

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

IN THE MATTER OF JERRY D. AND VALERIE
H. BINGHAM’S MITIGATION PLAN FOR THE
SURFACE WATER COALITION

Docket No. CM-MP-2025-003

**NOTICE OF PREHEARING
CONFERENCE**

**ORDER APPOINTING HEARING
OFFICER**

BACKGROUND

On August 19, 2025, Jerry D. Bingham and Valerie H. Bingham (“Binghams”) submitted a *Mitigation and Curtailment Plan* (“*Proposed 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 September 22, 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 September 17, 2025, the Department received *American Falls-Aberdeen Ground Water District’s Protest to Jerry and Valerie Bingham’s Mitigation Plan*. On September 22, 2025, the Department received *Carey Valley Ground Water District Protest to Jerry Bingham Mitigation Plan* and the *Coalition of Cities’ Protest to Jerry Bingham Mitigation Plan*. On September 23, 2025, Idaho Ground Water Appropriators, Inc. (“IGWA”) filed *IGWA’s Notice of Protest* with the Department and subsequently filed *IGWA’s Petition to Intervene* on September 29, 2025. On September 30, 2025, the Binghams filed an opposition to IGWA’s request for intervention.

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 Roger S. Burdick, 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 **November 7, 2025, at 1 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 and entities seeking party status must be represented at the prehearing conference, whether in person or remote. Participants shall come prepared to discuss progress made toward settlement, proposed issues for hearing, scheduling and procedural requests, and any other matters that could aid in the fair and efficient resolution of this contested case.

NOTICE OF PREHEARING CONFERENCE; ORDER APPOINTING HEARING OFFICER

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=m81af91aabf0b5ddb83435d749d38f270>.

To join the conference via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: 2630 416 7429.

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>.

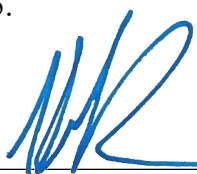
The prehearing conference will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require reasonable accommodation to attend, participate in, or understand the conference, please advise the Department no later than five (5) days before the conference. 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.

ORDER

IT IS HEREBY ORDERED that Roger S. Burdick 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 Burdick's contact information is as follows:

Roger S. Burdick
roburd47@gmail.com

DATED this 16th day of October 2025.

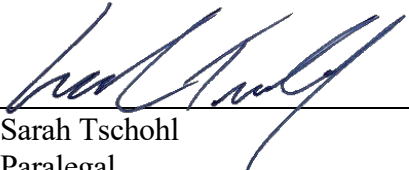


MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of October 2025, the above and foregoing, was served by the method indicated below, and addressed to the following:

Reed W. Larsen COOPER & LARSEN, CHARTERED PO Box 4229 Pocatello, ID 83205-4229 reed@cooper-larsen.com	☒ U.S. Mail, postage prepaid ☒ Email
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	☒ U.S. Mail, postage prepaid ☒ Email
Chris M. Bromley Candice McHugh MCHUGH BROMLEY, PLLC PO Box 107 Boise, ID 83701 cbromley@mchughbromley.com cmchugh@mchughbromley.com	☒ U.S. Mail, postage prepaid ☒ Email
Thomas J. Budge Elisheva M. Patterson RACINE OLSON, PLLP PO Box 1391 Pocatello, Idaho 83204 tj@racineolson.com elisheva@racineolson.com	☒ U.S. Mail, postage prepaid ☒ Email



Sarah Tschohl
Paralegal