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DEPARTMENT OF
WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF GROUND WATER DISTRICTS' APPLICATION FOR APPROVAL OF MITIGATION PLAN FOR THE AMERICAN FALLS REACH OF THE SNAKE RIVER	)	**MOTION TO DISMISS PETITION AND BRIEF IN SUPPORT THEREOF**

Idaho Power Company ("Idaho Power"), by and through its counsel, Brownstein Hyatt & Farber, P.C., and James C. Tucker, Senior Attorney for Idaho Power Company, respectfully submits to the Idaho Department of Water Resources (the "IDWR") its Motion to Dismiss the Petition in this matter. In support of its Motion, Idaho Power states as follows:

I. INTRODUCTION

On February 8, 2005, seven irrigation and groundwater districts (hereinafter collectively referred to as the "Districts") filed a Petition for approval of a proposed Mitigation Plan in this matter under Rule 43 of the Department's Rules for Conjunctive Management of Surface and Ground Water Resources.[1] The Districts purport to represent hundreds of members, who are using vast amounts of groundwater from the Eastern Snake Plain Aquifer ("ESPA"), over a wide geographical area. As a result, the scope and magnitude of this Mitigation Plan is enormous.

The Petition alleges the Mitigation Plan will mitigate material injury to senior surface water rights, if any, resulting from groundwater withdrawals under junior rights of the Districts' members in the year of injury. (Plan at 20.) The Districts propose to cap their mitigation at 65,000 acre-feet in any one year, despite the fact they admit based on their own calculations that potential shortages to senior natural flow water rights could range up to 304,000 acre-feet in any one year. (Plan at 25, 27.) Without admitting any material injury exists, the Mitigation Plan proposes to mitigate any material injury that may be demonstrated through a number of generally described means.

1. The Districts propose to acquire "replacement water" that can be delivered during periods when senior surface rights are deemed to be experiencing material injury due to withdrawals of junior priority groundwater rights. (Plan at 20.) Other than summarizing general categories of replacement water, the Plan does not specify what replacement water will be obtained; whether the Districts currently have any contract, lease or ownership interest in such replacement water; where or to whom the Districts will deliver

[1] There is currently pending in Case No. CV OC 0307551 D, in the District Court of the Fourth Judicial District, County of Ada, a case which challenges the constitutionality of the Department's Conjunctive Management Rules. Idaho Power has a pending motion to intervene in the Ada County proceedings. By filing this Motion and proceeding under the Rules in this matter, Idaho Power does not concede the constitutionality of the Conjunctive Management Rules, either on their face or as applied. Idaho Power reserves the right to challenge the constitutionality of the Conjunctive Management Rules or the application thereof in these or any other proceedings.

the replacement water; the quantity, quality and timing of the replacement water; or whether the replacement water will equal total cumulative out-of-priority depletions by the Districts' members.

2. The Districts propose to reduce groundwater withdrawals or surface water demand to the extent that replacement water cannot be obtained. (Plan at 21.) The Districts state only that they will "facilitate" such curtailment. (Id.) The Plan does not establish the authority of the Districts to actually curtail any use of water; the means by which water will be curtailed; where and to whom the curtailed water will be made available; or whether the curtailed water will be available to senior water rights at the time of need.
3. The Districts propose to "cooperate" with IDWR in the development of long-term, large scale aquifer recharge in the ESPA. (Plan at 21.) However, the State of Idaho has no funded, operating recharge program. Therefore, reliance on such a program is wholly speculative. Moreover, if such a program existed, it is presumed it would not be undertaken for the private benefit of the District's members. Therefore, the Districts cannot rely on such a program as mitigation under their proposed Plan.
4. The Districts propose to "participate on an equitable basis" in a state program to acquire below-Milner water rights for exchange into above-Milner storage. (Plan at 21.) Such a state program currently does not exist. As with the aquifer recharge program, reliance on such a scheme is totally speculative, and the presumed private benefit of such a plan is without foundation.

The Petition proposes to establish an accounting system to document credits for various sources of replacement water. However, no specific accounting system or methodology is proposed, presumably because the Districts cannot identify any specific source of replacement water, or by whom or to whom such water will be delivered. The Districts also propose

"adaptive management." It is unclear what this means, other than a mechanism to allow the Districts to amend the Mitigation Plan without having to file an amended mitigation plan. There is no apparent means of enforcement proposed in the Plan.

There is no need for this matter to go to a hearing. The Petition, on its face, is so deficient and devoid of information, that the Director must dismiss the Petition as inadequate, incomplete, and not in conformance with the Conjunctive Management Rules.

II. ARGUMENT

A. Petitioners have the burden to establish by a preponderance of the evidence that the proposed Mitigation Plan prevents or compensates for injury to senior water rights.

