

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

IN THE MATTER OF MAGIC VALLEY
GROUND WATER DISTRICT’S MITIGATION
PLAN FOR THE SURFACE WATER
COALITION

Docket No. CM-MP-2023-005

**ORDER GRANTING IN PART
AND DENYING IN PART
STIPULATED MOTION TO
VACATE AND RESCHEDULE
PREHEARING CONFERENCE**

**NOTICE OF PREHEARING
CONFERENCE**

On February 23, 2024, the Director issued a *Notice of Prehearing Conference; Order Appointing Hearing Officer* setting a prehearing conference for March 11, 2024. On February 27, 2024, Magic Valley Ground Water District, the Surface Water Coalition, American Falls-Aberdeen Ground Water District, the City of Pocatello, and the Coalition of Cities filed a *Stipulated Motion to Vacate and Reschedule Prehearing Conference* (“*Motion*”) with the Department. The parties request the March 11, 2024 prehearing conference be vacated and rescheduled “within 10-14 business days (no earlier than April 5, 2024) following a decision from the Hearing Officer (Justice Roger Burdick) in contested case no. CM-MP-2016-001. . . . If this motion is granted counsel will coordinate with IDWR staff regarding re-scheduling the prehearing conference.” *Motion* at 2.

On the grounds that it is stipulated to by all parties, the hearing officer will grant the parties’ request to vacate the prehearing conference presently set for March 11, 2024. In the interest of ensuring the contested case advances without unnecessary delay, the hearing officer will deny the parties’ request to coordinate with the Department to reschedule the prehearing conference at a later date and will instead reschedule the prehearing conference for a date certain after April 5, 2024. If a decision on the pertinent issues in contested case No. CM-MP-2016-001 is not issued at least one week prior to the rescheduled prehearing conference, the hearing officer will entertain another motion to vacate and reschedule the prehearing conference at that time.

ORDER

IT IS HEREBY ORDERED that the parties’ *Stipulated Motion to Vacate and Reschedule Prehearing Conference* is hereby GRANTED IN PART and DENIED IN PART.

IT IS FURTHER ORDERED that the prehearing conference presently set for March 11, 2024, is hereby VACATED.

NOTICE OF PREHEARING CONFERENCE

NOTICE IS HEREBY GIVEN that a prehearing conference in this matter will be held on **April 8, 2024, at 1:30 p.m. (MT)**, at the Department's State Office, located at 322 E. Front Street, 6th Floor, Conference Rooms 602C–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.

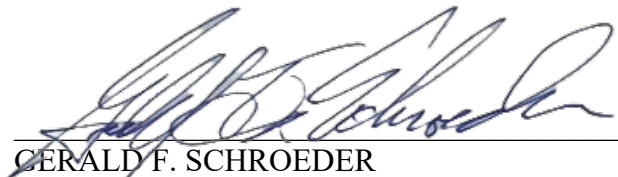
To join the conference via computer or smartphone, please click the following Webex link and follow the prompts:
<https://idahogov.webex.com/idahogov/j.php?MTID=mbd10765ae1aa4b6241e5b81d14bc1a22>.

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, PO Box 83720, Boise, Idaho 83720-0098, telephone (208) 287-4815, or email sarah.tschohl@idwr.idaho.gov.

DATED this 8th day of March 2024.

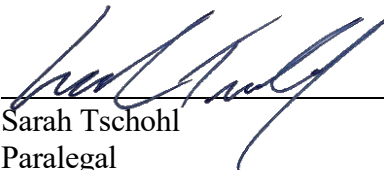


GERALD F. SCHROEDER
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March 2024, the above and foregoing, was served by the method indicated below, and addressed to the following:

<p>Andrew J. Waldera SAWTOOTH LAW OFFICES, PLLC Golden Eagle Building 1101 W. River Street, Suite 110 Boise, Idaho 83702 andy@sawtoothlaw.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>
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<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 vfrancisco@somachlaw.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
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Sarah Tschohl
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