

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

IN THE MATTER OF WATER SUPPLY
BANK LEASE CONTRACT AND RENTAL
AGREEMENT FOR WATER RIGHT NO.
35-4189 IN THE NAME OF J.R. SIMPLOT
COMPANY LLC

**ORDER GRANTING MOTION TO
DISQUALIFY HEARING OFFICER**

On July 14, 2025, J. R. Simplot Company, LLC (“Simplot”) filed an Application to Sell or Lease a Water Right to the Water Supply Bank (“WSB”) and an Application to Rent Water from the Board’s WSB with the Idaho Department of Water Resources (“Department”), proposing to lease a portion of water right 35-4189 to the WSB and rent that same portion from the WSB for irrigation use. On March 30, 2026, the Department issued Water Supply Bank Lease Contract No. 2137 and the Water Supply Bank Rental Agreement No. 997. On April 3, 2025, Simplot filed *J.R. Simplot Company, LLC’s Petition for Reconsideration, Modification and Request for Hearing on Water Supply Bank Lease Contract 2137 & Rental Agreement 997* (“Petition”).

On May 27, 2026, the Director of the Department issued an *Order Granting Request for Hearing and Appointing Hearing Officer*. The Director appointed Phill Hummer (“Hummer”), Water Rights Section Manager for the Department, to serve as hearing officer.

On June 5, 2026, Simplot filed a *Motion to Disqualify Hearing officer and Appoint Independent Hearing Officer* (“Motion”). In its *Motion*, Simplot contends that Hummer, who signed the lease contract and rental agreement for water right 35-4189, should not serve as hearing officer because he has had substantial prior involvement in the proceeding.

Pursuant to Rule 411 of the Department’s Rules of Procedure (IDAPA 37.01.01), “[p]residing officers may be disqualified as provided in Section 67-5252, Idaho Code.” Idaho Code § 67-5252(1) states:

Except as provided in subsection (4) of this section, any party shall have the right to one (1) disqualification without cause of any person serving or designated to serve as presiding officer, and any party shall have a right to move to disqualify for bias, prejudice, interest, substantial prior involvement in the matter other than as a presiding officer, status as an employee of the agency hearing the contested case, lack of professional knowledge in the subject matter of the contested case, or any other cause provided in this chapter or any cause for which a judge is or may be disqualified.

Because Hummer signed the lease contract and rental agreement at issue in this contested case, Hummer had some prior involvement in the matter. The question of whether Hummer's actions constitute "substantial prior involvement" could be disputed. For the sake of efficiency, however, the Department is willing to accept Simplot's allegation of Hummer's substantial prior involvement in the matter, disqualify Hummer as hearing officer, and appoint another hearing officer to handle this matter.

ORDER

IT IS HEREBY ORDERED that Simplot's *Petition* is GRANTED. Phill Hummer is disqualified to serve as hearing officer in this matter

IT IS FURTHER ORDERED that Amy Cassel 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 Cassel will initiate communication with counsel for the parties in this matter. Hearing Officer Cassel's contact information is as follows:

Amy Cassel
Idaho Department of Water Resources
Salmon Field Office
1301 Main Street, Suite 10
Salmon, ID 83467
(208) 742-0656
amy.cassel@idwr.idaho.gov

IT IS FURTHER ORDERED that Hearing Officer Cassel will schedule a prehearing conference within 30 days of the issuance of this order.

Dated this 7th day of July 2026.



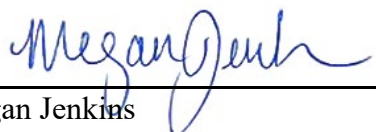
Mathew Weaver
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of July 2026, I served true and correct copies of the documents described below by the method indicated upon the following:

Documents Served: Order Granting Motion to Disqualify Hearing Officer

REBECCA VOSS REMINGTON BUYER J.R.SIMPLOT COMPANY LLC 1099 W FRONT ST BOISE, ID 83702 rebecca.voss@simplot.com remington.buyer@simplot.com <i>Petitioner</i>	☒ U.S. Mail, postage prepaid ☒ Email
CHRIS BROMLEY CANDICE MCHUGH MCHUGH BROMLEY PLLC PO BOX 107 BOISE, ID 83701 cbromley@mchughbromley.com cmchugh@mchughbromley.com <i>Attorneys for Petitioner</i>	☒ U.S. Mail, postage prepaid ☒ Email
AMY CASSEL amy.cassel@idwr.idaho.gov <i>IDWR Hearing Officer</i>	☒ Email



Megan Jenkins
Executive Assistant