The ESPA is hydraulically connected to the Snake River and tributary surface water sources, including specifically the American Falls Reach. The ESPA and hydraulically connected surface sources are over appropriated and, as a result, junior water rights must be curtailed in accordance with the prior appropriation doctrine in order to satisfy senior water rights. See, Final Order Creating Water District No.120, at 4; Final Order Creating Water District No.130; In the Matter of Distribution of Water Rights Nos. 36-15501, 36-02551, and 36-07694, Amended Order, March 10, 2004, Paragraphs 2, 3, 5 and 6; In the Matter of Distribution of Water to Various Water Rights Held by or for the Benefit of A & B Irrigation District, et. al., Order, February 14, 2005, Paragraphs 5, 12, 59, 64, 67. The Director of the IDWR has a "clear legal duty" to distribute water in accordance with priority. Musser v. Higginson, 871 P.2d 809, 812 (1994).

Petitioners make clear in their Mitigation Plan that they are not conceding any material injury to senior water rights has occurred, is occurring, or will occur as a result of the pumping of water from the ESPA, and assert that information as to material injury has not been made available to them. (Plan at 3.) The implication of this position is that even if the Mitigation Plan

is approved, the Districts will challenge any assertion of material injury by a senior appropriator. Thus, the Mitigation Plan will accomplish nothing, other than to cap the Districts' potential liability in the event that senior appropriators are able to establish material injury. Presumably, the Districts will assert that it is up to senior surface users to establish that they have been materially injured by junior groundwater pumping. Only then would the Mitigation Plan become operational. This position of the Districts flip-flops the proper allocation of the burden of proof between juniors and seniors.

In Idaho, the burden is on the junior to establish that its use of water is not causing injury to a senior. For example, in A & B Irrigation District v. Idaho Conservation League, 958 P.2d 568, 578-79 (Idaho 1997), the court held that all water within the Snake River system is considered interconnected, unless proven otherwise by a party by a preponderance of the evidence. Therefore, it is up to the junior to show that water taken is not tributary. Martiny v. Wells, 419 P.2d 470, 474 (Idaho 1966). This position is consistent with the operation of the prior appropriation system in Idaho, under which junior appropriators are entitled to divert water only at such times as all prior appropriators are being supplied in full, under the conditions that existed at the time their appropriations were made. Beecher v. Cassia Creek Irr. Co., 154 P.2d 507, 510 (Idaho 1944). The right of the junior to use water is thus limited by the superior right of senior users to have water made available to them for their beneficial use. Of course, the right of the senior is subject to proscriptions against waste, and any injury must be material, but it is the burden of the junior to assert these issues as a defense. It is not the burden of the senior to prove beneficial use and injury in order to exercise the constitutional right to use water in priority.

The allocation of the burden of proof to the junior also is consistent with Colorado law. In In Re: Application for Water Rights of Park County Sportsmen's Ranch, LLP, 105 P.3d 595

(Colo. 2005), the Colorado Supreme Court upheld the dismissal of a proposed plan for augmentation – the Colorado equivalent of a mitigation plan. The Court held that the applicant failed to meet its burden to prove that its replacement water would prevent material injury to senior appropriators. The Court held that a junior appropriator must replace 100% of its withdrawals (not just its depletions), unless the junior can prove the amount and timing of its depletions, and either that its depletions are non-injurious or that its injurious depletions are less than its withdrawals. "Where surface water is overappropriated, Colorado law presumes that groundwater depletions through well pumping result in injury to senior appropriators absent a showing to the contrary." Id. "Surface water is overappropriated when there is not enough water in the stream during irrigation season or at other times of the year to satisfy all decreed appropriations." Id., n. 12 (citing Hall v. Kuiper, 510 P.2d 329, 330 (Colo. 1973)). Unless the junior could prove the timing of its depletions or evidence of its return flows, it was required to replace 100% of its withdrawals. In order to prove the plan would replace 100% of its withdrawals, the Court required the applicant to prove the location, quantity and time of its depletions, and the legal availability of its replacement water. Because the applicant did not prove these elements in its case in chief, its application was properly dismissed.

The holding in Sportsmen's Ranch is remarkably applicable to the District's Petition in this matter. The holding in Sportsmen's Ranch is consistent with the information required of an applicant under Rule 43 for a mitigation plan and the factors set forth in the Rule as to how the adequacy of a plan will be assessed. As discussed below, the Districts fail to meet or even allege compliance with these requirements. The Districts do not even allege in their Mitigation Plan that they will replace their depletions. The Plan fails to allege the location, quantity and time of the Districts' depletions or the legal availability of replacement water. Therefore, the Plan must be dismissed on its face.

In overappropriated stream systems, the State Engineer can curtail junior groundwater pumping without a finding that a specific senior appropriator was injured by junior pumping prior to curtailment. See Fellhauer v. People, 447 P.2d 986, 991 (Colo. 1969) ("Whenever a court or water administration official can make a finding that the pumping of a junior well materially injures senior appropriators who are calling generally for more water, there exists a legitimate and constitutional ground and reason for the regulation of the well, and a showing of a call against that well by a particular senior uses is not necessary.").

