

UNITED WATER IDAHO INC.

99 TRANSFER APPLICATIONS

13 AMENDMENT APPLICATIONS

**“IMAP”**

See March 22, 2002 white 3-ring binder

for entire application package

## IMAP CHRONOLOGY OF SUBMITTALS

4/12/2000 Draft IMAP submitted for IDWR review.

6/16/2000 Original IMAP submitted with \$10,800 filing fee, W026617.

5/4/2001 Revised IMAP submitted.

2/6/2002 Revised portions of IMAP submitted with power of attorney by law firm for United Water.

2/21/2002 Revised portions of IMAP submitted.

3/22/2002 Revised IMAP submitted with four copies for IDWR offices other than Western Region. Additional fees n/a. **Process this version of IMAP.**

3/28/2002 *Address corrections received for transfer and amendment (pages 1 of Appls.)*

-82 3/27/02 , 4/5/02



**STATE OF IDAHO**  
OFFICE OF THE ATTORNEY GENERAL  
ALAN G. LANCE

June 26, 2002

Mr. Scott L. Campbell  
Moffatt Thomas  
P.O. 829  
Boise, ID 83701 0829

**VIA FAX  
AND U.S. MAIL**

RE: Public Records Request – United Water Idaho  
Integrated Municipal Application Package

Dear Mr. Campbell:

The Idaho Department of Water Resources (IDWR) received your letter dated June 21, 2002 requesting certain information regarding files pertaining to the Integrated Municipal Application Package (IMAP) proceeding before the agency. Your letter identified several different types of records. The records you have requested are located in four separate sections within IDWR. IDWR will make the requested documents available for your inspection anytime after June 27, 2002 during normal business hours at the IDWR State Office or Western Region Office in Boise. During the inspection you have the right to make a photocopy of any public record. When you are ready to inspect the public records, you may find it convenient to schedule an appointment with the agency personnel listed below to inspect records for that specific section of IDWR.

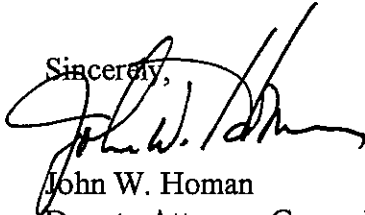
Steve Lester, **Western Region** 334-2190- Official IMAP file, United Water general information file and adjudication claim files for the water rights specifically identified. Correspondence to the director and administrators are contained in the United Water general information file.

Jeff Peppersack, **Water Management Section, State Office** 327-7940 – Water right files specifically identified.

Zena Cook, **Water Planning Section, State Office** 327-5433 – Agency documents and records related to the IMAP report and projections.

Mark Slifka, **Ground Water Protection Section, State Office** 327-7887 – Well permits and logs for wells associated with water rights identified.

For the convenience of the parties, IDWR expects to create a depository for most of the documents relating to the IMAP matter sometime in the next couple of weeks. Please do not hesitate to contact me at the (208) 327-7924 if you have any questions or need to make further arrangements.

Sincerely,  


John W. Homan  
Deputy Attorney General  
Natural Resources Division

Cc: Steve Lester  
Jeff Peppersack  
Zena Cook  
Mark Slifka

## **MEMORANDUM**

TO: File

FROM: Steve Lester 

DATE: June 17, 2002

RE: IMAP Prehearing Conference on June 11, 2002

---

I conducted the above conference. All parties were present, although City of Caldwell apparently did not send an official representative under Rules of Procedure #202. I will follow up with the city on that matter.

The applicant summarized steps leading to the IMAP filing and briefly discussed the intent of the filing and, perhaps equally important, what IMAP does not intend to do. The applicant said IMAP was designed to “take the fight out” to accommodate concerns that might arise. Considerable discussion of IMAP, its history and its possible implications ensued.

It was obvious early on that protests would not be settled at the conference. The parties agreed that a “game plan” to assess and evaluate IMAP, both by the parties and by IDWR, would be helpful. Several key points resulted from the meeting.

- How does IDWR plan to process IMAP? Will alternate methods be available to resolve concerns?
- What time frame is reasonable for concluding the IMAP process?
- To what extent should conjunctive management of ground and surface water be included in evaluating IMAP?
- How does IMAP mesh with the SRBA? Should IMAP precede or follow the SRBA process for the valley? If the administrative process is concluded before the SRBA process for the local area, will the parties and/or other entities not currently involved in IMAP be precluded from raising germane issues during SRBA proceedings?
- Does IDWR have public records about IMAP not found in the IMAP file? Parties would like copies of everything if that were the case (verbal request for public records).

