

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

IN THE MATTER OF MADISON GROUND
WATER DISTRICT AND HENRY’S FORK
GROUND WATER DISTRICT’S MITIGATION
PLAN FOR THE SURFACE WATER
COALITION

Docket No. CM-MP-2023-001

**NOTICE OF PREHEARING
CONFERENCE**

**ORDER APPOINTING HEARING
OFFICER**

BACKGROUND

On December 18, 2023, Madison Ground Water District and Henry’s Fork Ground Water District submitted a *Petition for Approval of Madison Ground Water District and Henry’s Fork Ground Water District’s Storage Water Mitigation Plan for the Surface Water Coalition* (“*Proposed Mitigation Plan*”) with the Department, pursuant to Rule 43 of the Department’s Rules for Conjunctive Management of Surface and Ground Water Resources (“CM Rules”), IDAPA 37.03.11.043. Notice of the *Proposed Mitigation Plan* and February 5, 2024 deadline to file a protest against its approval was published in accordance with the Department’s CM Rules. See IDAPA 37.03.11.043.02.

On February 2, 2024, A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company, American Falls Reservoir District #2, and Minidoka Irrigation District (collectively, the “Surface Water Coalition”) filed the *Surface Water Coalition’s Joint Protest* with the Department. On February 5, 2024, *American Falls-Aberdeen Ground Water District’s Protest* and the *City of Pocatello’s Protest* were filed. On February 6, 2024, the cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell (collectively, the “Coalition of Cities”) filed the *Coalition of Cities Protest to Madison Ground Water District’s and Henry’s Fork Ground Water District’s Mitigation Plan for the Surface Water Coalition*.¹

The Director, having determined that informal proceedings are unlikely to resolve this contested case, will set the matter for a prehearing conference and will appoint Gerald F. Schroeder, former Idaho Supreme Court Chief Justice, to serve as the hearing officer in this matter.

¹ Many of the parties’ initial filings in this matter included errors or unnecessary additions in their captions. To ensure an accurate record, the Department used text strikethrough and additions to correct the captions as needed and has lodged the petition and protests in only the above-captioned mitigation plan matter. Moving forward, the parties should only use the matter name and docket number listed in the caption above for any filings in this contested case.

NOTICE OF PREHEARING CONFERENCE

NOTICE IS HEREBY GIVEN that a prehearing conference in this matter will be held on **March 11, 2024, at 1:30 p.m. (MT)**, at the Department's State Office, located at 322 E. Front Street, 6th Floor, Conference Rooms 602B–D, Boise, Idaho. All parties must be present at the prehearing conference in person or by video conference. The parties shall come prepared to discuss proposed issues for hearing, potential consolidation of proceedings for hearing, any proposed settlement, and any other matters that could aid in the fair and efficient resolution of this contested case.

To join the conference via computer or smartphone, please click the following Webex link and follow the prompts:
<https://idahogov.webex.com/idahogov/j.php?MTID=mbd10765ae1aa4b6241e5b81d14bc1a22>.

To join the conference via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: 2630 118 0313.

The conference 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 prehearing conference will be conducted in a facility 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 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.

ORDER

IT IS HEREBY ORDERED that Gerald F. Schroeder is appointed to serve as hearing officer in this matter and is authorized to hear this contested case on behalf of the Department pursuant to IDAPA 37.01.01.410–414 and the provisions of chapter 52, title 67, Idaho Code. Hearing Officer Schroeder's contact information is as follows:

Gerald F. Schroeder
gerald_23107@msn.com

DATED this 23rd day of February 2024.

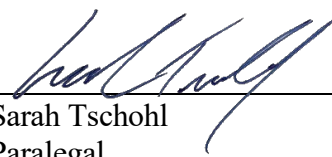


MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

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

<p>Jerry R. Rigby RIGBY, ANDRUS & RIGBY LAW, PLLC PO Box 250 Rexburg, ID 83440 jrigby@rex-law.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>John K. Simpson Travis L. Thompson Abby R. Bitzenburg MARTEN LAW LLP PO Box 63 Twin Falls, ID 83303-0063 jsimpson@martenlaw.com tthompson@martenlaw.com abitzenburg@martenlaw.com jnielsen@martenlaw.com</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 wkf@pmt.org</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>Sarah A. Klahn Maximilian C. Bricker SOMACH SIMMONS & DUNN, P.C. 1155 Canyon Blvd., Suite 110 Boulder, CO 80302 sklahn@somachlaw.com mbricker@somachlaw.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC 380 South 4th Street, Suite 103 Boise, ID 83702 cmchugh@mchughbromley.com cbromley@mchughbromley.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>



 Sarah Tschohl
 Paralegal