

RE: [EXTERNAL] IDWR Procedural Rulemaking Information

Moon, Rebecca <Rebecca.Moon@simplot.com>

Wed 5/26/2021 3:24 PM

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

Cc: Conrad, Vic <Vic.Conrad@simplot.com>;

Hello Sean,

Please accept this e-mail as Simplot's comments to the initial strawman for IDWR's Rules of Procedure. Following the public hearing on May 12, 2021, Simplot agreed with many of the comments made on the Zoom call. However, as an initial matter, Simplot would like to recommend two changes:

- All notices under the rules should be by hardcopy paper with an option to opt-in to future electronic notifications for the remainder of that matter only; and
- Attorney engagement upon commencement of a formal proceeding should not be required; an entity's authorized employee (as allowed for informal hearings) should be sufficient.

Simplot reserves the right to make additional comments on the Strawman 2.0 set to be released on June 9, 2021.

Please let me know of any questions.

Best,
Rebecca

Rebecca Moon

Counsel – Real Estate

J. R. Simplot Company

[1099 West Front Street](#)

[Boise, Idaho 83702](#)

Direct: (208) 780-0223

Cell: (208) 803-5235

Rebecca.Moon@simplot.com



LEGAL REPRESENTATION NOTICE: If you are represented by counsel on this matter, please have your attorney contact me directly or ask your attorney to provide written consent for me to continue communicating with you regarding this matter.

CONFIDENTIALITY NOTICE: This e-mail, and any attachments hereto, is intended only for use by the intended recipient(s) and may contain information privileged by an attorney-client privilege or protected by an attorney work-product doctrine. If you are not an intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If the recipient is a government employee, government entity or government contractor, be advised that the J.R. Simplot Company considers this information private and does not consent to its release under a subsequent FOIA request. If you have received this e-mail in error, please immediately notify me by telephone at (208) 780-0223 and permanently delete the original and any copy of this e-mail and any printout thereof.

From: Costello, Sean <Sean.Costello@idwr.idaho.gov>
Sent: Thursday, May 13, 2021 4:21 PM
To: Costello, Sean <Sean.Costello@idwr.idaho.gov>
Subject: [EXTERNAL] IDWR Procedural Rulemaking Information

[Warning: External Email]

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

NOTICE: The e-mail may be confidential, privileged, and exempt from public disclosure, and the sender intends that it be used only by the individual or entity named above. If you are not the intended recipient, then you may not use, disclose, copy, or distribute the e-mail or its contents. If you believe you have received this e-mail in error, please immediately notify the sender and delete the copy you received