Form 42-1409(10)-1 (Internet)
8/91

Date Received_____

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

United Water Idaho Inc.
Name of Claimant

(208) 362-1300
Phone Number

8248 W. Victory Road, P.O. Box 190420,
Mailing Address

Boise, Idaho 83719-0420
City State Zip

Ada
County(s) where place of use is located

Approximately 1989
Date claim originally due

63-2915, 63-3239, 63-31797, 63-31798
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Research by the company recently uncovered new information regarding each of these claims. United Water purchased Rights 63-2915 and 63-3239 in 1977. However, the change of ownership was never entered in IDWR's database. These two licensed rights currently are unclaimed in the SRBA. Rights 63-31797 and 63-31798 are beneficial use rights associated with historical diversion at United Water's Marden Water Treatment Plant site.

Claimant requests an extension to December 31, 2003

(John Marshall)
Signature

November 14, 2003
Date of request

Attorney for United Water Idaho Inc.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [X granted] [_____ denied] for the following reasons:

and if granted the filing deadline is extended to March 1, 2004

Signed this 18th day of Nov, 2003

Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706

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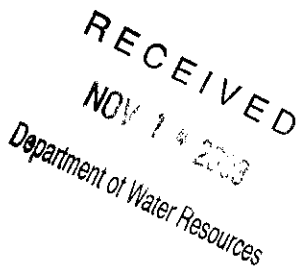
November 14, 2003

HAND DELIVERED



David R. Tuthill, Jr., P.E.
Adjudications Bureau Chief
Idaho Department of Water Resources
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

Re: United Water Idaho Inc.
New and Amended SRBA Claim
GP File No. 30-125

Dear Dave:

On behalf of United Water Idaho Inc. ("United Water"), We enclose a set of 76 amended claims and 4 new claims to water rights in the Snake River Basin Adjudication.

We are directing this letter to you based on our understanding that United Water's SRBA claims have been moved from the Western Office to the State Office for processing.

In order to facilitate the Department's processing of these claims, we offer the following explanation.

I. BACKGROUND

United Water filed its original set of SRBA claims in 1989. On July 25, 2000, United Water filed fifteen new and amended claims to correct errors and oversights in the original filings.

Subsequent to filing these claims, on March 4, 2001 United Water filed a set of transfer applications, known as the IMAP. They seek, among other things, recognition of (1) a uniform place of use, (2) a year-round season of use, (3) a uniform "municipal" nature of use, and (4) integrated points of diversion ("IPD") for those rights owned by United Water that are part of its

integrated municipal water system. These changes would amend United Water's portfolio of water rights to match the way United Water has operated its system over the years, including accomplished transfers recognized as valid by Idaho Code § 42-1425.

When the IMAP was filed, it was anticipated that its processing would be completed prior to consideration of the SRBA claims. Consequently, the SRBA claims were not previously amended to conform to the IMAP. It is now apparent that the SRBA claims may be taken up prior to completion of review of the IMAP. Consequently, these amendments are offered to ensure that United Water's SRBA claims are generally consistent with what is being requested under the IMAP.[1]

Each new and amended water right claim in this package includes an identical comprehensive list of integrated points of diversion ("IPD"), labeled Exhibit A, with the exception of two new claims and Claim No. 63-2892. This list includes all wells that are currently within United Water's integrated delivery system (except for the collector wells, discussed below in II.A.2).[2] In limiting the IPD list to those wells that are part of United Water's integrated delivery system, we have excluded seven remote wells in Ada and Canyon Counties.[3] These seven wells serve non-contiguous service areas and are not at this time physically connected with United Water's integrated delivery system.

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[1] In some instances minor differences remain. For example, in a few IMAP rights we have proposed a reduction in the diversion rate on water rights that were previously used for irrigation and are now used year-round for municipal purposes. The reduction in diversion rate allows the right to be operated on an integrated basis with other rights without special administration or record keeping. Because we do not know the outcome of these proposed changes, we have included the full licensed diversion rate in these SRBA amended claims.