- Another prehearing conference for technical issues should be held. The applicant should then present its model used to develop IMAP (IMAP Appendices A and B) and any other pertinent technical information to explain the situation. Would IDWR be willing to present a technical overview of IMAP in addition to discussing transfer/amendment issues as the department sees them?
- A third prehearing conference might be useful to identify, discuss, organize and perhaps resolve issues.
- The applicant expressed its strong desire to move ahead rapidly. Some protestants expressed an equally strong desire for adequate time to digest the massive IMAP proposal and did not want to rush to judgment.

Near the end of the meeting, the applicant wanted to make a somewhat lengthy technical presentation, but most of the other parties were neither prepared for this nor appeared to have time for it that day. Some parties noted their technical staff would need to hear any technical presentation to make it meaningful. The other parties, including IDWR, were not aware a technical presentation might be part of the June 11 proceedings. It did not seem productive to continue the conference at that point. Just before adjourning, the applicant proposed a brief technical presentation of the IMAP model during the lunch hour. Everyone agreed to adjourn and allow those with time to stay for a brief discussion of the model. This discussion would be expanded upon in a second prehearing (technical) conference. The applicant agreed to provide proposed dates for a second conference to be held sometime next month.

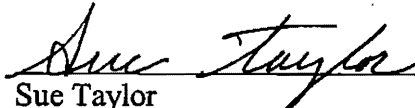
The conference adjourned at noon. The applicant, several protestants and I stayed until about 1:30 for the applicant's explanation of the IMAP model. Economist John Church explained the model.

IDWR is currently considering its approach to continued processing of IMAP. The applicant is currently considering possible dates for the next few months for one or more additional conferences. I am currently trying to identify public records about IMAP not found in the IMAP water filing.

Represented (3) 6/11/02  
prehearing conference?

### CERTIFICATE OF MAILING

I hereby certify that on the 20<sup>th</sup> day of May 2002 I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:

  
Sue Taylor  
Senior Secretary

#### APPLICANT

✓ UNITED WATER ID INC  
C/O JOHN M MARSHALL  
PO BOX 2720  
BOISE ID 83701

#### PROTESTANTS

✓ BUREAU OF RECLAMATION  
C/O E GAIL MCGARRY PN-3100  
1150 N CURTIS RD STE 100  
BOISE ID 83706-1234

✓ BOISE PROJECT BD OF CONTROL  
C/O ALBERT BARKER  
PO BOX 2139  
BOISE ID 83701-2139

✓ NAMPA & MERIDIAN IRRIG DIST  
C/O CHARLES L HONSINGER  
RINGERT CLARK CHARTERED  
PO BOX 2773  
BOISE ID 83701-2773

✓ ESTATE OF ELEANOR I CHASE  
C/O MATT J HOWARD  
ATTORNEY AT LAW  
PO BOX 190012  
BOISE ID 83719

CITIES OF EAGLE, KUNA, MIDDLETON &  
✓ STAR AND STAR SEWER DIST  
C/O TAMMY A ZOKAN  
MOORE SMITH BUXTON & TURCKE  
225 N 9<sup>TH</sup> ST STE 420  
BOISE ID 83702

CITY OF MERIDIAN PUBLIC WORKS  
✓ C/O GARY D SMITH  
660 E WATERTOWER  
MERIDIAN ID 83642

\* CITY OF CALDWELL ENGINEERING DEPT }  
C/O GORDON LAW } *File or*  
621 E CLEVELAND BLVD } *USE AS*  
CALDWELL ID 83605 } *"rep"?*

✓ PIONEER IRRIG DIST  
C/O SCOTT CAMPBELL  
PO BOX 829  
BOISE ID 83701-0829

✓ BOISE PUBLIC WORKS DEPT  
C/O BETH BAIRD  
PO BOX 500  
BOISE ID 83701-0500

\* 6/17 message to Gordon P City

*John A. Rosholt  
Albert P. Barker  
John K. Simpson  
Amy D. Chestnut  
Travis L. Thompson*



205 North 10<sup>th</sup> Street, Suite 520  
Post Office Box 2139  
Boise, ID 83701-2139  
(208) 336-0700 telephone  
(208) 344-6034 facsimile  
brs@idahowaters.com

233 Second Street North, Suite D  
Twin Falls, ID 83301  
(208) 733-0700 telephone  
(208) 735-2444 facsimile

*Albert P. Barker*  
apb@idahowaters.com

June 14, 2002

**RECEIVED**

**JUN 17 2002**

**WATER RESOURCES  
WESTERN REGION**

VIA FACSIMILE

Mr. Steve Lester  
Water Rights Supervisor  
Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705

