

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

IN THE MATTER OF APPLICATIONS)	
FOR PERMIT NO. 37-22682 AND)	
37-22852 IN THE NAME OF:)	
INNOVATIVE MITIGATION)	NOTICE OF CONSOLIDATED
SOLUTIONS LLC)	PRE-HEARING CONFERENCE AND
)	ORDER AUTHORIZING DISCOVERY
)	

On February 10, 2012, WOOD RIVER MITIGATION SOLUTIONS LLC, filed an Application for a Water Right Permit No. 37-22682 with the Idaho Department of Water Resources (department). The application proposes diversions from the Big Wood River for ground water recharge. The application was advertised in April, 2012 in the appropriate local and statewide newspapers. Protest(s) were filed by the following parties: TROUT UNLIMITED, DRY LOT LLC, IDAHO CONSERVATION LEAGUE, BLAINE COUNTY COMMISSIONERS OFFICE, WESTERN WATERSHEDS PROJECT, LANE RANCH HOMEOWNERS ASSN INC, WALKER SAND & GRAVEL LTD CO, HEART ROCK RANCH LLC, IDAHO POWER CO, IDAHO RIVERS UNITED, REDSTONE PARTNERS LP, PETER TRUST LP, PETER L STURDIVANT, ECCLES FLYING HAT RANCH LLC, ECCLES WINDOW ROCK RANCH LLC, DEPARTMENT OF INTERIOR BUREAU OF LAND MANAGEMENT, STATE OF IDAHO DEPARTMENT OF FISH AND GAME, THOMAS M O'GARA FAMILY TRUST, JOYCE GORDON, ERIC REMAIS, VALLEY CLUB OWNERS ASSN, FRANK ERWIN, HARRY S RINKER, & BIG WOOD CANAL CO. A Petition to Intervene was filed by THE VALLEY CLUB INC. on May 2, 2012.

A Settlement Agreement was received from Department of Interior Bureau of Land Management on December 19, 2012.

The applicant filed a name change with the department on June 6, 2013, changing the name to INNOVATIVE MITIGATION SOLUTIONS LLC.

An Amended Application for Permit was received on September 4, 2013. The amended application was advertised in October, 2013 in the appropriate local and statewide newspapers. Additional protest(s) were filed by the following parties: LOWER SNAKE RIVER ACQUIFER RECHARGE DISTRICT & DEPARTMENT OF INTERIOR BUREAU OF LAND MANAGEMENT (amended protest). In addition, a Petition to Intervene was filed by THE CITY OF HAILEY on November 12, 2013.

An initial Pre-hearing Conference was held on February 27, 2014 for application 37-22682. During the Pre-hearing Conference, the protestants requested that discovery be authorized. They requested the final date for discovery be determined at the second Pre-hearing Conference. During the Pre-hearing Conference, the applicant also requested a second Pre-hearing Conference be scheduled. During the conference

application 37-22852 was discussed and the possibility of consolidation was mentioned.

On October 21, 2013, INNOVATIVE MITIGATION SOLUTIONS LLC, filed Application for a Water Right Permit No. 37-22852 with department. The application proposes diversion of the Big Wood River for ground water recharge. The application was advertised in February, 2014, in the appropriate local newspaper. Protest(s) were filed by the following parties: DRY LOT LLC, IDAHO CONSERVATION LEAGUE, LANE RANCH HOMEOWNERS ASSN INC, HEART ROCK RANCH LLC, PETER TRUST LP, PETER L STURDIVANT, ECCLES FLYING HAT RANCH LLC, ECCLES WINDOW ROCK RANCH LLC, THOMAS M O'GARA FAMILY TRUST, VALLEY CLUB OWNERS ASSN, FRANK ERWIN, HARRY S RINKER, BIG WOOD CANAL CO., GOLDEN EAGLE HOA & LOWER SNAKE RIVER AQUIFER RECHARGE DISTRICT. A Petition to Intervene was filed by BLAINE COUNTY COMMISSIONERS OFFICE. on March 28, 2014.

ORDER CONSOLIDATING MATTERS

Both applications 37-22682 and 37-22852 propose diversions from the Big Wood River for ground water recharge. Both applications have a common applicant. The issues identified by the protestants for each application are similar if not the same. The protestants to these separate applications are common but not exactly the same. It is most efficient to consolidate these matters.

IT IS HEREBY ORDERED that the contested cases for application 37-22682 and 37-22852 are consolidated.

ORDER AUTHORIZING DISCOVERY

IT IS HEREBY ORDERED that the parties to this matter are authorized to engage in discovery beginning on the date of this order.

IT IS FURTHER ORDERED that discovery is limited to expert testimony and technical information that will be presented at the hearing.

IT IS FURTHER ORDERED that discovery shall be governed by the Idaho Rules of Civil Procedure. Specifically, depositions of expert witnesses must be taken according to the Idaho Rules of Civil Procedure, and any appropriate fee must be paid as set forth in the Rules of Procedure.