This is further demonstrated by the Colorado Supreme Court's decision in Kuiper. In Kuiper, the Colorado Supreme Court affirmed the State Engineer's denial of two well permit applications for new wells tributary to the Cache La Poudre River because there was no unappropriated water available, and because pumping under the permits would cause material injury to vested surface water rights. 510 P.2d at 330. On appeal, the plaintiffs argued that the State Engineer's finding of material injury was inadequate because he did not demonstrate material injury to any particular senior, and that the river was not, in fact, over-appropriated because excess water was available during storm and flood periods. The Court held that, under Fellhauer, there is no requirement that the State Engineer demonstrate material injury to a particular surface appropriator, so long as he can demonstrate "material injury to senior appropriators who are calling generally for more water." Id. at 331. The Court also rejected the plaintiffs' argument that there was unappropriated water available, finding that the effects of plaintiffs' proposed pumping would be felt on the river year-round, during flood times and during times when seniors were calling for water. Id. at 332. Therefore, to the extent that there was unappropriated flood water available, plaintiffs would not be able to appropriate such water without injury to seniors.

The implications of these tenants of the prior appropriation doctrine are obvious in this matter. Senior appropriators in the Snake River basin have been, and will continue to be, short of water. As a result, the Snake River system is overappropriated, and junior groundwater diversions are presumed to be causing injury. The burden is therefore on the Districts to prove either that their depletions are not causing injury to senior appropriators, or that their proposed Mitigation Plan prevents such injury. The proposed Mitigation Plan does neither of these. In fact, the Districts fail to acknowledge that any material injury exists, and only seek to cap their potential liability in the event that seniors are somehow able to assert and prove such injury. Such a plan is wholly deficient under Idaho's prior appropriation doctrine, and should be dismissed.

B. The proposed Mitigation Plan does not meet the minimum requirements established by Rule 43.

A mitigation plan is defined as a document that "identifies actions and measures to prevent, or compensate holders of senior-priority water rights for, material injury caused by the diversion and use of water by the holders of junior-priority groundwater rights within an area having a common groundwater supply." IDAPA 37.03.11.010.15. The proponent of a mitigation plan must meet three substantive requirements. First, the proponent must identify the water rights for which benefit the mitigation plan is proposed. Second, the proponent must provide a description of the plan setting forth the water supplies proposed to be used for mitigation and any circumstances or limitations on the availability of such supplies. Third, the proponent must provide such information as will allow the Director to evaluate the factors set forth in Rule 43 of the Conjunctive Management Rules. IDAPA 37.03.11.043.01.

As described below, the Districts' Mitigation Plan meets none of these requirements, and therefore must be dismissed as incomplete. Dismissal of the Petition for failure to provide

adequate information is consistent with the IDWR's Administrative Memorandum, Transfer Processing No. 24, Re: Transfer Processing Policies and Procedures, October 30, 2002 (the "IDWR Transfer Policies"). The IDWR Transfer Policies require that an application for transfer of water rights shall be "rejected if the applicant fails to provide additional or adequate information. . ." IDWR Transfer Policies at 13.

1. *The proposed Mitigation Plan fails to identify the water rights for which benefit the Mitigation Plan is proposed, and is therefore inadministrable.*

Rule 43.01.b. requires that a plan identify the water rights for which benefit the mitigation plan is proposed. The Mitigation Plan alleges it is submitted on behalf of and purports to benefit various members of the Districts submitting the Plan. (Plan at 1.) The Plan provides a general description of the Districts and their members, but fails to list the water rights held by their members which would benefit by the operation of the Plan.

Without a specific listing of water rights, the Mitigation Plan provides no basis for the Director to identify which rights benefit from the Plan and which rights do not. Without a listing of water rights benefited by the Plan, it is impossible to identify how much water is being diverted, by whom, and the depletive effect of such diversions on the Snake River. Therefore, the Plan is not administrable, and is deficient under the Rule.

2. *The proposed Mitigation Plan fails to set forth the water supplies proposed to be used for mitigation, and is therefore speculative.*

Rule 43.01.c. requires that a plan set forth the water supplies proposed to be used for mitigation. Additionally, Rule 43.03.h. requires that the Director assess the reliability of the source of replacement water over the term in which it is proposed to be used. The proposed Mitigation Plan sets forth no such supplies, and thus provides no basis for the Director to assess the reliability of replacement supplies. This is because the Districts apparently do not have any such supplies in hand. The Plan does not indicate that Petitioners have any firm commitment, in

the form of a contract, lease or purchase agreement, to acquire water from any specific source. The Plan simply describes four general categories of replacement water: storage water, leases, purchases, or groundwater pumping; curtailment of groundwater diversions; long-term reduction of groundwater withdrawals; and long-term aquifer recharge.

The state and other water users cannot possibly assess whether the proposed Plan will prevent injury to senior water rights unless the sources of replacement water proposed by the Districts are specifically identified. This means that the Districts must have replacement water under their ownership or control and, as required by the Rule, must specifically identify the replacement water.