Re: United Water Idaho – Integrated Municipal Application Package (IMAP)

Dear Steve:

In response to Chris Meyer's letter, I am unavailable on July 2, 3 and 8 of the days he proposed.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

  
Albert P. Barker

APB/eac

cc: Protestants

cc: Chris Meyer

# GIVENS PURSLEY LLP

LAW OFFICES  
277 North 6th Street, Suite 200  
PO Box 2720, Boise, Idaho 83701  
TELEPHONE: 208 388-1200  
FACSIMILE: 208 388-1300  
WEBSITE: [www.givenspursley.com](http://www.givenspursley.com)

Direct Dial: (208) 388-1234  
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Michael C. Greamer  
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Emily MacMaster Durkee  
Thomas E. Dvorak  
Roy Lewis Eiguren  
Timothy P. Feamside  
Jellrey C. Fereday  
Steven J. Hippler  
Karl T. Klein  
Debora K. Kristensen  
Anne C. Kunkel

Franklin G. Lee  
David R. Lombardi  
D. David Lorello, Jr.  
Kevin T. Maloney  
Kimberly D. Maloney  
John M. Marshall  
Kenneth R. McClure  
Kelly Greene McConnell  
Cynthia A. Melillo  
Christopher H. Meyer  
Kendall L. Miller  
L. Edward Miller  
Patrick J. Miller

Judson B. Montgomery  
Angela K. Nelson  
Deborah E. Nelson  
W. Hugh O'Riordan  
Kenneth L. Pursley  
Brad V. Sneed  
Conley E. Ward  
Robert B. White

Raymond D. Givens  
James A. McClure  
Stephanie C. Westermeier  
OF COUNSEL

June 12, 2002

JUN 13 2002

Department of Water Resources

**VIA US MAIL**

Idaho Department of Water Resources  
1301 N. Orchard St.  
P.O. Box 83720  
Boise, ID 83720-0098

Re: United Water IMAP  
Our File: 30-71

RECEIVED

JUN 14 2002

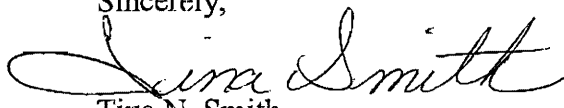
WATER RESOURCES  
WESTERN REGION

Dear Clerk:

Enclosed please find a Certificate of Mailing showing other parties that were served copies of United Water's Preliminary Response to Protests, which was faxed to you June 10, 2002.

If you have any questions, please call me.

Sincerely,



Tina N. Smith

Assistant to John M. Marshall

Enclosure

S:\Clients\30\71\Corr\2002-6-12 IDWR cert of mail.doc

**JUN 14 2002**

WATER RESOURCES  
WESTERN REGION

LAW OFFICES  
277 North 6th Street, Suite 200  
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EMAIL: chm@givenspursley.com

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Michael C. Creamer  
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Emily MacMaster Durkee  
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Timothy P. Feamside  
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Stephanie C. Westemeier  
OF COUNSEL

**Via Facsimile and U.S. Mail**

June 12, 2002

Mr. Steve Lester  
Water Rights Supervisor  
Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705

Re: United Water Idaho – Integrated Municipal Application Package  
("IMAP")  
Our File No. 30-71

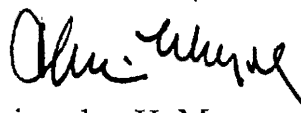
Dear Steve:

Per your request at the Pre-Hearing Conference yesterday, below please find a listing of the available dates for United Water Idaho, Givens Pursley and John Church to participate in a second pre-hearing conference on the IMAP.

All day on July 1-3, 8-9, 11-12, the afternoons of July, 17 and 18, and all day on July 19<sup>th</sup>. Given the number of issues to be tackled, I suggest you consider scheduling two more pre-hearing conferences during this time frame.

If you have any questions or require any additional information please call.