[2] This IPD list includes two sets of wells (the Warm Springs Mesa wells and the Island Woods wells) that are not yet physically connected to United Water's delivery system, but are expected to be connected soon. Unlike the remote wells discussed below, these wells serve contiguous service areas. Moreover, plans are in place today to connect them into United Water's delivery system.

Each of the wells included in this IPD list are currently operational, with the following exceptions: Cole, Foxtail, Joplin, Lizaso and Five Mile Estates #2 well. These wells are currently not in service, but have been retained on this IPD list because it is anticipated that it may be brought back into service. Similarly, the Veterans collectors are included as an alternate point of diversion for Water Right No. 63-2892 (see discussion below in Part II.A.2). Numerous former wells have been dropped from the IPD list where the wells have been capped and there is no current plan to bring them back into service.

[3] The water rights associated with these remote wells are: Nos. 63-12424, 63-12463, 63-12506, 63-12552, 63-12266 and 63-31243. They serve five separate systems. These are all post-commencement rights and are therefore not included among these SRBA claims.

In our view, the law is not settled regarding the extent to which SRBA decrees may reflect post-commencement circumstances. Consequently, United Water is claiming alternate points of diversion associated with post-commencement rights in these claims for pre-commencement rights.

United Water recognizes the Department may take the position that it cannot recommend post-commencement alternate points of diversion on these claims if the IMAP is not approved prior to SRBA recommendations. Consequently, to assist in processing these claims as the Department determines proper, we have provided the following information:

- The IPD list contains columns identifying the name and location of each well.
- In addition, there is a column labeled "Owner as of Nov. 19, 1987." Thus, for instance, a well developed by South County Water System and subsequently acquired by United Water would be labeled "South County."
- The last two columns are labeled "Well Existing as of Nov. 19, 1987?" and "Part of United Water's Integrated System Prior to Nov. 19, 1987?" For each well, these questions are answered "yes" or "no." With this information, the Department may determine whether the well was in existence at the time of the commencement of the Adjudication and, if so, whether it was part of United Water's system or another system at the time of commencement. If the well was part of a different integrated system as of commencement, that fact is noted in the last column.

A summary description of the specific categories of new and amended claims follow.

II. AMENDED CLAIMS

In most cases, the amended claims do not alter the previously claimed priority dates or diversion rates. In five instances, the diversion rate has been adjusted downward.[4] In two instances, the diversion rate is being adjusted upward.[5] In each of these instances, the amended claims simply correct errors in the prior claims.

The amended claims provide the following.

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[4] The diversion rate was adjusted downward for Water Right Nos. 63-3411, 63-8059, 63-9671, 63-10405 and 63-10533.

[5] The diversion rate was adjusted upward for Water Right Nos. 63-4395 and 63-7641.

- Consistent description of the place of use as "Within the Service Area of United Water Idaho Inc."
- Consistent identification of the nature of us as "municipal."
- Consistent identification of a year-round period of use.
- Consistent identification of alternate points of diversion for all ground water rights (with the exception of collector well water right explained below in Part II.A.2).

A. CLAIMS FOR RIGHTS HELD BY UNITED WATER PRIOR TO COMMENCEMENT OF SRBA

1) Integrated Delivery System

This category includes 56 claims for rights owned by United Water as of the November 19, 1987 that were then part of its integrated delivery system.

2) Marden Collectors Water Right (63-2892).

Although this right is a licensed ground water right that has been part of the integrated delivery system for decades, because of its unique characteristics United Water has determined not to include its points of diversion as alternate points of diversion for the other ground water rights. Accordingly, water right 63-2892 is claimed with only the two licensed points of diversion (the two collector wells) as indicated in the amended claim.

B. RIGHTS OBTAINED BY UNITED WATER SUBSEQUENT TO COMMENCEMENT.

1) Acquired Systems

In three instances, United Water acquired water rights as part of system purchases subsequent to the commencement of the adjudication: South County Water System, Barber Water System and Warm Springs Mesa Water System.

