

Cefalo, James

From: Cefalo, James
Sent: Friday, March 18, 2022 3:05 PM
To: Christopher H. Meyer; 'mark.sturtevant@pacificorp.com'; Buffi Morris (buffi.morris@pacificorp.com); Michael P. Lawrence; 'fredric_price@blm.gov'; Esralew, Rachel; Michael Robison
Cc: Henman, Christina; TJ Budge; 'eel@clydesnow.com'
Subject: Application for Transfer 85695 (PacifiCorp)

Dear Parties,

This email is meant to provide an update on the public notice process for Application for Transfer 85695. Based on the amount of water rights being changed, IDWR is required to provide statewide notice of the application pursuant to Idaho Code §§ 42-222(1) and 42-203A(3). To comply with this public notice requirement, IDWR must "achieve statewide circulation." Therefore, IDWR sent the public notice to major newspapers throughout the state. On February 9, 2022, IDWR emailed the public notice to the legal notice section of the Idaho Statesman (the Boise area paper). On February 9th, IDWR received an email from the Idaho Statesman confirming that the notice would be published beginning on February 17, 2022, as requested. As we were recently collecting the affidavits of publication from the various newspapers, we were notified by a representative from the Idaho Statesman that the legal notice was not published due to an error or oversight by the newspaper.

To comply with the requirements of Section 42-203A(3), the public notice must be published in the Idaho Statesman. It does not need to be re-published in any of the other papers in the state. We have just received confirmation that the public notice will be published in the Idaho Statesman on March 24 and 31, 2022. This additional publication has the effect of extending the protest deadline to April 11, 2022.

The previous protest deadline was March 7, 2022. Timely protests were filed by U.S. Fish & Wildlife Service, U.S. Bureau of Land Management, and a joint protest from canal companies in the Montpelier area (Dingle Irrigation, Black Otter, Ream Crockett, Preston-Montpelier Irrigation). On March 10, 2022, Bear River Water Users Association filed a Petition to Intervene in the contested case. Because of the non-publication by the Idaho Statesman, the protest period will be extended to April 11, 2022. BRWUA may choose to withdraw its Petition to Intervene and file a regular protest.

I apologize for the unexpected delay in the process. We plan to move forward with a preliminary conference as soon as the protest period ends.

 IDAHO DEPARTMENT OF
WATER RESOURCES
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