

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)
SOLUTIONS LLC)

**SCHEDULING ORDER
and NOTICE OF HEARING**

On February 4, 2015, Mathew Weaver ("hearing officer") conducted the fourth consolidated pre-hearing conference ("conference") in the above-referenced matter. At the conference the applicant reported he was unable to reach a settlement with all of the parties and requested that the hearing officer proceed with scheduling the formal hearing. The parties discussed whether to schedule the formal hearing or postpone the hearing following completion of the Wood River Valley Groundwater Flow Model ("model"). The model is currently under development in a partnership between the Idaho Department of Water Resources ("Department") and the United States Geological Survey. The best estimate for completion of the model is the fourth quarter of 2015, with implementation and utilization of the model by the Department following sometime thereafter. Following discussion, the hearing officer decided to schedule a formal hearing in this matter. In addition, the hearing officer agreed to schedule deadlines for the parties to adhere to in preparation for the hearing.

At the conference several parties requested an opportunity for public testimony regarding the proposed applications for permit. After consideration, the hearing officer agreed to provide a two-hour block of time between the hours of 5 p.m. and 7 p.m. for public testimony.

Parties also requested that all documentation associated with this contested case be posted to the Department's internet webpage. The hearing officer has agreed to post previous Department notices in this matter; the Idaho Fish and Game's Preliminary Draft Report titled *Rationale for Protest of Permit Applications 37-22682 and 37-22852* dated December 11, 2014; and all future documentation on the Department's internet webpage at the following link:

http://idwr.idaho.gov/News/Issues/Innovative_Mitigation_Solutions/

Finally, a number of parties have not participated in any of the consolidated pre-hearing conferences to date. The Department will initiate default proceedings with any parties that fail to appear at the next pre-hearing conference as scheduled in this order. Default

proceedings will be consistent with Rules 700-702 of the Department's Rules of Procedure (IDAPA 30.01.01.700-702).

PARTIES

At the conference several parties requested an updated list of all current parties and their standing. Please find attached with this notice an updated list of all parties and their standing. This list will also be posted to the Department's internet webpage at the link described above.

SCHEDULING ORDER

Based upon and consistent with the foregoing, the hearing officer hereby **ORDERS** as follows:

1. April 30, 2015 Expert Reports deadline for service on the department and the parties
2. April 30 – May 21 Conduct depositions
3. May 21, 2015 Deadline to submit Expert Report Rebuttals
4. May 28, 2015 Pre-Hearing (notice of time and location to be provided to the parties at a later date)
5. June 8 – 12, 2015 Hearing
6. June 9, 2015 Public meeting beginning at 5 p.m. at the Community Campus, Theatre

NOTICE OF HEARING AND PUBLIC TESTIMONY

Please take notice that a formal hearing has been scheduled for **June 8 through 12, 2015, beginning at 9:00 a.m.** at the Blaine County School District's Community Campus, at 118 W. Bullion Street, in Conference Room 200, Hailey, Idaho. The hearing officer will be Mathew Weaver.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the Department's Rules of Procedure requires that a copy be provided to each party and to the hearing officer whose mailing address is P.O. Box 83720, Boise, Idaho 83720-0098.

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the Department, IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request.

The hearing and the public meeting will be conducted in a facility which meets 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 contact Deborah Gibson at (208) 287-4803, no later than ten (10) days prior to the hearing.

During the course of the hearing, all parties appearing in this matter will have the opportunity to present information, examine witnesses, and provide argument.

The Department also hereby provides notice that a two-hour period of time for public testimony is set for **Tuesday June 9, 2015, beginning at 5:00 p.m.** at the Blaine County School District's Community Campus at 118 W. Bullion Street, in the Theatre, Hailey, Idaho. Any persons planning to testify during this time will be treated as a public witness, with rights and status in this matter as defined by Rule 355 of the Department's Rules of Procedure (IDAPA 30.01.01.355).

