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Attorney for City of Boise

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER OF WATER RIGHTS IN THE
NAME OF UNITED WATER IDAHO, INC.,
INTEGRATED MUNICIPAL
APPLICATION PACKAGE (IMAP)

**NOTICE REAFFIRMING
PARTICIPATION AND
DECLARATION OF PARTY STATUS**

COMES NOW, the City of Boise (City), by and through its attorney, Matthew K. Wilde, and hereby provides the Department in the above-captioned proceeding with notice, consistent with the June 6, 2012, *Order Lifting Stay and Requiring All Parties to File Notice Reaffirming Participation and Order Reversing Limitation on Participation*. This Notice and Declaration seeks to reaffirm the City of Boise's participation in the proceeding and secondarily, to characterize, or to recharacterize the City of Boise's participation in this proceeding as an Intervenor, rather than a Protestant.

United Water filed a Motion for Clarification of Party Status (United Water's Motion) seeking to require each party to the original proceeding to reaffirm its participation in the matter.

The City, based upon United Water's Motion and the Interim Director's June 6 *Order*, seeks now to recharacterize its status from Protestant to Intervenor by this Notice and Declaration.

United Water's Motion asked the Hearing Officer to require each party to reaffirm its desire to protest, or to "realign" its status as an intervenor for clarification purposes. This Notice and Declaration, which is in essence a petition to intervene and motion to recharacterize the City's status, conforms with and is filed pursuant to IDAPA 37.01.01, Rules 260, 350, 351, 352, and 353.

The City's address is 150 N. Capitol Boulevard, P.O. Box 500, Boise, Idaho 83701-0500. The City has a direct and substantial interest in the subject matter of this proceeding in that the City is the Petitioner's contracted franchisor for its municipal water supply.

The City is currently a participant in this action as a Protestant. However, the City's position is not accurately described as "protesting" the IMAP filing. Rather, the City supports the filing in general but wishes to participate so that the City's interests – and those of its franchisee, United Water – are adequately protected. Recharacterizing the City's participation in the proceedings as an Intervenor is appropriate in that it makes clear to the Hearing Officer, the Department of Water Resources, and the parties with objections to the IMAP filing that the City of Boise is supportive of the IMAP filing. Recharacterization in this manner will improve the effectiveness and economy of the proceedings.

Recharacterizing the City of Boise's position and status as an intervenor will not disrupt the process herein, because the City is already a party in the proceeding, has been a party throughout the course of the proceeding, and is not seeking to change its ultimate position in any material way. Changing the City's status will therefore not change the proceeding itself in any way, no party can claim prejudice and the issues will not be broadened.

The City has complied with the requirements of IDAPA 37.01.01, Rules 260, 350, 351, 352, and 353, by stating its name, address, and the direct and substantial interest it has in this proceeding. Intervenor status by the City will not prejudice any party, broaden the issues, nor disrupt the process.

DATED this 17th day of July, 2012.



MATTHEW K. WILDE
Assistant City Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have on this 17th day of July, 2012, served the foregoing document on all parties of counsel as follows:

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To: Department of Water Resources **Fax #:** 287-6700

At: **Date:** July 17, 2012

From: Matthew K. Wilde

Assistant City Attorney

Number of pages being transmitted (including this page): -6-

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Additional Comments:

Please see attached Notice Reaffirming Participation and Declaration of Party Status.