michael A. Short Travis L. Thompson BARKER RSHOLT & SIMPSON LLP P.O. Box 63 Twin Falls, ID 83303-0063 mas@idahowaters.com tlt@idahowaters.com <i>Attorneys for LRPOA</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Michael and Lori Beer idbeer@me.com <i>Petitioners</i></p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Matt Groll mattgroll@gmail.com <i>President, LRPOA</i></p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Thomas Bland tomb1127@outlook.com <i>Former Board Member, LRPOA</i></p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>



 Sarah Tschohl
 Legal Assistant