


ADMINISTRATOR'S MEMORANDUM

Records No. 13

TO: Idaho Department of Water Resources
FROM: Mat Weaver, Deputy Director 
Date: March 31, 2022
RE: **PROCEDURES FOR ELECTRONICALLY FILED DOCUMENTS**

This Memorandum establishes the procedures the Department shall follow when it accepts or distributes email filings for all its business processes.

Idaho Code § 9-328(1) addresses the ability of agencies to employ non-paper document formats for official records. It states:

A state officer may receive, file or record documents in [their] office in paper form. When permitted by law or administrative rule, a state officer may alternatively receive, file or record documents which are transmitted on other media or by electronic means

The 2020 Idaho Legislature addressed the phrase "[w]hen permitted by law or administrative rule . . ." for IDWR by adding Idaho Code § 42-1805(12) to authorize the Director "to receive, file, record, or retain documents of record on media other than paper." This statutory change allowed IDWR to implement digital filing and record-keeping processes and to reduce its reliance on paper records.

On March 18, 2022, the new Rules of Procedure of the Idaho Department of Water Resources and Idaho Water Resource Board, IDAPA 37.01.01, became effective. These Rules also authorize email filing of documents with the Department, if sent to file@idwr.idaho.gov. Rule 53 states regarding email filing:

053. FILING AND SERVICE OF DOCUMENTS.

01. Filing of Documents with the Agency.

* * *

b. Documents may be filed by email as an alternative to filing by mail or personal delivery, at the following email address: file@idwr.idaho.gov. For purposes of filing by email, a "day" begins at 12:01 a.m. and ends at midnight, Mountain Time. Unless otherwise provided by statute, rule, order or notice, a document is considered filed on the day the email is sent if done so before midnight, Mountain Time, unless that date is a Saturday, Sunday or legal holiday, in which case it is deemed filed on the next available business day. Documents filed by email shall include the case number or, if none, other

identifying information in the email caption. A document required to be accompanied by a filing fee is not considered filed with the agency until the fee is received.

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04. Format for Electronic Filing and Service. Documents filed or served by email must be in Portable Document Format (“PDF”) and be text searchable. Each email filing or serving a document cannot be larger than 15 megabytes in size. Documents exceeding 15 megabytes in size may be divided into multiple documents and filed or served in multiple emails.

IDAPA 37.01.01.053.

1. “IDWR File” -- file@idwr.idaho.gov

The Office of Information Technology Services established an Outlook mailbox for e-mail filing labeled “IDWR File.” The following personnel can access the file:

- The State Office Front Desk Office Specialist II (“State FD OS2”);
- The Director’s Administrative Assistant; and
- The Water Rights Section Technical Records Specialist II.

The Director’s Administrative Assistant is the primary manager of the IDWR File.

In the Account Information for IDWR File, a permanent automatic reply shall be established for all incoming mail as follows:

The Idaho Department of Water Resources has received your email. The Department will review it and follow up with you as appropriate. Any document attached to your email will be considered filed on the day it was sent if done so before midnight, Mountain Time unless that date is a Saturday, Sunday, or legal holiday, in which case it is deemed filed on the next available business day. A document required to be accompanied by a filing fee is not considered filed with the agency until the fee is received.

The Director’s Administrative Assistant shall set and maintain the Advanced Options, AutoArchive Settings for IDWR File to permanently delete items in its Deleted Items folder after 180 days.

2. Initial Intake at the Front Desk

The State FD OS2 shall review and process the contents of the Inbox folder of the IDWR File every business day before noon. When the State FD OS2 is unavailable, this responsibility shall move down to the next available person listed in section 1.

Reviewing and processing the contents of the Filing Mailbox Inbox shall consist of:

- Reviewing the transmittal email to determine the appropriate filing date according to Rule 53.01.b, as if no filing fee is required;

- Opening the documents attached to the transmittal email and affixing the Department’s PDF digital filing stamp on each document with the appropriate filing date. If the Department received an applicable filing fee in advance of the filing, affix the digital fee received stamp.
- Saving the filed documents with the attached filing stamp into the appropriate N:/E-Filing folder as provided in section 3 below;
- Dragging and dropping the entire Outlook email file with attached documents into the appropriate N:/E-Filing folder shown in section 3 below;
- Moving the email filing from the Inbox folder into the Deleted Items folder; and
- Tracking filed documents in the IDWR E-File spreadsheet.