Proposed replacement water must be available to senior water rights in quantities, at times, and at locations sufficient to replace all out-of-priority depletions under junior water rights. Rule 43.03.b. and c. If the replacement water is from storage, the state and other water users must know from where such water will be delivered, transit losses associated with such delivery, and the timing and availability of such water. If the replacement water is from leases, purchases or curtailment of irrigated land, the state and other water users must know the historic consumptive use of such land, the priority of the water right, the timing and availability of the historic consumptive use, and the provisions for dry-up and administration of consumptive use credits. This information is similar to that required for any transfer of water rights under the IDWR's Transfer Processing Policies and Procedures. Rule 43.03.i. requires the Director to assess whether a proposed mitigation plan proposes enlargement of the rate of diversion, seasonal quantity or time of diversion under any water right being proposed for use in the plan. It is impossible for the state and other water users to assess the viability of the Mitigation Plan unless the replacement water is available to the Districts and is specifically identifiable.

None of this necessary information is provided in the Districts' proposed Mitigation Plan. The Districts apparently do not in fact have any replacement water within their ownership and control at this time. All they promise is that they will somehow obtain such water. Without adequate replacement water currently in hand, there is no plan, only a hope that such water might be obtained. As a result, the Mitigation Plan is prospective, vague and speculative. It fails to meet the requirements of the Rule, and must be dismissed.

3. *The proposed Mitigation Plan fails to demonstrate compliance with the criteria set forth in Rule 43, and therefore must be dismissed as deficient on its face.*

Rule 43.01.d requires that a mitigation plan must provide information sufficient to allow the Director to evaluate the factors set forth in subsection 43.03. The proposed Mitigation Plan does not set forth such information, and therefore must be dismissed as deficient on its face. Among the deficiencies in the Plan are the following.

a. The delivery, storage and use of water pursuant to the Mitigation Plan is not in compliance with Idaho law.

Rule 43.03.a. requires that delivery, storage and use of water pursuant to the proposed plan must be in compliance with Idaho law. Because the Mitigation Plan does not identify the replacement water to be used under the Plan, it is impossible to determine that the Plan will operate in compliance with Idaho law.

A mitigation plan is in fact a change of water rights. Proposed replacement water will be taken from its original purpose, type and place of use, and will instead be delivered to senior water rights to replace out-of-priority depletions under junior water rights. Therefore, in order to properly evaluate a proposed mitigation plan, the petitioner must meet the substantive requirements of Idaho law with regard to changes of water rights.

Under Idaho law, a change of water rights can be accomplished only when no water rights are injured, the change does not constitute an enlargement in use of the original right, and

the change is consistent with the conservation of water resources in the State of Idaho and is in the local public interest. I.C. § 42-222. In assessing changes of water rights, the IDWR also evaluates the validity of the right being changed and assures that the petitioner owns the right or otherwise has authority to apply for the transfer. See Administrative Memorandum, Transfer Processing No. 24, Re: Transfer Processing Policies and Procedures, October 30, 2002 at 1.

The Districts do not allege that they own or control any replacement water. As a result, there is nothing in the plan for the Director to evaluate, and no basis upon which to determine that any changes required for the use of replacement water will not result in injury to other water rights. Therefore, the Mitigation Plan is deficient on its face.

Additionally, it is impossible to determine the legality of the Plan because the Plan does not identify the water rights benefited by the Plan or the accounting and enforcement of the Plan. The Director of the IDWR has a "clear legal duty" to distribute water in accordance with priority under the prior appropriation doctrine. I.C. § 42-602; Musser, 871 P.2d at 812. A mitigation plan must provide a reasonably identifiable basis upon which the Director can undertake his duties. This means that the plan must be enforceable and administrable by the Director. In order to administer the plan, the state must be able to identify which junior water rights are benefited by the release of replacement water to seniors. The state must also be able to track the amount, timing, location and quality of replacement water to affected seniors. Finally, the state must be able to enforce the plan by curtailing any junior water rights, if adequate replacement water is not delivered to senior water rights in quantity, quality, time and location sufficient to replace all out-of-priority depletions.

The Districts' proposed Mitigation Plan is not administrable or enforceable, because it provides the Director no basis upon which to undertake his duties. As a result, the Plan must be dismissed because it does not demonstrate that can be operated in accordance with Idaho law.

b. The proposed Mitigation Plan does not provide replacement water sufficient to offset the depletive effect of groundwater withdrawals at the time and place required by senior priority water rights.

Rule 43.01.b. and c. require that a mitigation plan will provide replacement water to senior water rights, at the time and place required by them, sufficient to offset the depletive effect of groundwater withdrawals on the water available to senior sources. Further, a mitigation plan must consider the effect of multiple year pumping of groundwater, including post-pumping effects. The Districts' Mitigation Plan, on its face, does not meet these requirements.

