

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

IN THE MATTER OF FALLS WATER  
CO., INC.'S MITIGATION PLAN FOR  
THE SURFACE WATER COALITION

Docket No. CM-MP-2024-004

**ORDER GRANTING INTERVENTION  
AND AUTHORIZING EMAIL SERVICE  
NOTICE OF HEARING**

**BACKGROUND**

On November 22, 2024, Falls Water Co., Inc. (“Falls”) submitted *Falls Water Co., Inc.’s CM Rule 43 Mitigation Plan* with the Idaho Department of Water Resources (“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 March 31, 2025 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 March 28, 2025, Bonneville-Jefferson Ground Water District (“BJGWD”) filed a *Petition to Intervene* with the Department.

On March 31, 2025, 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*.

On April 25, 2025, Idaho Ground Water Appropriators, Inc. (“IGWA”) filed *IGWA’s Petition to Intervene*. On May 2, 2025, Falls filed an opposition to IGWA’s petition, which IGWA filed a response to on May 9, 2025.

On August 19, 2025, Hearing Officer Schroeder held a prehearing conference. All parties appeared represented by counsel. Initially, prehearing procedures and discovery needs, as well as dates for hearing were discussed during the conference. The Hearing Officer also requested the submission of prehearing briefs to help clarify the issues and positions of the parties. After agreeing on a date for hearing, and upon suggestion from the Hearing Officer, the parties agreed to submit a stipulation for scheduling and planning, addressing deadlines for discovery, expert report and witness disclosures, motions, and prehearing briefing.

After that, the Hearing Officer took up the pending petitions to intervene. During the conference, Falls confirmed that it does not oppose the intervention of BJGWD. Accordingly, the Hearing Officer granted BJGWD’s *Petition to Intervene*. Falls did, however, state that its objection to IGWA’s intervention in the matter still stood. After considering arguments from both sides and the standard set in IDAPA 37.01.01.353.01, the Hearing Officer granted IGWA intervention, with the understanding that IGWA will act in good faith and withdraw its intervention if it determines that its interests are adequately represented by BJGWD in the course of the proceedings.

Pursuant to IDAPA 37.01.01.514, the purpose of this order is to memorialize the rulings made and agreements reached during the prehearing conference. Additionally, although not previously discussed, the Hearing Officer will exercise his discretion to authorize the Department and the parties to officially serve documents by email in this contested case.

### ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that:

- (1) Bonneville-Jefferson Ground Water District's *Petition to Intervene* is GRANTED.
- (2) IGWA's *Petition to Intervene* is GRANTED.
- (3) The parties are to file a stipulation for scheduling and planning by October 1, 2025. Upon receipt, the Hearing Officer will issue an order adopting it in full or with modification.
- (4) Pursuant to IDAPA 37.01.01.053.02–03, the Department and the parties are authorized to serve documents by email as an alternative to service by mail or personal service. The emails included in the certificate of service below are to be used as the official service emails, unless a notice instructing otherwise is filed with the Department and properly served on the parties.


### NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that Hearing Officer Schroeder will hold a hearing in this matter on **February 3–4, 2026, at 9:00 a.m. (MT)**, at the Department's State Office. The hearing will take place at the Department's State Office, located at 322 E. Front Street, 6th Floor, Conference Rooms 602C–D, Boise, Idaho. All parties who wish to participate in the hearing and their witnesses shall be present in person.

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 reasonable accommodation to attend, participate in, or understand the conference, please advise the Department no later than five (5) days before the hearing. Inquiries for reasonable accommodations 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).

DATED this 15th day of September 2025.

  
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GERALD F. SCHROEDER  
Hearing Officer

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of September 2025, the above and foregoing, was served by the method indicated below, and addressed to the following:

Robert L. Harris, Esq. HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C. PO Box 50130 Idaho Falls, ID 83405 <a href="mailto:rharris@holdenlegal.com">rharris@holdenlegal.com</a>	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Skyler C. Johns OLSEN TAGGART PLLC PO Box 3005 Idaho Falls, ID 83403 <a href="mailto:sjohns@olsentaggart.com">sjohns@olsentaggart.com</a>	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
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Norman M. Semanko Garrett M. Kitamura PARSONS BEHLE & LATIMER 800 W. Main St. Suite 1300 Boise, Idaho 83702 <a href="mailto:nsemanko@parsonsbehle.com">nsemanko@parsonsbehle.com</a> <a href="mailto:gkitamura@parsonsbehle.com">gkitamura@parsonsbehle.com</a>	<input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
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Sarah Tschohl  
Paralegal