

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

**IN THE MATTER OF INTEGRATED
MUNICIPAL APPLICATION PACKAGE
("IMAP") OF SUEZ WATER IDAHO,
INC. FOR APPLICATIONS FOR
TRANSFERS OF WATER RIGHTS AND
APPLICATIONS FOR AMENDMENT
OF PERMITS**

**ORDER AMENDING CAPTION TO
REFLECT NAME CHANGE AND
UPDATING PARTY STATUS AND
SERVICE LIST; NOTICE OF STATUS
CONFERENCE**

BACKGROUND

On March 6, 2017, the Idaho Department of Water Resources ("Department") received *Suez's Motion to Change Caption to Reflect Name Change* explaining the applicant, formerly United Water Idaho Inc., changed its name in 2015 to Suez Water Idaho Inc. ("Suez"), and requesting the Director of the Department ("Director") amend the caption in this matter. That same day, Suez also filed *Suez's Motion Regarding Party Status and Service Protocol* ("Party Status Motion") requesting the Director issue several orders regarding the status of parties and service of documents. On March 9, 2017, Suez filed *Suez's Amendment to Motions Regarding Party Status and Service Protocol* ("Amended Party Status Motion"), to provide additional updates to the service list for the parties and their representatives. *Amended Party Status Motion* at 1 - 2.

On April 28, 2017, Suez filed *Suez's Submission of 2065 Master Water Plan and Request for Status Conference* submitting Suez's *Master Water Plan for the Years 2015-2065* and requesting a status conference to "provide the Department and the parties an opportunity to discuss the status of the proceeding and explore any procedural and other issues implicated by the submission of the *2065 Master Water Plan*." Suez also filed *Suez's 2017 Update Report on IMAP and 2065 Master Water Plan*.

On May 25, 2017, the Director issued the *Order Appointing Hearing Officer* appointing James Cefalo as the hearing officer in this matter.

On June 26, 2017, Suez filed *Suez's 2017 Supplement to the Update Report, Addressing APODs*.

On June 5, 2017, the City of Pocatello filed with the Department *Pocatello's Entry of Appearance and Request to Withdraw from Proceedings* ("Withdrawal"), explaining that Pocatello no longer wishes to participate as an "interested party" and Suez does not object to Pocatello's withdrawal. *Withdrawal* at 2.

On June 30, 2017, the Department issued a *Notice of Status Conference*, scheduling a status conference for August 24, 2017.

On August 24, 2017, the hearing officer conducted the status conference. Suez appeared in person represented by counsel, Christopher H. Meyer and Michael Lawrence and by Roger Dittus with Suez. The following parties also appeared in person or by telephone:

1. Big Bend Irrigation District represented by Albert P. Barker of Barker Rosholt & Simpson, LLP.
2. Boise-Kuna Irrigation District represented by Albert P. Barker of Barker Rosholt & Simpson, LLP.
3. Boise Project Board of Control represented by Albert P. Barker of Barker Rosholt & Simpson, LLP, and by Tim Page and Bob Carter.
4. City of Boise represented by Abigail Germaine attorney for the City of Boise.
5. City of Kuna represented by Richard Roats of Roats Law Office.
6. City of Meridian represented by Charles L. Honsinger of Honsinger Law, PLLC, and by Kyle Radek.
7. City of Middleton represented by Chris Yorgason of Yorgason Law Offices, PLLC
8. Nampa & Meridian Irrigation District represented by S. Bryce Farris of Sawtooth Law Office, PLLC.
9. Settlers Irrigation District represented by S. Bryce Farris of Sawtooth Law Office, PLLC.
10. Star Water & Sewer District represented by Cherese McLain of Moore Smith Buxton & Turcke, Chartered.
11. Wilder Irrigation District represented by Albert P. Barker of Barker Rosholt & Simpson, LLP.

Based upon discussions at the status conference, the hearing officer will grant Pocatello's request to withdraw from the proceeding, update the caption and the party status and service list, and schedule a status conference.

ORDER

IT IS HEREBY ORDERED that the caption in this matter is amended as reflected in the caption of this order.

IT IS FURTHER ORDERED that the current status of the parties in this proceeding is as shown in the Certificate of Service attached hereto.¹

IT IS FURTHER ORDERED that all documents intended to be part of the agency record shall be filed with the Department in accordance with the Department's Rule of Procedure 300 (IDAPA 37.01.01.300). Rule 300 requires that the parties file "[a]n original and necessary copies (if any are required by the agency)" of all documents intended to be part of the agency record in this matter with the hearing officer.² *Id.* Documents in excess of ten (10) pages must be sent by U.S. Mail or physically delivered to the agency. Documents ten (10) pages in length or less may be filed by facsimile transmission, but the original must still be mailed by U.S. mail or physically delivered to the agency the next working day. In addition to complying with Rule 300's requirements, parties who wish to email documents to the Department for filing should send them to **both** the hearing officer James Cefalo at james.cefalo@idwr.idaho.gov, and Kimi White at kimi.white@idwr.idaho.gov. Parties that email documents to the Department must still send the original documents to the hearing officer by U.S. Mail or physically deliver the documents to the agency the next working day.

IT IS FURTHER ORDERED that service of documents among the parties may be done by email as agreed upon by all the parties at the status conference. The posting of documents by the Department to its website is not a form of service.

NOTICE OF STATUS CONFERENCE

The hearing officer hereby notifies the parties that a status conference will be held on **November 9, 2017, at 4:00 p.m. (MST)**, in Conference Rooms B & C of the Department's State Office, located at 322 E. Front Street, 6th Floor, Boise, Idaho.

All parties must be present at the status conference in person or by telephone. If participating by telephone, please dial **1-720-279-0026** and provide participant code: **544840#**.

The status conference will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the Department's Rules of Procedure. IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/0101.pdf>

¹ "Interested parties" identified in the Certificate of Service will receive service of documents in this matter from the Department, but must be granted intervention pursuant to the Department's Rules of Procedure 350-354 (IDAPA 37.01.01.350-54) to participate as a party. Pocatello was identified as an "interested party" in the Department's August 8, 2012, *Order Affirming Party Status and Notice of Status Conference*. Pocatello has now withdrawn from this proceeding. Although the Certificate of Service attached includes Pocatello's representatives in this matter, Sarah A. Klahn and Mitra M. Pemberton with White & Jankowski, LLP, Pocatello will be removed from the service list going forward.

² The hearing officer's mailing address for this matter is 322 E Front St., P.O. Box 83720, Boise, ID, 83720-0098.

The status conference will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the status conference, please inform the Department no later than five (5) days prior to the conference. Inquiries for special accommodations should be directed to Kimi White, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4815.

DATED this 11th day of September 2017.



JAMES CEFALO
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September 2017, I served a true and correct copy of the foregoing document on the following by the method(s) indicated below:

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For Suez Water Idaho, Inc., Applicants

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For the City of Boise, Intervenor in Support

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For the City of Middleton, Protestant

Cherese D. McLain
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*For the Star Water & Sewer District, Protestant
and for the City of Eagle, Interested Party*

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*For Nampa & Meridian Irrigation District and
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*For Boise Project Board of Control, Big Bend
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District, and Wilder Irrigation District,
Protestants*

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For the City of Kuna, Interested Party

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*For the City of Pocatello, Interested Party
(withdrawn from contested case)*



Kimi White