The Districts limit the amount of water they are committed to provide under the Plan to 65,000 acre-feet in any one year. (Plan at 25.) The rationale for this limit is that the Districts calculate this is all the water that would be available to the American Falls Reach of the Snake River within one year from curtailment of all post-1900 wells in the Districts. (Id.) However, injury to senior water rights resulting from junior groundwater depletions is not measured by the amount that would be available to the River within a year of curtailment of wells. The injury is measured by the cumulative impact of pumping over time on surface flows. This is the amount that Rule 43 requires to be replaced. As demonstrated by the state's model, depletions to surface flows by diversions under junior water rights in the Eastern Snake Plain Aquifer is substantially in excess of 65,000 acre-feet. Contor, Cosgrove, Johnson, Rinehart and Wylie, Snake River Plain Aquifer Model Scenario: Hydrologic Effects of Curtailment of Ground Water Pumping "Curtailment Scenario," October 2004, Idaho Water Resources Research Institute Technical Report 04-023. For example, the Director has recognized that depletions by groundwater withdrawals to surface flows in the Snake River from the Near Blackfoot Gage to the Neeley Gage are approximately 788,000 acre feet of water per year. In the Matter of distribution of Water to Various Water Rights Held by or for the Benefit of A & B Irrigation District, et. al., Order, February 14, 2005, Paragraph 64.

The Districts calculate that potential shortages to surface users in the American Falls reach of the Snake River could range to as high as 304,000 acre-feet per year. (Plan at 27; see also Attachment 7 at 2.) Storage rights, even storage rights that are supplemental to natural flow supplies, are separate water rights, and are entitled to fill, refill and deliver water in accordance with their own priorities. Therefore, additional shortages to storage supplies must be added to natural flow shortages suffered by surface water users.

Because, by their own calculations, the Districts do not have in place, nor does their Mitigation Plan contemplate, sufficient replacement water to offset the depletive effect of groundwater withdrawals at the time and place required by senior priority water rights, the Plan is deficient on its face and must be dismissed.

c. The proposed Mitigation Plan does not contain any real means of enforcement.

Rule 43.03.k. provides that the adequacy of a plan must be based on whether it provides for monitoring and adjustment as necessary to protect senior-priority water rights from material injury. This means two things. First, a plan must have adequate accounting of diversions and depletions under the junior water rights benefited by the plan and of the delivery of replacement water to senior rights. Second, a plan must be enforceable, that is, the junior rights must be subject to curtailment if the required replacement water is not provided to senior rights in the amount, quality, timing and location required to prevent material injury.

The Districts' Mitigation Plan offers neither of these attributes. Although the Plan makes a vague reference to accounting and monitoring, it offers no specifics as to how junior well diversions and replacement water deliveries will be accounted. (Plan at 23-4.) Moreover, the Mitigation Plan does not reference any enforcement. It is based on promises of future action, voluntary measures by the Districts and their members, and relies in large part on the potential,

but speculative, development of state-sponsored retirement and recharge programs. Such programs have been discussed at political levels, but are neither in place nor funded.

III. REQUEST FOR RELIEF

1. Based on the foregoing, Idaho Power Company respectfully requests that the Director dismiss the Petition as incomplete under Rule 43.
2. Idaho Power further requests that the Director authorize it to file a reply to any response filed to this Motion.
3. Idaho Power further requests a hearing on this Motion.

Dated this 21st day of March, 2005.

IDAHO POWER COMPANY

By: _____
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Senior Attorney, Idaho Power Company

and

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of March 2005 a true and correct copy of the foregoing MOTION TO DISMISS PETITION OR IN THE ALTERNATIVE TO STAY PROCEEDINGS AND BRIEF IN SUPPORT THEREOF was deposited in the United States Mail, postage prepaid addressed to:

Jeffrey C. Fereday
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Idaho Department of Water Resources Receipt

Receipt ID C077215

Payment Amount: $25.00
Date Received: 3/21/2005 3:37:09 PM
Region: State
Status:
Payment Type: Check
Check Number: 3037

Payer: JAMES C TUCKER
Comment: PROTEST FOR THE MITIGATION PLAN FOR THE AMERICAN FALLS REACH OF THE SNAKE RIVER

Fee Detail

Amount	Description	Fund	FD	PCA	SO
$25.00	PROTESTS	0229	21	56103	1155

Signature Line (Dept. Representative)

