

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

IN THE MATTER OF WHETHER TO  
DESIGNATE THE BIG LOST RIVER  
BASIN A CRITICAL GROUND  
WATER AREA OR A GROUND WATER  
MANAGEMENT AREA

Docket No. P-CGWA-2016-001

**ORDER EXTENDING DEADLINE FOR  
PETITIONS TO INTERVENE;  
ORDER AUTHORIZING DISCOVERY;  
SCHEDULING ORDER; ORDER  
REGARDING SERVICE OF  
DOCUMENTS; NOTICE OF SECOND  
PREHEARING CONFERENCE; AND  
NOTICE OF HEARING**

**BACKGROUND**

On September 19, 2016, Rose Bernal, Butte County Commissioner, submitted a letter to the Director (“Director”) of the Idaho Department of Water Resources (“Department”) including a petition requesting the Director “designate a critical ground water area in the Big Lost River Basin.” The petition was signed by over 200 water users in support of the request.

On January 9, 2017, the Director received a letter from Moj Broadie, Chairman of the Big Lost River Ground Water District (“BLRGWD”), opposing the petition to designate the Big Lost River Basin as a critical ground water area and requesting the Director “allow the BLRGWD to have broad participation” in the consideration of designating the Big Lost River Basin a critical ground water area or ground water management area. On January 23, 2017, the Director received another letter from Moj Broadie, asking the Director to consider designating the Big Lost River Basin a ground water management area “with due process procedures that would enable all interested parties to participate. . . .”

The above-described letters are petitions as defined by the Department’s Rule of Procedure 230. IDAPA 37.01.01.230. On March 23, 2017, the Director issued a *Notice of Prehearing Conference* scheduling a prehearing conference regarding the petitions on May 3, 2017. The Director also sent a letter to people holding or having an interest in a water right the Department identified may be impacted by a critical ground water area or ground water management area designation, informing them of the prehearing conference and a May 3, 2017, deadline for filing petitions to intervene.

The Director held a prehearing conference on May 3, 2017. Based upon and consistent with discussions at the prehearing conference, the Director will extend the deadline for filing petitions to intervene; authorize discovery; adopt a schedule; order the manner by which documents shall be served; and schedule a second prehearing conference and hearing as follows:

### **ORDER EXTENDING DEADLINE FOR PETITIONS TO INTERVENE**

IT IS HEREBY ORDERED that the deadline for filing petitions to intervene in the above-captioned matter and in accordance with the Department's Rules of Procedure is extended to **May 24, 2017**. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/0101.pdf>.

### **ORDER AUTHORIZING DISCOVERY AND SCHEDULING ORDER**

IT IS HEREBY ORDERED that the parties are authorized to conduct and engage in discovery.

IT IS FURTHER ORDERED that the following schedule is ADOPTED:

<b>June 14, 2017</b>	Deadline for parties to submit summary position statements. Statements must explain the position the party intends to advance at the hearing.
<b>July 12, 2017</b>	Deadline for parties to submit lists of witnesses they may call at hearing including a list of expert witnesses (with summaries of expert qualifications) and a list of all other expected witnesses (including a summary of the scope of testimony). By this deadline the Department will also serve upon the parties a list of employees that may testify at hearing.
<b>Aug. 9, 2017</b>	Deadline for expert reports.
<b>Sept. 6, 2017</b>	Deadline for rebuttal expert reports.
<b>Sept. 28, 2017</b>	Deadline for completion of depositions.
<b>Sept. 28, 2017</b>	Deadline for parties to submit a proposed settlement, if any, to the Director for consideration.
<b>Oct. 18, 2017</b>	Deadline for parties to submit copies of exhibits they intend to rely upon at hearing. Three copies of each exhibit must be physically received by the Director by this deadline.

## ORDER REGARDING SERVICE OF DOCUMENTS

IT IS HEREBY ORDERED that all documents, including those required to be submitted by the deadlines described above, must be served upon the Department and parties as listed in the Certificate of Service posted in the upper right hand corner of the Department's website for this matter at: <https://idwr.idaho.gov/legal-actions/administrative-actions/Big-Lost-River-Basin-CGWA-petition.html>.

## NOTICE OF SECOND PREHEARING CONFERENCE

NOTICE IS HEREBY GIVEN that the Director will hold a second prehearing conference in this matter on **September 28, 2017, at 1:00 p.m. (MDT), at the Arco Butte Business Incubation Center, located at 159 N. Idaho St., Arco, Idaho 83213**. The purpose of the second prehearing conference will be to discuss any proposed settlement and/or the next steps for parties to prepare for the hearing.

The second prehearing conference will be held in accordance with provisions of Chapter 2 and 17, Title 42 and 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 or at <https://adminrules.idaho.gov/rules/current/37/0101.pdf>.

The second prehearing conference 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 second prehearing conference, please contact Kimi White at (208) 287-4815, no later than five (5) days prior to the conference.

## NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Director will hold a hearing in this matter on **October 30, 31, 2017, and November 1, 2, and 3, 2017, beginning each day at 9:00 a.m. (MDT), at the Arco Butte Business Incubation Center, located at 159 N. Idaho St., Arco, Idaho 83213**.

The hearing will be held in accordance with provisions of Chapter 2 and 17, Title 42 and 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 or at <https://adminrules.idaho.gov/rules/current/37/0101.pdf>.

The hearing 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 prehearing conference, please contact Kimi White at (208) 287-4815, no later than five (5) days prior to the conference.

DATED this 9<sup>th</sup> day of May 2017.

  
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GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9<sup>th</sup> day of May 2017, I served a true and correct copy of the foregoing document by U.S. mail on individuals listed in the document titled "Certificate of Service" dated May 9, 2017, and posted to the Department's website at:  
<https://idwr.idaho.gov/legal-actions/administrative-actions/Big-Lost-River-Basin-CGWA-petition.html>.



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Kimi White