

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

IN THE MATTER OF BIG WOOD RIVER
GROUND WATER MANAGEMENT AREA

IN THE MATTER OF APPLICATIONS
FOR PERMIT FOR THE DIVERSION AND
USE OF SURFACE AND GROUND
WATER WITHIN THE SNAKE RIVER
BASIN

AMENDED SCHEDULING ORDER

On March 31, 2023, the Director of the Idaho Department of Water Resources (“Department”) issued the *Order Consolidating Proceedings for Hearing, Authorizing Discovery, and Scheduling; Notice of Hearing* (“Consolidation Order”) in the above-captioned, consolidated matter. The first proceeding pertains to the May 17, 2022 *Order Establishing Moratorium for the Big Wood River Ground Water Management Area* and the second proceeding pertains to the October 21, 2022 *Amended Snake River Basin Moratorium Order* (collectively, “Orders”).

On June 2, 2023, the cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell (“Coalition of Cities”) and the City of Ammon, City of Bellevue, City of Hailey, City of Idaho Falls, City of Pocatello, Falls Water Co. Inc., Veolia Water Idaho, Inc., and Wellsprings Group, LLC (collectively, the “Municipal Providers”) filed their *Motion to Amend Scheduling Order* (“Motion”). The Motion requests that the Department move certain deadlines in the above-captioned matter to accommodate overlapping deadlines in the Surface Water Coalition Delivery Call proceeding, Department Docket No. CM-DC-2010-001 (“SWC Delivery Call”). The parties conferred in proposing new dates to the Department. It is the Director’s understanding that the parties do not object to moving certain deadlines in the Consolidation Order.

AMENDED SCHEDULING ORDER

The Director determined that amending the following filing deadlines would accommodate the parties as requested. Therefore, the following dates are amended as follows:

- July 11, 2023** Deadline for each party to deliver to the parties copies of their expert reports. This production deadline applies only to those parties who intend to argue against:
- (a) the Director’s conclusion that “[a]pplications for municipal water use and for domestic use from community water systems shall be considered fully consumptive”;

- (b) the Director’s issuance of a “moratorium on pending applications from mainstem Snake River between King Hill and Swan Falls”;
or
- (c) the Director’s conclusion regarding the impact of pumping on surface water sources upstream from Magic Reservoir, including Silver Creek.

July 14, 2023 Depositions may begin of the experts identified for purposes of meeting the above July 14, 2023 deadline.

August 11, 2023 Deadline for each party to deliver to the parties copies of their expert reports. This production deadline applies only to those parties who intend to argue in support of:

- (a) the Director’s conclusion that “[a]pplications for municipal water use and for domestic use from community water systems shall be considered fully consumptive”;
- (b) the Director’s issuance of a “moratorium on pending applications from mainstem Snake River between King Hill and Swan Falls”;
or
- (c) the Director’s conclusion regarding the impact of pumping on surface water sources upstream from Magic Reservoir, including Silver Creek.

August 28, 2023 Depositions may begin of the experts identified for purposes of meeting the above August 18, 2023 deadline.

The remaining deadlines listed in the March 31, 2023 Consolidation Order remain unchanged. The consolidated hearing dates also remain unchanged.

Based on the foregoing, IT IS HEREBY ORDERED that the above amended schedule is ADOPTED.

DATED this 7th day of June 2023.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June 2023, the above and foregoing was served by the method indicated below, and addressed to the following:

<p>Robert L. Harris HOLDEN, KIDWELL, HAHN & CRAPO, PLLC P.O. Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com <i>Attorneys for the City of Ammon, the City of Idaho Falls, and Falls Water Co., Inc.</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC 380 South 4th Street, Suite 103 Boise, ID 83702 cmchugh@mchughbromley.com cbromley@mchughbromley.com <i>Attorneys for Wellsprings Group, LLC, the City of Bellevue, the Coalition of Cities, the City of Meridian, the City of Boise, and the City of Post Falls</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>Michael P. Lawrence Charlie S. Baser GIVENS PURSLEY LLP P.O. Box 2720 Boise, ID 83701-2720 mpl@givenspursley.com csb@givenspursley.com <i>Attorneys for the City of Hailey and Veolia Water Idaho, Inc.</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>
<p>Dylan B. Lawrence VARIN THOMAS LLC P.O. Box 1676 Boise, ID 83701-1676 dylan@varinthomas.com <i>Attorneys for the Board of Commissioners of Elmore County</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email</p>