EXHIBIT A
PROJECT DESCRIPTION

CEA(IWO)No.	Project No.	Description
Service Installations		
	New - domestic	
95001	95A001	New Services Blanket (1995)
96001	96A001	New Services Blanket (1996)
96301	96A301	New Services - Eagle
	New Fire Sprinkler	
95003	95A003	New Fire Services Blanket (1995)
96003	96A003	New Fire Services Blanket (1996)
	Replacement	
95004	95A500	Replacement Services Blanket (1995)
96004	96A500	Replacement Services Blanket (1996)
Meters		
95005	95B001	New & Replacement Meters (1995)
96005	96B001	New & Replacement Meters (1996)
Developer Projects (new mains)		
94261	94C061	Columbia Village Apts.- Phase 2
94273	94C073	Milwaukee Marketplace
94275	94C075	Boise Research Center
94276	94C076	Holiday Inn Express
94278	94C078	Wood Duck Island Sub. No. 6
94281	94C081	Indigo Park Sub
94282	94C082	2516 S. Pond St.
94284	94C084	Jet Hanger on Orchard St.
94286	94C086	Columbia Village Sub. No. 17
95202	95C002	Columbia Ridge Sub
95203	95C003	Madison Park Sub #1
95204	95C004	Columbia Village Info Center
95205	95C005	8" in Cleveland Rd
95206	95C006	Oak Park Apartments
95207	95C007	Melbourne Sub
95208	95C008	Brynwood Sub
95209	95C009	Fry Sub
95212	95C012	Ann Morrison Park Apts.
95214	95C014	Casa Real Mobile Home Park
95215	95C015	Silver Wood Sub #2
95216	95C016	Surprise Valley Sub #1
95217	95C017	Fire Protection - Franklin Towne
95218	95C018	Hobbler Place Sub #5
95220	95C020	Jade Village No.2
95221	95C021	CNG Business Facility
95222	95C022	Sunset Rim No. 9 Sub
95223	95C023	2501 Kimball Lane
95224	95C024	Columbia Village No.9
95225	95C025	Corporate Center Sub #1
95226	95C026	Corporate Center Sub #1 - phase 3
95227	95C027	Gowen Business Park No. 1A
95230	95C030	Morning Side Sub
95231	95C031	Calderwood Sub
95232	95C032	Irish Glen Sub
95233	95C033	Calistoga Sub

EXHIBIT A
PROJECT DESCRIPTION

CEA(IWO)No.	Project No.	Description
95234	95C034	Alder Point Sub #2
95235	95C035	3920 Jackie Lane
95236	95C036	State St. and Silver St
95239	95C039	Kilarney Sub
95241	95C041	Columbia Village no. 17
95244	95C044	12" in Federal Way
95245	95C045	Coranado Sub
95246	95C046	Clocktower Apts.
95249	95C049	Marriott Courtyard Hotel
95251	95C051	12" in Raymond St.
95252	95C052	Chevron Station - Vista & Wright
95255	95C055	Silverwood Sub #3
95257	95C057	Glenbrook Townhouse Sub
95805	95C805	8" PVC in Ulm St.
95807	95C807	8" in Zepplin for Pressure Treated Lumber
95601	95C601	Eagle Schools
95801	95C801	!2" & 8" for Chaffee Hall Addition @ BSU
95802	95C802	Boise Air Terminal
95803	95C803	Relocate Hilo Booster
95804	95C804	Inst. 16" from Franklin to Washington
95806	95C806	8" in Chrsway Dr.
96201	96C001	Surprise Valley Condos
96202	96C202	Queen St. E. from Regal
26204	96C204	Landover Estates No. 9
96205	96C205	Landover Estates No. 10
96206	96C206	Cartesian Sub
96207	96C007	8" in Front St. and Capital
96208	96C008	Westchester Sub
96209	96C009	Sorona Sub
96211	96C011	Sunset Rim No. 10
96212	96C012	Capistrano Cove
96213	96C013	Westpark Corporate Center - Phase 3
96214	96C014	Arabian Meadows Sub #1
96215	96C015	Evening Breeze Sub
96216	96C016	8" in Hartman
96217	96C017	12" in Highway 21
96218	96C018	Westpark Retail Sub #4
96219	96C019	River Place Residential Community
96220	96C020	Surprise Valley
96221	96C021	Canterbury Sub #1
96223	96C023	Surprise Valley Condos phase 2
96224	96C024	Cimba Mesa
96225	96C025	Gatewood Sub
96226	96C026	8" in Transport
96227	96C027	Luna Vista Townhouses
96228	96C028	Westchester Place Sub #2
96230	96C030	6" in Oakland St
96231	96C031	Nalley's Springs #4 Sub
96233	96C033	Aszire Meadows
96234	96C034	Demeyer Park Sub #3
96235	96C035	Falling Brook Sub
96236	96C036	Madison Park Sub - Phase 1B
96237	96C037	Healthwise Office Bld on Harrison Blvd
96240	96C240	8" to 6099 - 6101 Denton
96241	96C041	8" to 700 N. Raymond
96243	96C043	8" in Ivywild - New Office Max
96244	96C044	Winslow Sub

EXHIBIT A
PROJECT DESCRIPTION

CEA(IWO)No.	Project No.	Description
96802	96C802	540' of 8" & 2 fire Hydrants on B.S.U. campus
96803	96C803	190' of 8" & 2 Fire Hydrants at B.S.U. campus
96245	96C245	Siviervood Sub
96246	96C246	Sloan Elementary School
96247	96C247	8" on Wright St @ Denver
96248	96C248	Black Eagle Business Center
96249	96C249	Myrtle Creek Sub
96252	96C252	Columbia Village Elementary School

