

RECEIVED

NOV 14 2012

DEPARTMENT OF WATER RESOURCES

BRUCE M. SMITH, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHTD.
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for Protestants City of Star,
City of Middleton and Star Water & Sewer District and Participant City of Eagle

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

IN THE MATTER OF)	
INTEGRATED MUNICIPAL)	
APPLICATION PACKAGE)	
("IMAP") OF UNITED WATER)	PROTESTANT CITY OF STAR, CITY OF
IDAHO, INC. BEING A)	MIDDLETON AND STAR WATER &
COLLECTION OF INDIVIDUAL)	SEWER DISTRICT AND PARTICIPANT
APPLICATIONS FOR)	CITY OF EAGLE JOINT INITIAL
TRANSFERS OF WATER RIGHTS)	STATEMENT
AND APPLICATIONS FOR)	
AMENDMENT OF PERMITS.)	
)	

COME NOW, Protestant City of Star, City of Middleton and Star Water & Sewer District and Participant City of Eagle and here by submit their Joint Initial Statement.

1. **DOCUMENTS PRODUCED.** The parties have no response to the documents submitted. They speak for themselves. They have clarified some but not all issues.

2. **SCOPE OF HEARING.** The scope of the hearing is not clear because of questions regarding the Municipal Act, the IDWR's interpretation of the Act, and pending legislative changes to the Act. One major issue is the applicability of the information in the applications –which were filed in 2003. It will have been ten years since the filings and some of

the water rights have gone through significant changes at the SRBA. It is questionable whether the current filings are applicable, appropriate, or would comply with due process for those who are not parties. It would seem most reasonable to have updated applications submitted to give parties, the IDWR, and the public fair notice of the applications.

3. **RESPONSIBILITIES OF PARTIES.** Parties' responsibilities are as set forth in Idaho Code.

4. **DISCOVERY.** Discovery should be limited as much as possible and could be substantially less with updated, amended, or new applications.

5. **TIMETABLE.** The timetable depends on the scope of the hearing but it is unlikely a hearing could be accomplished before the fall 2013. The M3 hearing took about two and a half weeks and it involved matters much less complicated than IMAP.

Respectfully submitted this 14th day of November, 2012.

MOORE SMITH BUXTON & TURCKE, CHTD.



BRUCE M. SMITH
Attorneys for Protestants City of Star, City
of Middleton and Star Water & Sewer
District and Participant City of Eagle

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of November 2012, a true and correct copy of the foregoing document was served upon the following by the method indicated below:

DOCUMENT FILED:

Idaho Department of Water Resources	<input type="checkbox"/>	U.S. Mail
322 E. Front Street	<input type="checkbox"/>	Hand Delivery
P.O. Box 83720	<input checked="" type="checkbox"/>	Facsimile
Boise, ID 83720-0098	<input type="checkbox"/>	Email

COURTESY COPIES TO:

Gary Spackman	<input checked="" type="checkbox"/>	U.S. Mail
Director	<input type="checkbox"/>	Hand Delivery
Idaho Department of Water Resources	<input type="checkbox"/>	Facsimile
322 E. Front Street	<input type="checkbox"/>	Email
P.O. Box 83720		
Boise, ID 83720-0098		
<u>Gary.spackman@idwr.idaho.gov</u>		

John Westra	<input checked="" type="checkbox"/>	U.S. Mail
Manager	<input type="checkbox"/>	Hand Delivery
Western Regional Office	<input type="checkbox"/>	Facsimile
Idaho Department of Water Resources	<input type="checkbox"/>	Email
2735 Airport Way		
Boise, ID 83705-5082		
<u>John.westra@idwr.idaho.gov</u>		

Garrick L. Baxter	<input checked="" type="checkbox"/>	U.S. Mail
John Homan	<input type="checkbox"/>	Hand Delivery
Deputy Attorney General	<input type="checkbox"/>	Facsimile
Idaho Department of Water Resources	<input type="checkbox"/>	Email
PO Box 83720		
Boise, ID 83720-0098		
<u>Garrick.baxter@idwr.idaho.gov</u>		
<u>John.homan@idwr.idaho.gov</u>		

Clive Strong	<input checked="" type="checkbox"/>	U.S. Mail
Natural Resources Division	<input type="checkbox"/>	Hand Delivery
Office of the Attorney General	<input type="checkbox"/>	Facsimile
PO Box 83720-0010	<input type="checkbox"/>	Email
<u>Clive.strong@ag.idaho.gov</u>		

Josephine Beeman
Jane Newby
Beeman & Associates
409 W. Jefferson
Boise, ID 83702
Jo.beeman@beemanlaw.com
Jane.newby@beemanlaw.com

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Kathleen Carr
Office of Field Solicitor
US Department of Interior
960 W. Broadway Avenue, Suite 400
Boise, ID 83706
Kathleenmarion.carr@sol.doi.gov