Thomas J. Budge
Elisheva M. Patterson
RACINE OLSON, PLLP
P.O. Box 1391
Pocatello, ID 83204
tj@racineolson.com
elisheva@racineolson.com

U.S. Mail, postage prepaid
 Email

Attorneys for IGWA

Jerry R. Rigby
Chase T. Hendricks
RIGBY, ANDRUS & RIGBY LAW, PLLC
25 North Second East
Rexburg, ID 83440
jrigby@rex-law.com
chendricks@rex-law.com

U.S. Mail, postage prepaid
 Email

Attorneys for the Upper Valley Districts and Big Wood & Little Wood Water Users Association

Sarah A. Klahn
Maximilian C. Bricker
SOMACH SIMMONS & DUNN
1155 Canyon Blvd., Ste. 110
Boulder, CO 80302
sklahn@somachlaw.com
mbricker@somachlaw.com

U.S. Mail, postage prepaid
 Email

Attorneys for the City of Pocatello

W. Kent Fletcher
FLETCHER LAW OFFICE
P.O. Box 248
Burley, ID 83318
wkf@pmt.org

U.S. Mail, postage prepaid
 Email

Attorneys for Big Wood Canal Company, American Falls Reservoir District #2, and Minidoka Irrigation District

James R. Laski
Heather E. O’Leary
LAWSON LASKI CLARK, PLLC
P.O. Box 3310
Ketchum, ID 83340
jrl@lawsonlaski.com
heo@lawsonlaski.com
efiling@lawsonlaski.com

U.S. Mail, postage prepaid
 Email

Attorneys for Galena Ground Water District

Albert P. Barker
Travis L. Thompson
MARTEN LAW LLP
P.O. Box 63
Twin Falls, ID 83303-0063
abarker@martenlaw.com
tthompson@martenlaw.com
jnielsen@martenlaw.com

U.S. Mail, postage prepaid
 Email

Attorneys for South Valley Ground Water District, A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company

Scott N. Pugrud
IDAHO POWER COMPANY
P.O. Box 70
Boise, ID 83707
spugrud2@idahopower.com

U.S. Mail, postage prepaid
 Email

John K. Simpson
MARTEN LAW LLP
P.O. Box 2139
Boise, ID 83701-2139
jsimpson@martenlaw.com

U.S. Mail, postage prepaid
 Email

Attorneys for Idaho Power Company

Norman M. Semanko
Payton G. Hampton
PARSONS BEHLE & LATIMER
800 West Main Street, Suite 1300
Boise, ID 83702
nsemanko@parsonsbehle.com
phampton@parsonsbehle.com
ecf@parsonsbehle.com

U.S. Mail, postage prepaid
 Email

Attorneys for Aberdeen-Springfield Canal Company

COURTESY COPIES TO:

BWRGWMA Advisory Committee Members: Email

Corey Allen

callen@sunvalley.com

Cooper Brossy

cooper.brossy@gmail.com

Rod Hubsmith

kaysi10@live.com

Sharon Lee

slee247@mac.com

Pat McMahon

pat@svwsd.com

Kristy Molyneux

jkmoly78@gmail.com

Carl Pendleton

pendletonranch@hotmail.com

Pat Purdy

pat@purdyent.com

William Simon

wasimon9@gmail.com

Michelle Stennett

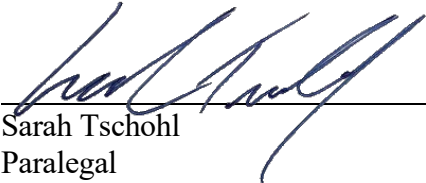
mstennett@senate.idaho.gov

Nick Westendorf

nick@4lfarms.com

Brian Yeager

brian.yeager@haileycityhall.org



Sarah Tschohl
Paralegal