3. N:/E-Filing/Program Files

When processing and distributing files from the IDWR File, staff shall use the following N:/E-Filing folders. These folders correspond with the paper mail inboxes in the Department’s State Office lobby.

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|-----------------------|------------------------|
| • Adjudication | • Northern Region |
| • Allocation | • Southern Region |
| • Compliance | • Eastern Region |
| • Hearing Officer | • Western Region |
| • Legal | • Salmon Field Office |
| • Planning & Projects | • Preston Field Office |

Bureau, section, region, or field office (“Program”) staff responsible for each of the individual N:/E-Filing folders shall promptly move email filings that are inadvertently and mistakenly placed into their folder into the appropriate folder. The State FD OS2 will track documents filed in the IDWR E-File spreadsheet to record and track the type and number of documents electronically filed, and to assist in locating misplaced filings.

4. Program Processing

The staff responsible for each N:/E-Filing folder shall review the email filings in their N:/E-Filing folder each day. Each Program is responsible for considering whether the email filing, including attachments, satisfies Program requirements and then determining how to process it per the Program’s filing protocols. If the filing does not satisfy Program requirements, Program staff reviewing the filing shall contact the sender to inform them the filing is incomplete. Program staff cannot accept corrected, returned documents to their personal email, and should inform senders that corrected documents must be sent to file@idwr.idaho.gov. When the sender of a file requests a conformed copy, Program staff should secure the PDF-stamped document in Adobe Acrobat before emailing a conformed copy to the sender.

5. Process for Files Requiring a Filing Fee

When a filing submitted to the IDWR File requires a filing fee, Program staff shall inform the person or entity that submitted the filing that they must mail payment for the fees or pay the fees in person at a Department office before IDWR can process the filing.¹ Staff should not further process the filing until they have confirmed fee payment. Staff should not use credit or debit card information submitted in an email to pay fees. Program staff shall inform the State FD OS2 and the Regional or Field Office Front Desk staff member of expected fee payments and any identifying information needed to process the fee payment.

When the State Office Front Desk receives a fee payment, the State FD OS2 will process the payment as outlined in the Department's Front Desk Manual, Receipting Procedures. The State FD OS2 will generate a receipt and distribute it to the appropriate N:/E-Filing folder. The State FD OS2, using file@idwr.idaho.gov, will email the Program staff, informing them that the fee is received, and a receipt is available in their program folder. The Program staff member will then affix the Fee Received Stamp to the document.

When a Regional or Field Office receives a fee payment, that office should process the payment as outlined in the Department's Front Desk Manual, as previously described, unless the office has alternative processes in place. After processing a fee payment, Regional or Field offices should generate a receipt and email it to file@idwr.idaho.gov if the filing is being processed or addressed by State Office Program staff. If the filing is being processed or addressed at the Region or Field Office that received the fee, Regional or Field Office Front Desk staff shall email the receipt directly to the Program staff member that requested the fee. The State FD OS2 will distribute the emailed receipt to the appropriate Program staff (as outlined in the paragraph directly above). The Program staff member that receives the emailed receipt, either at the State Office or Regional Office, will then affix the Fee Received Stamp to the document.

6. Deleting Emails from IDWR File

As described in section 1, items in the Deleted Items folder of IDWR File will be automatically deleted after 180 days. If the Deleted Items folder becomes full, the State FD OS2 will delete the oldest items manually in reverse chronological order (oldest items first) until they create sufficient room to accommodate incoming filings.

7. Individual Program Protocols

Each Program shall establish protocols for securing, printing, distributing, or archiving emails and documents in its N:E-Filing/ program folder according to its business needs and requirements.

¹ As of 03/24/22, credit cards **cannot** be accepted over the phone. However, the Department is working with Access Idaho to acquire those capabilities. When that happens, this memo will be updated to allow payment over the phone.