Sincerely,



Christopher H. Meyer

cc: Protestants  
John Church  
Scott Rhead

# FAX COVER SHEET

DATE: Wednesday, June 12, 2002

PAGES (INCLUDING COVER): 2

ORIGINAL TO FOLLOW: Yes – via U.S. Mail

**From:**

**CHRISTOPHER H. MEYER  
GIVENS PURSLEY LLP**

Suite 200, Park Place

277 North Sixth Street

Post Office Box 2720

Boise, Idaho 83701-2720

Telephone: (208) 388-1236

Facsimile: (208) 388-1300

Email: [chm@givenspursley.com](mailto:chm@givenspursley.com)

Web: [www.givenspursley.com](http://www.givenspursley.com)

RE: United Water Idaho – Integrated Municipal Application Package  
Our File No. 30-71

TO:

|                      |                                      | Voice    | Fax      |
|----------------------|--------------------------------------|----------|----------|
| Steve Lester         | Idaho Department of Water Resources  | 334-2190 | 334-2348 |
| John Church          | Idaho Economics                      | 323-0732 | 323-5583 |
| Scott Rhead          | United Water Idaho                   | 362-7345 | 362-7069 |
| Charles L. Honsinger | Ringert Clark, Chtd.                 | 342-4591 | 342-4657 |
| Matt J. Howard       | Law Offices                          | 333-0622 | 333-8409 |
| Scott L. Campbell    | Moffatt Thomas Barrett Rock & Fields | 345-2000 | 385-5384 |
| Matt Wilde           | City of Boise                        | 384-3870 | 384-4454 |
| Tammy Zokan          | Moore Smith Buxton & Turcke          | 331-1800 | 331-1202 |
| Gordon Law, P.E.     | City of Caldwell                     | 455-3006 | 455-3003 |
| Gary D. Smith        | City of Meridian                     | 898-5500 | 887-1297 |
| Albert P. Barker     | Barker Rosholt & Simpson             | 336-0700 | 344-6034 |
| Randall Fredricks    | Law Offices                          | 384-5144 | 433-8976 |
| Beth Baird           | City of Boise                        | 384-3984 | 384-3905 |
| E. Gail McGarry      | U.S. Bureau of Reclamation           | 378-5306 | 378-5066 |
| Ed Squires           | Hydro Logic, Inc.                    | 342-8369 | 342-3100 |
| Kathleen Carr        | U.S. Bureau of Reclamation           | 334-1911 | 334-1378 |

**MESSAGE:**

Please see the attached letter regarding availability for a second pre-hearing conference. If you have any questions please call.

— Chris

If this fax does not transmit fully or is difficult to read, please contact me or my secretary at (208) 388-1227.

**CONFIDENTIALITY NOTICE**

This facsimile may contain confidential information that is protected by the attorney-client or work product privilege. It is intended only for the use of the individual(s) named above. If you are not a named recipient or an employee responsible for delivering the facsimile, you are instructed not to deliver, distribute or copy this facsimile, nor should you disclose its contents or take any action in reliance on the information it contains. If you have received this facsimile in error, please notify us immediately by telephone to arrange for the return of the transmitted documents to us. Thank you.

# GIVENS PURSLEY LLP

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James A. McClure  
Stephanie C. Weermeler  
OF COUNSEL

## Via Facsimile and U.S. Mail

June 12, 2002

Mr. Steve Lester  
Water Rights Supervisor  
Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705

Re: United Water Idaho – Integrated Municipal Application Package  
("IMAP")  
Our File No. 30-71

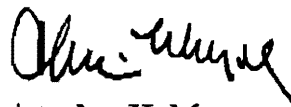
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Sincerely,



Christopher H. Meyer

cc: Protestants  
John Church  
Scott Rhead



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

**FAX TRANSMITTAL COVER SHEET**

FAX NUMBER (208) 334-2348

DATE: 6/12/02

TO: KATRINA  
GIVERS PUESKY  
fax 388-1300

FROM: Steve Lester

DOCUMENT DESCRIPTION/NOTES: "IMAP" Service List

IDWR service list from 5/20/02 "Notice of  
Prehearing Conference" that was held 6/11/02.

Of course, add IDWR Western Region to this list.

TOTAL PAGES SENT: 2 + COVER SHEET

CONTACT: \_\_\_\_\_

Christopher H. Meyer, Esq. (Idaho Bar No. 4461)  
John M. Marshall, Esq. (Idaho Bar No. 5628)  
GIVENS PURSLEY LLP  
277 North 6th Street, Suite 200  
P.O. Box 2720  
Boise, Idaho 83701-2720  
Office: 208-388-1200  
Fax: 208-388-1300  
Email: chm@givenspursley.com; jmm@givenspursley.com  
*Counsel for Applicant United Water Idaho*

*Final copy provided by  
C. Meyer & prehearing conf.*

**RECEIVED**

**JUN 11 2002**

**WATER RESOURCES  
WESTERN REGION**

**BEFORE THE  
IDAHO DEPARTMENT OF WATER RESOURCES**

In the Matter of Integrated Municipal  
Application Package of United Water  
Idaho Inc.