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Gail McGarry
Matt Howard
U.S. Bureau of Reclamation
Pacific Northwest Regional Office
1150 N. Curtis
Boise, ID 83706-1234
emcgarry@pn.usbr.gov
mhoward@pn.usbr.gov

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

SERVICE COPIES TO:

Christopher Meyer
Michael Lawrence
Givens Pursley, LLP
PO Box 2720
Boise, ID 83701-2720
chrismeyer@givenspursely.com

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Albert P. Barker
Shelley Davis
Barker Rosholt & Simpson, LLP
PO Box 2139
Boise, Idaho 83701-2139
apb@idahowaters.com
smd@idahowaters.com

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Thomas H. Barry
Public Works Director
City of Meridian Public Works Department
33 E. Broadway Avenue, Suite 200
Meridian, ID 83642
tbarry@meridiancity.org

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Kyle Radek
Assistant City Engineer, Engineering
Division
City of Meridian Public Works Department
33 E. Broadway Avenue, Suite 200
Meridian, ID 83642
kradek@meridiancity.org

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Scott Campbell
Andrew Waldera
Moffatt Thomas Barrett Rock & Fields, Chtd.
PO Box 839
Boise, ID 83701-0829
slc@moffatt.com
ajw@moffatt.com

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

S. Bryce Farris
Ringert Law, Chtd.
PO Box 2773
Boise, ID 83701-2773
bryce@ringerlaw.com

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Charles Honsinger
Honsinger Law, PLLC
PO Box 517
Boise, ID 83701
honsingerlaw@gmail.com

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Brent Orton
Public Works Director, City Engineer
City of Caldwell
621 E. Cleveland Blvd.
Caldwell, ID 83605
borton@ci.caldwell.id.us

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Ed Squires
Hydro Logic, Inc.
1002 West Franklin Street
Boise, ID 83702-5431
ed@hydrologicinc.net

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Matthew Wilde
Brenda Bauges
Assistant City Attorneys
City of Boise
PO Box 500
Boise, ID 83701-0500
mwilde@cityofboise.org

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Paul Woods
Environmental Manager
Public Works Department
Boise City Hall
150 N. Capitol Blvd.
Boise, ID 83702
pwoods@cityofboise.org

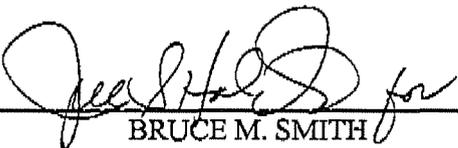
- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Richard Roats
Roats Law Office, PLLC
Plantation Business Center
6126 W. State Street
Suite 203
Boise, ID 83703
rtr@roatslaw.com

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Gordon N. Law
City Engineer
City of Kuna
PO Box 13
Kuna, ID 83634
Gordon@cityofkuna.com

- U.S. Mail
- Hand Delivery
- Facsimile
- Email


BRUCE M. SMITH

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
950 W. BANNOCK STREET, SUITE 520; BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202 www.mabtlaw.com

STEPHANIE J. BONNEY™
SUSAN E. BUXTON*
PAUL J. FITZGER
JILL S. HOLINKA
CHERESE D. MCLAIN
BRUCE M. SMITH
PAULA A. TURCKE†

JOHN J. MCFADDEN *of Counsel*
MICHAEL C. MOORE *of Counsel*

* Also admitted in Oregon
‡ Also admitted in South Dakota
~ Also admitted in Utah
† Also admitted in Washington

November 14, 2012

Via Facsimile: (208) 287-6700

Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

NOV 14 2012

DEPARTMENT OF
WATER RESOURCES

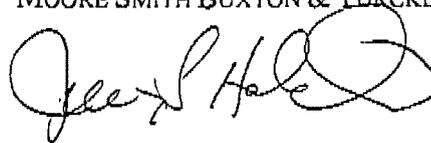
RE: In the Matter of Integrated Municipal Application Package ("IMAP") of United Water Idaho, Inc.

Dear Sir or Madam:

Enclosed please find the Joint Initial Statement of Star, Middleton, Star Water & Sewer District and Eagle which has been slightly modified based on counsel's discussions with counsel for United Water to clarify the caption to correctly identify the parties.

Sincerely,

MOORE SMITH BUXTON & TURCKE, CHTD.



Jill S. Holinka

JSH:kd
Encl.

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AT LAW

950 WEST BANNOCK, SUITE 520
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

RECEIVED

NOV 14 2012

DEPARTMENT OF
WATER RESOURCES

FACSIMILE COVER SHEET

DATE: November 14, 2012 RECIPIENT'S FAX: 208-287-6700

TO: IDWR CLIENT: 1769-00

RE: IMAP

FROM: Bruce M. Smith/Kat

NUMBER OF PAGES INCLUDING THIS COVER SHEET: _____

ORIGINAL WILL NOT BE SENT

ORIGINAL WILL BE SENT BY FIRST CLASS MAIL

____ ORIGINAL WILL BE SENT BY FEDERAL EXPRESS

ADDITIONAL COMMENTS:

***** IMPORTANT MESSAGE *****

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.