New and Replacement Short Mains and Valves

95008	95D002	New Short Mains and Valves (1995)
95010	95E002	Replacement Short Mains and Valves (1995)
96008	96D002	New Short Mains and Valves (1996)
96010	96E002	Replacement Short Mains and Valves (1996)

New Mains

95013	95D101	Supply main to new reservoir - from Landover Sub to new reservoir (Hidden Hallow)
95014	95D102	New 12" main in Colonial, Cole to Beachwood
95015	95D103	Transmission Line from Pleasant Valley Rd. to Federal Way

Other new mains throughout the service area

95102	95D104	12" water main in Eisenman Rd.
95059	95D201	8" under Farmers Union Canal
96013	96D101	Install 1280 ' - 12" PV in Boise Ave.
96014	96D102	Install PRV @ Overland and Maple Grove
96015	96D103	Install PRV @ Victory and Modify Fed Booster Station
96017	96D105	Install 360' of 12" PVC in Bloom St. N. of State St
96090	96D205	Install Main in Eagle Rd. north of Floating Feather

Replacement Mains

95016	95E101	Arcadia, Overland to Kootenai
95017	95E102	Bannock, 27nd to 29th
96029	96E107	Bellomy, West of 32nd
95019	95E104	Braemere, Highland View to Tartan
96030	96E108	Grover, Shoshone to Abbs
96039	96E105	Heather Place, Highland View to Tartan
95022	95E107	Highland View Dr., Harrison to Heather

Other Replacement Mains throughout the service area

95057	95E201	Install 8" & 6" PVC in Kootenai
95058	95E203	16 " & 18" at 8th and Franklin
95061	95E204	Install 3870' 8" & 100' 6" in Sunrise Rim Road
94067	94E209	Install 8"PVC for Ginzel St.
94068	94E211	Install Manin in Maple Grove
94805	94E210	Install 69' - 12" PV to relocate 12" main under I - 84
96035	96E101	Install 8" & 4" in Eiden Dr.
96036	96E102	Install 8" & 4" in Hanan Dr
96037	96E103	Install 345' - 8" & 145' - 4" PVC in Mark St.
96038	96E104	Install 12" D.I. In Americanan Blvd
96028	96E106	Install main for Fire Dept. Training Ctr. 27th St.
96033	96E201	Inst 12", 8", & 6" in N.36th St. and Sunset

EXHIBIT A
PROJECT DESCRIPTION

CEA(IWO)No.	Project No.	Description
96034	96E202	Vault for Federal & Barber
96023	96E203	Install Main in Albion St.
96024	96E204	Install Main in Wilson St
96025	96E205	Inatall Main on 11th - Main to Front
96026	96E206	Install main in Harding St.
96020	96E109	1,185' - 8" in Wesley, Cole Rd to Westland Dr.
96032	96E111	8" PVC in E. Bannock, Coston to Walnut

Source of Supply

95023	95F001	Equip Yanke/Nickleson Wells - Pleasant valley Road S. of Gowen
96050	96F010	Replace pump house at Kirkwood Well
95024	95F002	Monitoring Well on Second Bench
96047	96F002	New Well on State St. west of Gary Lane (Project modified to monitoring well)
94105	94F106	New Well on Bethel St. east of Cole Rd.
95026	95F004	New Well on McMillan east of Lowell Scott School
96051	96F005	Replace pump house at Idaho Street Well & Willow Lane Well
95028	95F006	New well at Maple Hills Well site (Changed to re-drill)
95032	95F010	Purchase water rights for use at the Marden Water Treatment Plant
95038	95G003	Auxiliary power connections
		Highland View Booster Station
		H P Well
		Oregon Trail Well
		Quail Ridge Booster Station
		Settlers Well
95033	95F011	Replace old and install new pavement and landscaping at:
		Aeronca Resv. & Booster Station
		Bali Hai Well
		Bethel Well
		B.I.F. Well
		Briarhill Booster Station
		Cartwright Well
		Harvard Booster Station
		Hillcrest Well
		Roger Hgts Booster Station
		Roosevelt #1 & #2
		Swift Well #1 & #2
		Upper Danmor Resv. & Booster Station

Other Source of Supply Projects throughout the Service Area

95108	95F016	Install exterior 3-way switches in 7older well facilities
95650	95F650	New well on Floating Feather at Eagle Middle School
96045	96F008	Drill Veteran's Well
96052	96F011	Upgrade Landscaping at 4 Well Sites
96053	96F006	Monitoring Wells
96054	96F004	Water Rights