**PRELIMINARY RESPONSE TO  
PROTESTS**

United Water Idaho Inc. ("UWID") filed the above-captioned Municipal Water Rights Application ("IMAP") on May 4, 2001. Sixteen persons or entities have filed protests to the IMAP, identified in the attached Appendix A. In order to facilitate discussion at the pre-hearing conference, the Applicant is submitting the following summary of protests.

| No. | Issue raised                                                                                                                                      | Protestants                                                              | UWID comment                                                                                                                                                                          |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | The IMAP violates sections 42-202B, 42-222, 42-222A, 42-211, 42-203A, and/or the entire 1996 Act.                                                 | Boise Project;<br>Eagle et al.;<br>Pioneer & Settlers;<br>NMID;<br>Chase | Many of the protests allege violations based on broad references to code provisions without any specificity or explanation. These should be fleshed out at the prehearing conference. |
| 2.  | The IMAP violates section 42-202 (which deals solely with new appropriations). The water supply is insufficient to support the new appropriation. | Pioneer & Settlers;<br>Chase                                             | The IMAP does not seek any new appropriation of water. This IMAP seeks only to change existing water rights.                                                                          |

|    |                                                                                                                                                                                                              |                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. | The IMAP seeks more water than originally permitted, will constitute an enlargement of use, and/or will reduce the quantity of water available to other rights.                                              | Boise Project; Eagle et al.; Pioneer & Settlers; NMID; Chase | The Applicant is not seeking to increase the quantity of any water right in its portfolio.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 4. | The IMAP will injure Protestant's water rights. Allowing UWID's wells to serve as alternative points of diversion may injure Protestant's water rights.                                                      | BuRec Eagle, et al.                                          | The IMAP is specifically designed to protect the status quo. This is the reason that original priority dates and quantities are retained for purposes of well interference. Given this, it is not apparent how the IMAP could adversely affect any water right.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 5. | It appears that certain rights and interests of Protestants may be impacted.                                                                                                                                 | Eagle et al.                                                 | UWID has expressly and consciously excluded from the IMAP's planning area communities such as Eagle and Kuna in which there is some uncertainty about who will be the water provider in the future. Consequently, it is difficult to understand how the IMAP could adversely impact these communities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 6. | The IMAP will adversely affect the "rights of others" or "other water rights."                                                                                                                               | Boise Project; NMID                                          | First, this is not true. Second, Protestants do not have standing to base their protest on injury to "the rights of others" or "other water rights."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 7. | The IMAP will change priority dates.                                                                                                                                                                         | Boise Project                                                | The IMAP specifically retains the original priority date of each water right.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 8. | The quantity sought exceeds "reasonably anticipated future needs." UWID has failed to adequately document its future needs.                                                                                  | Pioneer & Settlers; NMID                                     | The Applicant stands by its analysis, which it believes is very conservative. We see this essentially as an issue for the experts. However, at the pre-hearing conference the parties should explore this area thoroughly to determine whether there are specific issues of law or other matters which might be addressed specially.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 9. | The IMAP may authorize use outside of UWID's service area. The IMAP's "planning area" is inconsistent with the definition of "service area" in section 42-202B. The IMAP fails to document its service area. | Boise Project; Pioneer & Settlers                            | <p>First, it is important to distinguish between four terms: (1) service area (defined in the 1996 Act); (2) service area (prior to 1996 Act); (3) planning area (on which the IMAP is based); and (4) certificated area (the area UWID is authorized to serve by the PUC).</p> <p>Second, under the 1996 Act, a provider's service area does not have any definite bounds, but is described only generally.</p> <p>Third, UWID is not seeking any change in its service area through the IMAP. Indeed, the IMAP does not control what the service area will be fifty years from now.</p> <p>Fourth, the planning area described in the IMAP is smaller than what UWID's service area is likely to be in the future. It is circumscribed to avoid controversial areas and thereby makes a conservative projection of future needs.</p> |

