

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

IN THE MATTER OF BIG LOST RIVER
GROUND WATER DISTRICT’S MITIGATION
PLAN FOR THE SURFACE WATER
COALITION

Docket No. CM-MP-2025-004

**AMENDED NOTICE OF
PREHEARING CONFERENCE**

**ORDER APPOINTING HEARING
OFFICER**

BACKGROUND

On September 24, 2025, the Big Lost River Ground Water District (the “District”) submitted *Big Lost River Ground Water District’s CM Rule 43 Mitigation Plan* (“*Proposed Mitigation Plan*”) to 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 the November 10, 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 November 3, 2025, the Department received the Surface Water Coalition’s¹ *Notice of Joint Protest*. On November 5, 2025, Idaho Ground Water Appropriator, Inc. (“IGWA”) filed *IGWA’s Notice of Protest*. On November 7, 2025, the Department received *American Falls-Aberdeen Ground Water District’s Protest to Big Lost River Ground Water District’s CM Rule 43 Mitigation Plan*.

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 **January 5, 2026, 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 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.

¹ The Surface Water Coalition consists of A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company.

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=mb692bd5fe874ad8fecf048bd360d5c71>.

To join the conference via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: 2865 314 6212.

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>.

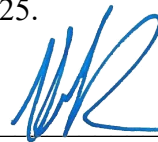
The prehearing conference will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require reasonable accommodation to attend, participate in, or understand the conference, please advise the Department no later than five (5) days before 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 21st day of November 2025.



MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of November 2025, the above and foregoing, was served by the method indicated below, and addressed to the following:

Robert L. Harris HOLDEN KIDWELL HAHN & CRAPO, P.L.L.C. PO Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Travis L. Thompson Abby R. Bitzenburg PARSONS BEHLE & LATIMER PO Box 63 Twin Falls, ID 83303 tthompson@parsonsbehle.com abitzenburg@parsonsbehle.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Norman M. Semanko Garrett M. Kitamura PARSONS BEHLE & LATIMER 800 W. Main Street, Suite 1300 Boise, Idaho 83702 nsemanko@parsonsbehle.com gkitamura@parsonsbehle.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Thomas J. Budge Elisheva M. Patterson RACINE OLSON, PLLP PO Box 1391 Pocatello, Idaho 83204 tj@racineolson.com elisheva@racineolson.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
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Sarah Tschohl
Paralegal