

**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-MP-2016-001

**ORDER GRANTING UNOPPOSED  
MOTION TO AMEND HEARING  
SCHEDULE**

**AMENDED NOTICE OF HEARING**

IN THE MATTER OF IGWA'S  
SETTLEMENT AGREEMENT  
MITIGATION PLAN

**BACKGROUND**

On December 29, 2023, Hearing Officer Burdick issued an *Order Authorizing Discovery; Scheduling Order, Order Suspending IDAPA 37.01.01.354; Notice of Prehearing Conference and Hearing* setting a three-day hearing for March 11–13, 2024. On January 19, 2024, IGWA filed an *Unopposed Motion to Amend Hearing Schedule* (“*Motion*”) with the Department requesting the hearing be shortened to two days and reset to March 14–15, 2024. *Motion* at 1. The *Motion* states that IGWA conferred with “counsel for all parties in the above-captioned matter” and no party opposes the requested hearing date amendment. *Id.* On the grounds that it is unopposed, the hearing officer will grant the *Motion*.

**ORDER**

IT IS HEREBY ORDERED that IGWA’s *Unopposed Motion to Amend Hearing Schedule* is GRANTED.

IT IS FURTHER ORDERED that the prehearing date and hearing schedule set forth in the *Order Authorizing Discovery; Scheduling Order, Order Suspending IDAPA 37.01.01.354; Notice of Prehearing Conference and Hearing* remain unchanged, except for the March 11, 2024 deadline. The new deadline for the parties to submit to the Department three physical copies of their pre-marked, proposed hearing exhibits is March 14, 2024, prior to the start of the hearing. Exhibits shall be organized in binders that are labeled with the party’s name and include dividers that identify each exhibit by their number.

## AMENDED NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that Hearing Officer Burdick will hold a hearing in this matter on **March 14–15, 2024**. Each hearing day will begin at **9:00 a.m. (MT)**. The hearing will take place at the Department’s State Office, located at 322 E. Front Street, 6th Floor, Conference Rooms 602B–D, Boise, Idaho. All parties wishing to participate in the hearing shall be present in person. The issues for hearing are:

- 1) Did the Director error by not issuing an order specifying the actions needed to cure the 2022 breach of the 2016 Mitigation Plan<sup>1</sup> by certain ground water districts?
- 2) Did the Director error by not immediately issuing an order curtailing ground water districts that breached the 2016 Mitigation Plan in 2022?
- 3) Can the 2009 mitigation plan be used to cure the ground water districts’ 2022 breach of the 2016 Mitigation Plan?
- 4) What action must be taken by the ground water districts to cure their 2022 breach of the 2016 Mitigation Plan?

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

Webex links are provided below for those who wish to only observe the hearing:

**Hearing Day 1  
Mar. 14, 2024**

To observe via computer or smartphone, please click the following Webex link and follow the prompts:

<https://idahogov.webex.com/idahogov/j.php?MTID=m144c34d711c36280df4885f90859c2b1>.

To join via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: 2630 115 0779.

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<sup>1</sup> The “2016 Mitigation Plan” as defined within the August 2, 2023 *Final Order Regarding IGWA’s 2022 Mitigation Plan Compliance*.

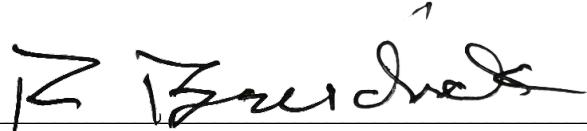
**Hearing Day 2**  
**Mar. 15, 2024**

To observe via computer or smartphone, please click the following Webex link and follow the prompts:

<https://idahogov.webex.com/idahogov/j.php?MTID=m39ca5e212da0799ababcd7f49c6b748d>.

To join via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: 2634 375 8451.

DATED this 23rd day of January 2024.

A handwritten signature in black ink, appearing to read "R. Burdick", written over a horizontal line. The signature is stylized and cursive.

ROGER S. BURDICK  
Hearing Officer

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January 2024, the above and foregoing, was served by the method indicated below, and addressed to the following:

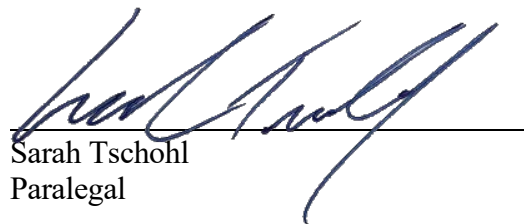
<p>John K. Simpson  MARTEN LAW LLP  PO Box 2139  Boise, ID 83701-2139  <a href="mailto:jsimpson@martenlaw.com">jsimpson@martenlaw.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Travis L. Thompson  Abigail R. Bitzenburg  MARTEN LAW LLP  PO Box 63  Twin Falls, ID 83303-0063  <a href="mailto:tthompson@martenlaw.com">tthompson@martenlaw.com</a>  <a href="mailto:abitzenburg@martenlaw.com">abitzenburg@martenlaw.com</a>  <a href="mailto:jnielsen@martenlaw.com">jnielsen@martenlaw.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher  FLETCHER LAW OFFICE  PO Box 248  Burley, ID 83318  <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
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<p>Skyler C. Johns  Nathan M. Olsen  Steven L. Taggart  OLSEN TAGGART PLLC  PO Box 3005  Idaho Falls, ID 83403  <a href="mailto:sjohns@olsentaggart.com">sjohns@olsentaggart.com</a>  <a href="mailto:nolsen@olsentaggart.com">nolsen@olsentaggart.com</a>  <a href="mailto:staggart@olsentaggart.com">staggart@olsentaggart.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>

Dylan Anderson DYLAN ANDERSON LAW PLLC PO Box 35 Rexburg, Idaho 83440 <a href="mailto:dylan@dylanandersonlaw.com">dylan@dylanandersonlaw.com</a>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
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*Courtesy copies to:*

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<p>Corey Skinner  IDWR—Southern Region  1341 Fillmore St., Ste. 200  Twin Falls, ID 83301-3033  <a href="mailto:corey.skinner@idwr.idaho.gov">corey.skinner@idwr.idaho.gov</a></p>	<p><input checked="" type="checkbox"/> Email</p>
<p>William A. Parsons  PARSONS, LOVELAND, SHIRLEY &amp;  LINDSTROM, LLP  PO Box 910  Burley, ID 83318  <a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a>  <a href="mailto:wparsons@magicvalley.law">wparsons@magicvalley.law</a></p>	<p><input checked="" type="checkbox"/> Email</p>



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