|     |                                                                                                                                                                  |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10. | The IMAP is based on speculation.                                                                                                                                | Boise Project;<br>Chase                                                  | The law of speculation, as it relates to municipal providers, has been codified by the 1996 Act. Consequently, we see this as adding nothing to Issue No. 9. If there is a distinction, that should be brought out at the prehearing conference, and mechanisms explored for resolving this.                                                                                                                                                                                                                                                                                                 |
| 11. | The IMAP is not consistent with the conservation of water.                                                                                                       | Boise Project;<br>Pioneer & Settlers;<br>NMID;<br>Chase                  | This criterion was added to the statute in response to <i>Sporhase v. Nebraska</i> . We do not know what the Protestants have in mind by this generic reference to water conservation. This should be clarified or dropped.                                                                                                                                                                                                                                                                                                                                                                  |
| 12. | The IMAP would promote economic waste by encouraging the conversion of irrigation systems to treated water systems.                                              | Boise Project                                                            | This issue appears to be premised on a misapprehension. UWID has a consistent policy of working with irrigation districts to facilitate NPI (non-potable irrigation) systems. The IMAP specifically maps all areas now served by irrigation and assumes that they will be served by NPI systems. The IMAP does not depart from UWID's history of cooperation with the Irrigation Districts, which UWID considers to be its partners in serving the Treasure Valley.                                                                                                                          |
| 13. | The IMAP and/or the planning horizon conflicts with the local public interest.                                                                                   | Boise Project;<br>Eagle et al.;<br>Pioneer & Settlers;<br>NMID;<br>Chase | It is not clear what Protestants mean by this generic claim. We trust that it is not a challenge to the basic principles articulated by the Legislature in the 1996 Act. This issue should be explored thoroughly at the prehearing conference, and mechanisms established to bring the most efficient resolution to this claim.                                                                                                                                                                                                                                                             |
| 14. | The IMAP involves changes in the nature of use from agriculture to municipal use without consideration of the impact on the agricultural base of the local area. | Boise Project                                                            | This issue appears to be based on a misconception. Although some water rights in UWID's portfolio break down the uses into "domestic," "irrigation" and other uses. In fact all of these have been used since their inception to serve domestic uses and lawn irrigation. Most of these came from water service entities like Barber Water Company, Warm Springs Mesa, Inc., and South County Water Company that have since been acquired by UWID. No agricultural land is being dried up. Consequently, there will be no impact on the agricultural base of the local area.                 |
| 15. | The IMAP would allow UWID to hold water rights "potentially without beneficial use" for up to fifty years.                                                       | NMID                                                                     | The 1996 Act expressly provides that water held for reasonably anticipated future needs within a municipal provider's approved planning horizon is a <u>present</u> "beneficial use." This is similar in concept to the idea that water held in a reservoir for drought protection is a present beneficial use, even though the water is not diverted out of the reservoir for many years. If it turns out, years from now, that UWID is holding more water than it has need for, current Departmental policy provides that the excess supply is subject to partial forfeiture at that time. |

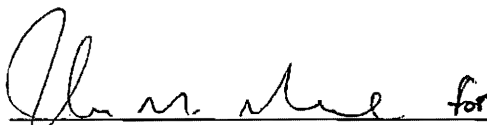
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| 16. | The IMAP is the first major application of the 1996 Act. It may set important precedents. The Protest has an interest in fully understanding the IMAP's ramifications and following these proceedings. | Meridian;<br>Caldwell;<br>NMID;<br>Eagle et al.;<br>Boise | UWID welcomes the participation of who wish to better understand the impact of the IMAP. We will make ourselves fully available to assist in this process.                                                                                                                                                                                                                                                     |
| 17. | The IMAP and the fifty-year planning horizon may impair Protestant's ability to plan for future needs.                                                                                                 | Eagle et al.                                              | The Protestant's concern is not clear. Approval of the IMAP will set a beneficial precedent to Eagle and all other municipal providers.                                                                                                                                                                                                                                                                        |
| 18. | The published notice contains insufficient information to determine the impact of the IMAP.                                                                                                            | Eagle et al.                                              | The notice, as well as the IMAP itself, was carefully drafted in non-legalese to put the public on fair notice of its goals and effects. However, if a Protestant believes it needs more information beyond the IMAP itself to completely understand how the IMAP will work. UWID will work with each Protestant, formally or informally, to assist in that process.                                           |
| 19. | The fifty year planning horizon is not reasonable.                                                                                                                                                     | Pioneer & Settlers                                        | Presumably, Protestants believe that UWID should plan for the future, but for a shorter period of time. UWID contends that planning for the next fifty years is reasonable, consistent with the practice of other municipalities, and a fulfillment of the expectation of the Legislature. Indeed, failure to do so would be unreasonable. This issue should be explored further at the prehearing conference. |
| 20. | The IMAP seeks approval of out-of-priority diversions.                                                                                                                                                 | Pioneer & Settlers                                        | This comment appears to be based on a misconception. The IMAP does not advance any priority date.                                                                                                                                                                                                                                                                                                              |
| 21. | Some portions of water rights have been forfeited through nonuse.                                                                                                                                      | Pioneer & Settlers                                        | None of UWID's water rights have been forfeited. UWID has consistently met the standard for beneficial use applicable to municipal providers.                                                                                                                                                                                                                                                                  |
| 22. | The IMAP is overly complicated. It should have been filed as a series of separate applications.                                                                                                        | Pioneer & Settlers                                        | There is no denying that the IMAP is an important and complicated document. However, the IMAP was carefully designed to make it as simple as could be. Dividing it into over a hundred separate applications would hardly make things simpler. UWID would welcome suggestions for approaching the issues in a matter that allows parties to focus on issues of particular concern to them.                     |
| 23. | The Protestant has questions about changes in points of diversion, places of use, and season of use.                                                                                                   | NMID                                                      | UWID is pleased to provide further explanation on each of these issues.                                                                                                                                                                                                                                                                                                                                        |

