

Re: [EXTERNAL] IDWR Procedural Rulemaking Information

Murdock, John A <john.murdock@sol.doi.gov>

Tue 5/25/2021 4:43 PM

Inbox

To: Costello, Sean <Sean.Costello@idwr.idaho.gov>;

Mr. Costello,

Thank you for the opportunity to comment. As I noted during the hearing, the proposed provisions on attorney representation create some concerns for federal officials. Proposed section 201.02.b ("All other parties shall appear and be represented by an attorney admitted to practice and in good standing in the state of Idaho.") could create problems for the Office of the Solicitor and other federal legal divisions which have attorneys spread throughout the country.

It is quite possible for an attorney in the Portland, Oregon Regional Office, a division in D.C., or even one located in the Boise Field Solicitor's office to not be a member of the Idaho Bar and yet still have the expertise that would normally lead to the person being the lead on a matter. Also, as noted on the call, some agencies have long empowered non-attorneys to take an active role in water rights matters, and Native American tribes may also rely on out-of-state attorneys or non-attorneys.

I was encouraged by acknowledgment on the call that the impacts on federal attorneys and officials had not yet been considered but would be. I look forward to seeing the result of that consideration and commenting further, if needed, on the updated draft.

All the best,

John Murdock

John Murdock
Attorney, Office of the Solicitor, Boise
(208) 334 - 1929

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From: Costello, Sean <Sean.Costello@idwr.idaho.gov>
Sent: Thursday, May 13, 2021 4:20 PM
To: Costello, Sean <Sean.Costello@idwr.idaho.gov>
Subject: [EXTERNAL] IDWR Procedural Rulemaking Information

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All – Please see attached for a Word version of the current IDWR preliminary rule draft / strawman. Here is the comment schedule:

1. Initial stakeholder comments due to IDWR – **May 26, 2021.**

2. IDWR develops and send Strawman 2.0 back out to stakeholders – **June 9, 2021**.
3. Second public negotiated rulemaking meeting – **June 16, 2021 @ 1:30 PM** (I will send out Zoom info. approx. two days before the meeting).

Please send all comments directly to me for now. The threshold question survey will come to each of you separately very soon. Please contact myself or Garrick if you have further questions / concerns. Thank you again for your engagement on this issue.

Sean Costello | Deputy Attorney General

Idaho Department of Water Resources

322 E. Front St., P.O. Box 83720

Boise, Idaho 83720-0098

Direct: (208) 287-4809

sean.costello@idwr.idaho.gov

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