EXHIBIT A
PROJECT DESCRIPTION

	CEA(IWO)No.	Project No.	Description
	96057	96F007	New River Intake
	96046	96F001	Cassia Well #2
Pumping Plant			
	96059	96G006	Briar Hills booster pump replacement
	95037	95G002	Upgrade confined space facilities at:
			Cole Rd. PRV located on w. side of Cole n. of N.Y. Canal
			Industrial PRV located on e. side of Industrial, n. of RR tracks
			Brumback Booster located at NE corner of 7th & Brumback
			Mitchell St. PRV located on Mitchell St. n. of Skycliff
		Other Pumping Plant - through out service area	
	95103	95G004	Gary Lane Booster
	96061	96G002	Install V.F.D. at H.P. Well
	96061	96G001	Auxilliary Power Upgrades
	96062	96G005	Confined Space Upgrades
	96063	96G008	EFF Transducers (Power Use Monitoring Equipment)
	96085	96G009	Swift Well #2 Pump
	96101	96G101	Replace Pump at Hillcrest Well
	96102	96G102	Replace Vertical Turbine Pump at Centeral Park Well
	96313	96G003	Eagle Well Additions
Treatment			
	96064	96H001	Install continuous chlorine monitoring equipment at:
			Frontier Well 11533 W. Freedom Dr.
			Hidden Hallow Reservoir located on E. side of Seaman's Gulch Rd. approx. 3,500 ft n. of Hill Rd.
	95039	95H001	Replace chlorination equipment at:
			Artic Well - 1576 N. Garden
			Bali Hai Well - 10957 Tahiti
			Centennial Well - 1649 Bergesen St.
			Cliffside Well - 2425 Boise Abe
			Frontier Well 11533 W. Freedom Dr.
			Roosevelt #3 322 S. Roosevelt
			Sixteenth St. Well - 3651 Americana Blvd
			Two standby units housed at Clinton Well site - 5200 Clinton
		Other Treatmen Facilities throughout the service area	
	95106	95H002	Install one Clor-Tech on site Sodium Hypochlorite System
	96066	96H003	Install U.P.S. at Marden Water Treatment Plant
	96086	96H002	Repl. Chlorine Equipment
Storage			
	95040	95J001	Construct new 2.0 MG reservoir on east side of Seaman's Gulch Rd. approx. 3,500 ft. n. of Hill Rd.
	95101	95J002	New 3.0 MG reservoir CBSL (Columbia Reservoir)
	948047	94J001	Birds of Prey Reservoir and Booster

EXHIBIT A
PROJECT DESCRIPTION

CEA(IWO)No.	Project No.	Description
General Plant Projects		
	The following projects are all located at the BWC operations center located at 8248 W. Victory Rd. unless otherwise noted.	
95041	95L001	New computer and work station for engineering position
95042	95L002	New safety equipment
95043	95L003	Upgrade phone system
95046	95L006	Production conference room additions
95047	95L007	New computer and work station for production position
95063	95L018	New hydro software
95049	95L009	Refurnish GIS room
95050	95L010	New PC's for T&D and Commercial Departments
95051	95L011	Replace furniture for Commercial Manager
95052	95L012	New Compressor, Jackhammer, Hoist for mechanic's shop, & Boring Machine
95053	95L013	Replace tamper, abrasive saw, & 2" ditch pump
95054	95L014	Upgrade SCADA/GIS/LAN hardware
95107	95L019	New laser printers for Accounting Department
95056	95L016	Replace hand held radios
96069	96L002	Building addition for Clinton storage site - 5200 Clinton St.
96073	96L006	Upgrade radio system
96077	96L012	SCADA radio system replacement
	Other General Plant Projects	
94050	94L017	Replace Sewer Drain Field
94104	94L025	Purchase Bore Hole Camera & Geophysical Logging Equipment
94106	94L026	PICCOLO (RT) Software to link SCADA & GIS
95055	95L015	SCADA/GIS/LAN Replacement Hardware
95104	95L017	Laptop Computer for Manager of Business Development
96076	96L011	LAN /Replacement Repeaters
96070	96L003	Expalnd Bethel Chemical Storage Building
96071	96L004	Purchase Preventative Maintenance Software
96074	96L007	Purchase Chain Tongs, Boring Machine, & Axile Scales
96075	96L008	Purchase Lab Equipment
96081	96L016	Purchase T&D Tools and Equipment
96082	96L009	Schlumberger Field Programmer
96083	96L010	Geo - Tech Equipment
96087	96L005	Production Dept. Furniture
96112	96L032	Replace Existing Sign & Logo with New United Water Idaho Sign & Logo
96950	96L950	IT - Technical Architecture
96951	96L951	Customer Information System
96952	96L952	IFMS - Budgeting System
96953	96L953	IFMS - General Ledger
96954	96L954	IFMS - Time Entry / Payroll
96955	96L955	IFMS - Procurement
96956	96L956	IFMS - Project Costing / Fixed Assets

EXHIBIT A
PROJECT DESCRIPTION

CEA(IWO)No.	Project No.	Description
96079	96L014	Computer Hardware and Software Upgrades - MS Office