The following comments have been provided informally by the Protestants subsequent to their protests.

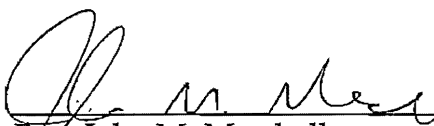
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| 25. | Protestant is concerned about potential interference with Floating Feather well.                                                                                              | Chase         | No such effect is intended. UWID and Chase have initiated settlement discussions intended to resolve this concern.                                                                                                                                                                                                                  |

DATED this 10<sup>th</sup> day of June, 2002.

GIVENS PURSLEY LLP



By: Christopher H. Meyer



By: John M. Marshall

*Attorneys for Applicant  
United Water Idaho Inc.*

## APPENDIX A – Protestants to the IMAP

|                                                                                                                                            |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 1. Boise Project Board of Control<br>2. Wilder Irrigation District<br>3. Boise-Kuna Irrigation District<br>4. Big Bend Irrigation District | Referred to collectively as “Boise Project”        |
| 5. United States Department of Interior<br>Bureau of Reclamation                                                                           | “BurRec”                                           |
| 6. Nampa & Meridian Irrigation District                                                                                                    | “NMID”                                             |
| 7. City of Eagle<br>8. City of Kuna<br>9. City of Middleton<br>10. City of Star<br>11. Star Sewer and Water District                       | Referred to collectively as “City of Eagle et al.” |
| 12. Estate of Eleanor I. Chase                                                                                                             | “Chase”                                            |
| 13. City of Meridian                                                                                                                       | “Meridian”                                         |
| 14. City of Caldwell                                                                                                                       | “Caldwell”                                         |
| 15. Pioneer Irrigation District<br>16. Settlers Irrigation District                                                                        | Referred to collectively “Pioneer and Settlers”    |
| 17. City of Boise                                                                                                                          | “Boise”                                            |

## CERTIFICATE OF SERVICE

I hereby certify that on this 10<sup>th</sup> day of June, 2002, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Idaho Department of Water Resources  
1301 N. Orchard St.  
P.O. Box 83720  
Boise, ID 83720-0098

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☒ Facsimile  
☐ Hand Delivery  
☐ Overnight Mail

*fax copy received  
c. western  
6/10/02*

Charles L. Honsinger  
Ringert Clark, Chart  
455 S. Third Street  
P.O. Box 2773  
Boise, ID 83701-2773

☐ U.S. Mail  
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☐ Hand Delivery  
☐ Overnight Mail

Matt J. Howard  
2125 South Sumpter Way  
P.O. Box 190012  
Boise, ID 83719

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☒ Facsimile  
☐ Hand Delivery  
☐ Overnight Mail

Scott L. Campbell  
Moffatt Thomas Barrett Rock & Fields  
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Boise, ID 83701-0829

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☒ Facsimile  
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☐ Overnight Mail

Albert P. Barker  
Barker, Rosholt & Simpson, LLP  
205 North 10th, Suite 520  
P.O. Box 2139  
Boise, ID 83701-2139

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☒ Facsimile  
☐ Hand Delivery  
☐ Overnight Mail

Gary D. Smith, P.E.  
Public Works Director  
City of Meridian  
660 E. Watertower  
Meridian, ID 83642

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☐ Hand Delivery  
☐ Overnight Mail

Gordon Law, P.E.  
City Engineer  
621 E. Cleveland Blvd.  
Caldwell, ID 83605

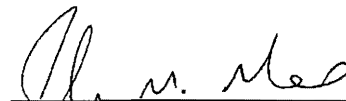
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Tammy Zokan  
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225 North 9th St., Ste. 420  
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Matt Wilde  
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\_\_\_\_\_  
John M. Marshall