The conference will be held in accordance with provisions of the IDWR Rules of Procedure, Water Appropriation Rules 40 and 45, and in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise Denise Maline at IDWR, (208)736-3033 at least ten (10) days prior to the conference.

IDWR has scheduled the consolidated Pre-hearing Conference for applications 37-22682 and 37-22852 to be held on Monday, September 8, 2014 beginning at 10:00 a.m., at the Idaho Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, Idaho 83301. The presiding officer at the Pre-hearing will be Matthew Weaver, whose mailing address is 322 E. Front St., PO Box 83720, Boise, ID 83720-0098.

For those parties participating via telephone, please call AT&T at **215-446-0193** at the appropriate time on September 8, 2014 as listed above, and enter the assigned Participation Code Number: **675676, followed by the # key.**

Dated this 15th day of April, 2014

A handwritten signature in blue ink, appearing to read "Matthew Weaver", is written over a horizontal line.


For : Mathew Weaver
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 2014, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Notice of Consolidated Pre-Hearing Conference

See Attached Distribution List



**Denise Maline
Administrative Assistant**

Innovative Mitigation Solutions
2918 N El Rancho Pl
Boise, ID 83704

Idaho Dept of Fish & Game
Magic Valley Region
324 S 417 E, Suite 1
Jerome, ID 83338

Trout Unlimited Inc.
Attn: Peter Anderson
910 W Main St, Suite 342
Boise, ID 83702

Valley Club Owners Assoc.
PO Box 6733
Ketchum, ID 83340

Valley Club Owners Assoc.
c/o Barker Rosholt & Simpson
Attn: Travis Thompson
195 River Vista Pl, Ste 204
Twin Falls, ID 83301

Idaho Conservation League
c/o Bryan Hurlbutt
Advocates for the West
PO Box 1612
Boise, ID 83701

Blaine County Commissioners
Attn: Larry Schoen
206 1st Ave South, Suite 300
Hailey, ID 83333

Western Watersheds Project
Attn: Jon Marvel
PO Box 1770
Hailey, ID 83333

Lane Ranch H.O.A.
Golden Eagle H.O.A.
c/o Sun Country Mgmt
PO Box 1675
Sun Valley, ID 83353

Walker Sand & Gravel Ltd. Co.
Attn: Brad Walker
PO Box 400
Bellevue, ID 83313

Heart Rock Ranch LLC
PO Box 3724
Hailey, ID 83333

Peter Trust LP
2300 W Sahara Ave, Ste 530
Las Vegas, NV 89102

Idaho Power Company
c/o Barker Rosholt & Simpson
Attn: John K Simpson
PO Box 2139
Boise, ID 83701-2139

Idaho Rivers United
Attn: Kevin Lewis
PO Box 633
Boise, ID 83701

Redstone Partners LP
1188 Eagle Vista Ct
Reno, NV 89511

Redstone Partners LP
c/o Givens Pursley LP
Attn: Michael Lawrence
PO Box 2720
Boise, ID 83701-2720

Peter L Sturdivant
PO Box 968
Hailey, ID 83333-0968

Eccles Flying Hat Ranch LLC
Eccles Window Rock Ranch
PO Box 3028
Salt Lake City, UT 84110

Thomas M. O'Gara Family Trust
c/o Barker Rosholt & Simpson
Attn: Paul Arrington
195 River Vista Pl, Ste 204
Twin Falls, ID 83301

Dry Lot LLC
116 Valley Club Dr
Hailey, ID 83333

Dry Lot LLC
c/o Barker Rosholt & Simpson
195 River Vista Pl, Ste 204
Twin Falls, ID 83301

Joyce Gordon & Eric Remais
c/o Barker Rosholt & Simpson
Attn: Travis Thompson
195 River Vista Pl, Ste 204
Twin Falls, ID 83301

Frank Erwin
711 East Ave N
Hagerman, ID 83332

Harry S Rinker
PO Box 7250
Newport Beach, CA 92658-7250

Big Wood Canal Company
c/o Craig Hobdey
PO Box 176
Gooding, ID 83330

Bureau of Land Management
Attn: Fred Price
1387 S Vinnell Way
Boise, ID 83709-1657

USDA Forest Service
Attn: Steve Spencer
1805 Hwy 16, Rm 5
Emmett, ID 83617

Lower Snake River Aquifer
Recharge District
c/o Barker Rosholt & Simpson
195 River Vista Pl, Ste 204
Twin Falls, ID 83301

Brockway Engineering
2016 N Washington St, Ste 4
Twin falls, ID 83301

The Valley Club, Inc.
c/o Givens Pursley LLP
Attn: Michael Creamer
PO Box 2720
Boise, ID 83701-2720

City of Hailey
c/o Givens Pursley LLP
Attn: Michael Creamer
PO Box 2720
Boise, ID 83701-2720

Wood River Land Trust
Attn: Patti Lousen
119 E Bullion St
Hailey, ID 83333

Office of the Attorney General
Attn: Harriet Hensley
PO Box 83720
Boise, ID 83720-0010