

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

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 82161 IN THE)
NAME OF SUEZ WATER IDAHO INC.)
_____)**

**ORDER GRANTING REQUEST
FOR HEARING**

On February 5, 2018, the Idaho Department of Water Resources (“Department”) received Application for Transfer No. 82161 (“Application”) filed by SUEZ Water Idaho Inc. (“SUEZ”). The Application proposed to change the point of diversion and place of use for water right no. 63-123F.

On October 8, 2020, the Department issued *Preliminary Order Denying Transfer* (“Preliminary Order”). The Department denied the Application based on a determination that the changes proposed in the Application could not be accomplished without enlarging the use of the right or injuring other water right holders.

On October 22, 2020, SUEZ timely filed its *Petition for Reconsideration and Request for Hearing* (“Petition”). In its Petition, SUEZ asks the Department to reconsider the Preliminary Order because SUEZ asserts the changes proposed in the Application are not materially different from changes the Department has approved in other, similar applications. *Petition* at 2. Further, SUEZ asserts there is no material difference between diverting an “irrigation” water right with a volume limit into a municipal system instead of a “municipal” water right with a volume limit. *Petition* at 13.

SUEZ further states: “If the Department does not approve the Application with elements and conditions acceptable to SUEZ as requested in the Petition above, SUEZ will continue to be aggrieved. SUEZ has not previously been afforded an opportunity for a hearing in this matter, and therefore requests a hearing before the Director to which it is entitled under Idaho Code §§ 42-222(5) and 42-1701A(3). Among other things, such a hearing is necessary to adequately develop the record for a potential judicial review.” *Petition* at 16.

ORDER

IT IS HEREBY ORDERED that the Request for Hearing filed by SUEZ, is **Granted**. Because the Department is granting Suez’s request for hearing, Suez’s request for reconsideration is moot and will not be addressed in this order. The issues raised in the request for reconsideration can be raised as part of the hearing.

IT IS FURTHER ORDERED that by November 25, 2020, parties shall provide the Director availability calendars for a status conference to be held in January.

DATED this 12th day of November 2020.

A handwritten signature in blue ink that reads "Gary Spackman". The signature is written in a cursive style with a large initial "G".

Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November 2020, I served a true and correct copy of the foregoing document on the following by the method(s) indicated below:

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