

## Costello, Sean

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**From:** Norman M. Semanko <NSemanko@parsonsbehle.com>  
**Sent:** Wednesday, July 7, 2021 8:25 PM  
**To:** Christopher H Meyer; Costello, Sean; Amy Johnson; Andy Waldera; Ann Vonde; Bryce Farris; Candice McHugh; Charlie S. Baser; Chris Bromley; Dan Condren; Debby Long; Dylan Lawrence; Jared Fluckiger; Jerry Rigby; Johanna Bell; John Murdock; Kent Fletcher; Marie Callaway Kellner; Michael P. Lawrence; Paul Arrington; Rebecca Moon; Ron Miller ; Sarah Higer; Sarah Klahn; Scott Pugrud; Tessa; TJ Budge; Vic Conrad  
**Cc:** Weaver, Mathew; Baxter, Garrick; Anderson, Peter; Cefalo, James  
**Subject:** Re: IDWR Procedural Negotiated Rulemaking Meeting Summary [IWOV-GPDMS.FID1061375]

All,

Please consider adding a mediation provision for contested cases. Here is some suggested language:

"Mediation. In all contested cases, upon request of one or more parties and with the consent of all parties, the department may assign a mediator. The mediator must be a department hearing officer, other duly authorized agent of the department, or attorney who has received training in dispute resolution techniques or has a demonstrated history of successfully resolving disputes, as determined by the department. A person who mediates in a particular contested case may not participate in a hearing in that case and may not prepare the proposed, recommended or final order in the case. The mediator may not communicate with employees or agents of the department regarding the mediation other than to inform them of the pendency of the mediation and whether the contested case settled."

\*Modeled after the Washington Pollution Control Hearings Board Rules of Procedure, WAC 371-08-395.



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**From:** Christopher H Meyer <ChrisMeyer@givenspursley.com>  
**Sent:** Wednesday, July 7, 2021, 7:18 PM  
**To:** 'Costello, Sean'; Amy Johnson; Andy Waldera; Ann Vonde; Bryce Farris; Candice McHugh; Charlie S. Baser; Chris Bromley; Dan Condren; Debby Long; Dylan Lawrence; Jared Fluckiger; Jerry Rigby; Johanna Bell; John Murdock; Kent Fletcher; Marie Callaway Kellner; Michael P. Lawrence; Norman M. Semanko; Paul Arrington; Rebecca Moon; Ron Miller ; Sarah Higer; Sarah Klahn; Scott Pugrud; Tessa; TJ Budge; Vic Conrad

**Cc:** Weaver, Mathew; Baxter, Garrick; Anderson, Peter; Cefalo, James

**Subject:** RE: IDWR Procedural Negotiated Rulemaking Meeting Summary [IWOV-GPDMS.FID1061375]

Sean,

Thanks again for the opportunity to comment and participate in this important process.

All indications are that IDWR's procedures will be streamlined, with attendant efficiencies and cost savings for all.

I am attaching identical Word and searchable pdf versions of SUEZ's comments on Strawman 2.

-Chris

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**From:** Costello, Sean <Sean.Costello@idwr.idaho.gov>

**Sent:** Thursday, June 24, 2021 11:23 AM

**To:** Amy Johnson <ajohnson@idl.idaho.gov>; Andy Waldera <andy@sawtoothlaw.com>; Ann Vonde <ann.vonde@ag.idaho.gov>; Bryce Farris <bryce@sawtoothlaw.com>; Candice McHugh <cmchugh@mchughbromley.com>; Charlie S. Baser <charliebaser@givenspursley.com>; Chris Bromley <cbromley@mchughbromley.com>; Christopher H Meyer <ChrisMeyer@givenspursley.com>; Dan Condren <dcondren@somachlaw.com>; Debby Long <debby@sawtoothlaw.com>; Dylan Lawrence <dylanlawrence@varinwardwell.com>; Jared Fluckiger <jared@racineolson.com>; Jerry Rigby <jrigby@rex-law.com>; Johanna Bell <jbell@idahocities.org>; John Murdock <john.murdock@sol.doi.gov>; Kent Fletcher <wkf@pmt.org>; Marie Callaway Kellner <mkellner@idahoconservation.org>; Michael P. Lawrence <mpl@givenspursley.com>; Norm Semanko <nsemanko@parsonsbehle.com>; Paul Arrington <paul@iwua.org>; Rebecca Moon <rebecca.moon@simplot.com>; Ron Miller <leggett1946@gmail.com>; Sarah Higer <swh@idahowaters.com>; Sarah Klahn <sklahn@somachlaw.com>; Scott Pugrud <spugrud2@idahopower.com>; Tessa <tessa@racineolson.com>; TJ Budge <tj@racineolson.com>; Vic Conrad <vic.conrad@simplot.com>

**Cc:** Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>; Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>; Anderson, Peter <Peter.Anderson@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>

**Subject:** IDWR Procedural Negotiated Rulemaking Meeting Summary

All – As promised I've attached a Word version of Strawman 2.0 to this email. The meeting audio will be available on the [Procedural Rulemaking webpage](#) later today.

Here is our anticipated schedule:

Second round of written comments due **July 7, 2021**;

*Notice of Rulemaking – Proposed Rule & Proposed Text* submitted **July 30** for publication **September 1**;

Around the time of the submission to OAR, IDWR will provide a second response document to stakeholders;

Comment period on *Proposed Text* and *Notice* will be **September 1 – September 22**; and

I will send out a specific link to the *Notice* and *Proposed Text* to the group once the Bulletin publishes.

Thanks again,

**Sean Costello | Deputy Attorney General**  
**Idaho Department of Water Resources**

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