Dated this 13 day of March, 2015



Mathew Weaver
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of March, 2015, a true and correct copy of the document described below was served by placing a copy of the same with the United States Postal Service, certified mail with return receipt, postage prepaid and properly addressed to the following:

Document Served: Scheduling Order and Notice of Hearing

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

Idaho Conservation League
c/o Marie Callaway Kellner
PO Box 844
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

Frank Erwin
711 East Ave N
Hagerman, ID 83332

Peter Trust LP
P.O. Box 642
Sun Valley, ID 83353

Harry S Rinker
PO Box 7250
Newport Beach, CA 92658

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
c/o Steve Beevers
1188 Eagle Vista Ct
Reno, NV 89511

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

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

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

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

Office of the Attorney General
Attn: W. Dallas Burkhalter
PO Box 25
Boise, ID 83707

Dry Lot, LLC
Lower Snake River Aquifer
Recharge District
Thomas M. O'Gara Family
Trust
c/o Barker Rosholt & Simpson
Attn: Travis Thompson
195 River Vista Pl, Ste 204
Twin Falls, ID 83301

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

COURTESY COPIES:

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

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

USDA Forest Service
Attn: Steve Spencer
1805 Hwy 16, Rm 5
Emmett, ID 83616

Pepin Corso-Harris
11 Purple Sage Lane
Bellevue, ID 83313


Deborah Gibson
Administrative Assistant

Party Status Summary**Applications for Permit No. 37-22682 and 37-22852 in the Name of Innovative Mitigations Solutions LLC**

No.	Name	Representative(s)	Party Status
1	Innovative Mitigation Solutions	Dave Tuthill	Applicant
2	Big Wood Canal Co.	Craig Hobdey	Protestant
3	Blaine County Commissioners Office	Larry Schoen	Protestant
4	City of Hailey	Michael Creamer	Intervenor
5	Dry Lot LLC	Travis Thompson	Protestant
6	Eccles Flying Hat Ranch LLC	Charles G. Brockway, Spencer Eccles	Protestant
7	Eccles Window Rock Ranch LLC	Charles G. Brockway, Spencer Eccles	Protestant
8	Frank Erwin	Frank Erwin	Protestant
9	Harry S Rinker	Harry Rinker	Protestant
10	Heart Rock Ranch LLC	Charles G. Brockway, Harry Hagey	Protestant
11	Idaho Department of Fish and Game	Dallas Burkhalter, Douglas Megargle, Mike McDonald, Walt Pool	Protestant/Intervenor
12	Idaho Conservation League	Marie Kellner, Bryan Hurlbutt	Protestant
13	Idaho Power Company	John Simpson	Protestant
14	Idaho Rivers United	Kevin Lewis	Protestant
15	Lane Ranch Homeowners Assn. Inc.	Charles G. Brockway, Marc Reinemann	Protestant
16	Lower Snake River Aquifer Recharge Dist.	Travis Thompson, Bob Lorkowski, Paul Arrington	Protestant
17	Peter Sturdivant	Charles G. Brockway, Peter Sturdivant	Protestant
18	Peter Trust LP	Charles G. Brockway, Thomas A. Thomas	Protestant
19	Redstone Partners LP	Steve Beevers	Protestant
20	The Valley Club Inc.	Michael Creamer, Barry Bevers	Protestant/Intervenor
21	Thomas M O Gara Family Trust	Travis Thompson, Paul Arrington	Protestant
22	Trout Unlimited Inc.	Peter Anderson, Mark Davidson	Protestant
23	Bureau of Land Management	Fred Price	Protestant
24	Walker Sand and Gravel	Brad Walker	Protestant
25	Western Watersheds Project	Jon Marvel	Protestant

Applications for Permit No. 37-22682 and 37-22852 in the Name of Innovative Mitigations Solutions LLC

No.	Name	Representative(s)	Party Status
26	Concerned Water User	Pepin Corso-Harris	Interested Persons
27	Idaho Water Resource Board	Harriet Hensley, Clive Strong	Interested Persons
28	USDA Forest Service	Steve Spencer	Interested Persons
29	Wood River Land Trust	Patty Lousen, Kerri York	Interested Persons
30	Joyce Gordon & Eric Remais	Travis Thompson	Withdrawn Protestant
31	The Valley Club Owners Association	Travis Thompson	Withdrawn Protestant