Each of these systems operated as integrated systems (within themselves) prior to the commencement. Consequently, if the Department is unable to recommend the entire IPD list as alternate points of diversion, it should, at a minimum, recommend as alternate points of diversion those wells previously associated with each of the respective systems. Thus, at a minimum, twelve South County wells existing as of November 19, 1987 should be alternate points of diversion for each of the South County water rights,[6] the two Barber wells should be alternate

[6] One South County well, the Edgeview well, was not drilled until after November 19, 1987.

points of diversion for each of the Barber water rights, and the three Warm Springs Mesa wells should be alternate points of diversion for each of the Warm Springs Mesa water rights.

2) Subsequently Developed Water Rights

In accordance with the SRBA statutes and commencement order, United Water has elected not to file SRBA claims for water rights it owns for which proof of beneficial use was not filed until after the commencement of the Adjudication. This decision has not changed. United Water will continue to pursue review of its post-commencement claims through the IMAP and/or other administrative transfer actions.

III. NEW CLAIMS

Research conducted subsequent to the filing of the IMAP has identified four new water rights that were not previously claimed. Claim numbers 63-2915 and 63-3229 are associated with licensed water rights purchased by United Water in 1977, but for which the Department's records never were updated to reflect the ownership change. Claim numbers 63-31797 and 63-31798 are beneficial use claims associated with diversion and delivery facilities owned and operated by United Water's predecessor company at the location of the current Marden Water Treatment Plant. A completed Request for Extension of Time to File Adjudication Claim(s) accompanies this letter.

IV. WITHDRAWN CLAIMS

United Water has determined that the following previously filed claims should be withdrawn: 63-8357 and 63-17021. These two claims hereby are withdrawn.

V. FEES

Pursuant to a conversation this week between Don Shaff and John Marshall, we have calculated the fee required for the amended and new claims based on a system-wide approach. In other words, rather than approaching the required fees on a right-by-right basis, we calculate the fee based on the total additional diversion rate requested by these amended and new claims less the reduction in diversion rates claimed by these amendments. This is reflected in the following table:

Claim Number	Previously Claimed Diversion Rate (cfs)	Diversion Rate in Amended of New Claim (cfs)	Change In Diversion Rate (cfs)	Net Change in Diversion Rate (cfs)
63-2915	--	2.00	+2.00	2.00
63-3239	--	2.00	+2.00	4.00

63-3411	2.14	1.50	-0.64	3.36
63-4395	0.60	0.75	+0.15	3.51
63-7641	1.10	2.00	+.90	4.41
63-8059	2.14	0.57	-1.57	2.84
63-8357	1.18	--	-1.18	1.66
63-9671	2.70	2.12	-0.58	1.08
63-10405	2.70	1.56	-1.14	-0.06
63-10533	1.00	0.52	-0.48	-0.54
63-17021	0.15	--	-0.15	-0.69
63-31797	--	2.63	+2.63	1.94
63-31798	--	1.55	+1.55	3.49

Using this net increase in the claimed system-wide diversion rate of 3.49 cfs, we calculated the total fee due as follows: $50 each for the four new claims (63-2914, 63-3239, 63-31797 and 63-31798) for a total of $200. Then we added $349 to reflect the variable fee of $100 per cfs required for municipal water rights, for a total of $549. A check for this amount is enclosed.

Finally, we have been in contact with Don Shaff about providing the Department electronic copies of point of diversion lists or other information to facilitate your data entry. If you have any questions about these claims, or if there is additional information that we may provide, please do not hesitate to contact either of us. We are happy to help in any way we can.

Sincerely,

Christopher H. Meyer

John M. Marshall

Encl: Check for $549.00
Request for Extension of Time for File Adjudication Claim(s)
4 New Claims
76 Amended Claims

cc: H. Scott Rhead (w/o encl)

JMM/CHM:hcm S:\CLIENTS\30\125\JM ltr to IDWR re amended claims.DOC

11/14/03 Idaho Department of Water Resources 2
Filing Fee
30 125 549.00
1598-00-0-000 549.00

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