

## Grimm, Angie

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**From:** Cefalo, James  
**Sent:** Thursday, January 31, 2019 5:21 PM  
**To:** Christopher H. Meyer  
**Cc:** Michael P. Lawrence; Steven L. Burgos; Abigail Germaine; 'cbromley@mchughbromley.com'; Warren Stewart; Kyle Radek; Charles L. Honsinger; Brent Orton; Christopher E Yorgason; Cherese D. McLain; S. Bryce Farris; Andrew J. Waldera; Barker, Albert (IWRB Member); Richard T. Roats; Lisa Hughes; Debby Long; har@idahowaters.com; jroldan@cityofboise.org; Jessica Witt (jlw@idahowaters.com); Lori Gibson; bkm@msbtlaw.com; Keen, Shelley; Baxter, Garrick  
**Subject:** IMAP - IDWR Review Memo  
**Attachments:** IMAP IDWR Review Memo - Attachments.pdf; IMAP IDWR Review Memo.pdf

Chris,

Attached is a review memo for the IMAP, prepared by IDWR technical staff. IDWR conducts a review of every transfer application under the criteria set forth in Section 42-222, Idaho Code. For applications that are not protested, IDWR conducts its review shortly after the protest period has ended. For protested applications, however, IDWR generally suspends its review with the expectation that the statutory review criteria will be addressed within the contested case proceedings. If the protests are withdrawn prior to hearing, IDWR resumes its review of the application.

In this case, IDWR suspended its review of the IMAP at the time the matter was protested. Once all of the protests against the IMAP were withdrawn, IDWR could resume its review. At our last status conference (July 2018), I agreed to prepare a draft order setting forth the conditions to be added to SUEZ's water rights, taken from the various agreements with the protestants, and addressing a few additional concerns raised by the parties. As I started to prepare the draft order, I realized that certain sections of the order could not be completed until after IDWR conducted its review of the IMAP. In August 2018, Shelley Keen organized a group of employees to complete the IDWR review. I had hoped the review would only take a few months. Unfortunately, because of other demands on staff time, the review took five months to complete. During this time, I have intentionally kept myself out of the review process, in the outside chance the IMAP still ends up in an administrative hearing.

I received the attached review memo on January 14<sup>th</sup>. The memo describes IDWR's review process and identifies certain areas where additional information or clarification from SUEZ is needed. This email is meant to serve as IDWR's request to SUEZ to address the items raised in the memo. Please review the memo and respond to the requests for additional information or clarification. To avoid confusion and transcription errors, I am not going to restate the issues raised in the memo in this email. Please feel free to direct the additional information or responses to me. You can address the various items through separate filings if that would be helpful.

Once you've had a chance to read through the memo and discuss with SUEZ, please let me know what amount of time you may need to respond. Barring a need for follow-up requests, my goal would be to have the draft order completed within a couple of months after you respond to the memo. The draft order would be circulated to the parties for review. We can schedule a status conference at that time, if we find that one would be helpful.

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