



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

July 16, 2025

VEOLIA WATER IDAHO INC
C/O CHRIS MEYER
VIA Email to ChrisMeyer@givenspursley.com,

NAMPA & MERIDIAN IRRIGATION DISTRICT
SETTLERS IRRIGATION DISTRICT
C/O SAWTOOTH LAW OFFICES PLLC
ATTN S BRYCE FARRIS
VIA Email to bryce@sawtoothlaw.com

BOISE PROJECT BOARD OF CONTROL
C/O ALBERT P BARKER
VIA Email to abarker@martenlaw.com

RE: Stipulated and Conditional Withdrawal of Protest in the Matter of Veolia's Integrated Municipal Application Package

Dear Parties:

On June 9, 2025, the Idaho Department of Water Resources ("Department") emailed a letter and draft approval for Transfer No. 89499 ("Draft") to the applicant and remaining protestants. The letter gave the parties fourteen days to submit comments if they thought the Draft did not substantially conform with the stipulations for protest withdrawal. The Department received correspondence from the parties¹ ("Response Correspondence") identifying elements of the agreements adequately represented in the Draft and elements not adequately represented in the Draft. As a result, neither the Districts' nor the Boise Project's protests are considered withdrawn, and the pending application remains an active contested matter. The purpose of this letter is to respond to the comments and suggestions provided in the Response Correspondence and to demonstrate how the Department will incorporate those responses in an approval. If the Department's responses do not achieve satisfactory conformance with the stipulations, the matter will be referred to the hearing officer to resolve the remaining issues through formal proceedings.

¹ On June 23, 2025, the Department received the following: (1) a letter from Bryce Farris of Sawtooth Law Offices on behalf of Nampa & Meridian Irrigation District and Settlers Irrigation District (collectively, the "Districts"); (2) an email from Albert Barker of Marten Law, on behalf of the Boise Project Board of Control, Big Bend Irrigation District, Boise-Kuna Irrigation District, and Wilder Irrigation District (collectively, the "Boise Project"), expressing agreement with the Districts' letter; and (3) a letter from Chris Meyer of Givens Pursley, on behalf of the applicant, stating the applicant does not object to the Districts' recommendations.

The Response Correspondence addressed three elements of the stipulations. Each is listed and discussed below.

1. Stipulation Condition

The Districts request that the Stipulation Condition (Department Condition 020), which applies to all water rights involved in Transfer No. 89499, be revised to “specifically reference the Stipulation for Withdrawal of Protests between the Districts and Suez (filed on April 18, 2018).” The Department agrees to modify the condition as requested. The condition is modified as shown below:

The diversion and use of water described in Transfer 89499 may be subject to additional conditions and limitations agreed to by the participants in the IMAP contested case proceeding pursuant to separate agreements to which the Department is not a party. Because the Department is not a party to those agreements, the Department is not responsible for enforcement of any aspect of the agreements not specifically addressed in conditions herein. Enforcement of those agreements shall be the responsibility of the parties to the agreements. Such agreements may include, but are not limited to, IMAP Settlement Agreement Between Boise Project et al. and SUEZ (executed July 9, 2018), and Stipulation for Withdrawal of Protests between the Districts and Suez (filed on April 18, 2018).

The Department considers this issue to be resolved.

2. APOD Condition

The Districts note the APOD condition in the Draft does not include “the specificity of the scenarios outlined by Suez’s counsel.” However, they conclude that the condition as drafted is sufficient to address their concerns. The Boise Project agrees. The Department considers this issue to be resolved.

3. Re-Opener Condition

The Districts acknowledge the Department’s reticence to erode the finality of the transfer approval by including an official re-opener condition, and instead primarily focus on periodic reporting. The Districts suggest that Veolia will measure and record diversions throughout the planning horizon regardless of whether a condition of approval requires it. They also note that requiring periodic reports to the Department, with notice to interested parties, would not impose any additional burden on the Department. The Department agrees that periodic reporting during the planning horizon is minimally burdensome. The Department agrees to modify the condition language to include the requested reporting intervals as shown below.

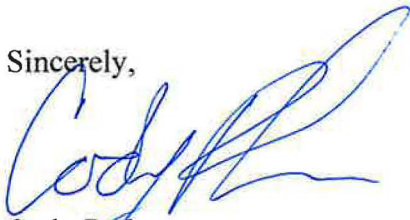
The right holder shall record the diversion volume measurements and maximum flow rates for each point of diversion monthly throughout the planning horizon. The measurement records must be made available to the Department upon request. Within 90 days of December 31, 2035, December 31, 2045, December 31, 2055, and upon the expiration of the planning horizon, the right holder shall prepare a report containing the measurement records and a gap analysis comparing peak demand with the right holder's portfolio of water rights and other entitlements available to meet that demand. The right holder shall submit the report to IDWR ~~within 90 days of the expiration of the planning horizon,~~ with notice provided by the right holder to the parties to transfer 89499.

The condition language does not include the final sentence proposed by the Districts: "The Department or the parties to the transfer may seek a review of the gap analysis provided through an informal proceeding, a contest case, or other available procedures." The Department elected not to include the proposed final sentence because the purpose of a review of the gap analysis is unclear and subject to multiple interpretations, which could invite further litigation over the transfer approval. That outcome erodes the finality of the approval and invites a future burden on Department resources to interpret or clarify the condition. However, the omission of the final sentence does not preclude the parties from seeking such a review through any legal means available at the time the reporting occurs.

Please review this letter carefully and notify the Department on or before July 25, 2025, if you believe the changes outlined above are insufficient to resolve your protests. If a party objects in writing to the proposed changes, the Department will refer the matter to the hearing officer to address the remaining issue(s) through a formal process. If the Department does not receive a response, the Department will proceed with finalizing the transfer approval since all protests have been resolved. As always, you may follow the necessary actions to obtain administrative review of the preliminary order as summarized on the Explanatory Information to Accompany a Preliminary Order sheet which will be issued with the preliminary order.

Thank you for your time and for your attention to this matter. Please let me know if you have any questions regarding the content of this letter. I look forward to your reply.

Sincerely,



Cody Parker
Water Resources Supervisor
IDWR Western Region