

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

IN THE MATTER OF THE MITIGATION PLAN  
FILED BY FALLS IRRIGATION DISTRICT FOR  
THE DISTRIBUTION OF WATER TO WATER  
RIGHTS HELD BY THE SURFACE WATER  
COALITION

Docket No. CM-MP-2024-002

**NOTICE OF PREHEARING  
CONFERENCE**

**ORDER APPOINTING HEARING  
OFFICER**

**BACKGROUND**

On May 7, 2024, Falls Irrigation District submitted *Falls Irrigation District's Rule 43 Mitigation Plan* (“*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 June 24, 2024<sup>1</sup> 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 June 4, 2024, Idaho Ground Water Appropriators, Inc. (“IGWA”) filed *IGWA's Notice of Protest* with the Department.

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.

**NOTICE OF PREHEARING CONFERENCE**

NOTICE IS HEREBY GIVEN that a prehearing conference in this matter will be held on **July 30, 2024, at 1:30 p.m. (MT)**, at the Department’s State Office, located at 322 E. Front Street, 6th Floor, Conference Room 648A, 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, any proposed settlement, and any other matters that could aid in the fair and efficient resolution of this contested case.

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<sup>1</sup> Due to a printing error, the Rexburg Standard Journal was unable to publish the notice for two consecutive weeks as required and planned. The original notice identified the protest deadline as June 10, 2024. An amended notice was printed in the Rexburg Standard Journal for two consecutive weeks and the Department extended the protest deadline to June 24, 2024.

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=me19b8dc01ffa4a06b84673a1b739fc0b>.

To join the conference via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: 2631 213 3794.

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](mailto: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](mailto:gerald_23107@msn.com)

DATED this 12th day of July 2024.



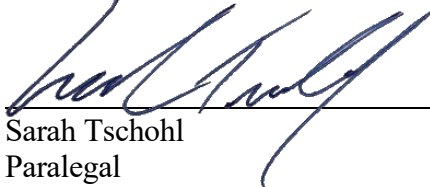
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MATHEW WEAVER  
Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 12th day of July 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> <a href="mailto:jwitt@martenlaw.com">jwitt@martenlaw.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>Thomas J. Budge Elisheva M. Patterson RACINE OLSON, PLLP PO Box 1391 Pocatello, Idaho 83204 <a href="mailto:tj@racineolson.com">tj@racineolson.com</a> <a href="mailto:elisheva@racineolson.com">elisheva@racineolson.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>

  
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Sarah Tschohl  
Paralegal