# FAX COVER SHEET

DATE: Monday, June 10, 2002

PAGES (INCLUDING COVER): 9

ORIGINAL TO FOLLOW: Yes

RE: United Water IMAP  
Client/Matter No.: 30-71

JOHN MARSHALL  
GIVENS PURSLEY LLP  
Suite 200, Park Place  
277 North Sixth Street  
Post Office Box 2720  
Boise, Idaho 83701-2720  
Telephone: 208-388-1270  
Fax: 208-388-1300  
Email: [jmm@givenspursley.com](mailto:jmm@givenspursley.com)  
Website: [www.givenspursley.com](http://www.givenspursley.com)

TO: Idaho Department of Water Resources  
Phone: 208-327-7900  
Fax: 208-327-7866

MESSAGE:

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WATER RESOURCES  
WESTERN REGION

If this fax does not transmit fully or is difficult to read, please contact Tina Smith at (208) 388-1234.

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 John M. Marshall, Esq. (Idaho Bar No. 5628)  
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 277 North 6th Street, Suite 200  
 P.O. Box 2720  
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 Office: 208-388-1200  
 Fax: 208-388-1300  
 Email: chm@givenspursley.com; jmm@givenspursley.com  
*Counsel for Applicant United Water Idaho*

**BEFORE THE  
IDAHO DEPARTMENT OF WATER RESOURCES**

In the Matter of Integrated Municipal  
 Application Package of United Water  
 Idaho Inc.

**PRELIMINARY RESPONSE TO  
PROTESTS**

United Water Idaho Inc. ("UWID") filed the above-captioned Municipal Water Rights Application ("IMAP") on May 4, 2001. Sixteen persons or entities have filed protests to the IMAP, identified in the attached Appendix A. In order to facilitate discussion at the pre-hearing conference, the Applicant is submitting the following summary of protests.

| No. | Issue raised                                                                                                                                      | Protestants                                                              | UWID comment                                                                                                                                                                          |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | The IMAP violates sections 42-202B, 42-222, 42-222A, 42-211, 42-203A, and/or the entire 1996 Act.                                                 | Boise Project;<br>Eagle et al.;<br>Pioneer & Settlers;<br>NMID;<br>Chase | Many of the protests allege violations based on broad references to code provisions without any specificity or explanation. These should be fleshed out at the prehearing conference. |
| 2.  | The IMAP violates section 42-202 (which deals solely with new appropriations). The water supply is insufficient to support the new appropriation. | Pioneer & Settlers;<br>Chase                                             | The IMAP does not seek any new appropriation of water. This IMAP seeks only to change existing water rights.                                                                          |

|    |                                                                                                                                                                                                              |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. | The IMAP seeks more water than originally permitted, will constitute an enlargement of use, and/or will reduce the quantity of water available to other rights.                                              | Boise Project;<br>Eagle et al.;<br>Pioneer & Settlers;<br>NMID;<br>Chase | The Applicant is not seeking to increase the quantity of any water right in its portfolio.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 4. | The IMAP will injure Protestant's water rights. Allowing UWID's wells to serve as alternative points of diversion may injure Protestant's water rights.                                                      | BuRec<br>Eagle, et al.                                                   | The IMAP is specifically designed to protect the status quo. This is the reason that original priority dates and quantities are retained for purposes of well interference. Given this, it is not apparent how the IMAP could adversely affect any water right.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 5. | It appears that certain rights and interests of Protestants may be impacted.                                                                                                                                 | Eagle et al.                                                             | UWID has expressly and consciously excluded from the IMAP's planning area communities such as Eagle and Kuna in which there is some uncertainty about who will be the water provider in the future. Consequently, it is difficult to understand how the IMAP could adversely impact these communities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 6. | The IMAP will adversely affect the "rights of others" or "other water rights."                                                                                                                               | Boise Project;<br>NMID                                                   | First, this is not true. Second, Protestants do not have standing to base their protest on injury to "the rights of others" or "other water rights."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 7. | The IMAP will change priority dates.                                                                                                                                                                         | Boise Project                                                            | The IMAP specifically retains the original priority date of each water right.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 8. | The quantity sought exceeds "reasonably anticipated future needs." UWID has failed to adequately document its future needs.                                                                                  | Pioneer & Settlers;<br>NMID                                              | The Applicant stands by its analysis, which it believes is very conservative. We see this essentially as an issue for the experts. However, at the pre-hearing conference the parties should explore this area thoroughly to determine whether there are specific issues of law or other matters which might be addressed specially.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 9. | The IMAP may authorize use outside of UWID's service area. The IMAP's "planning area" is inconsistent with the definition of "service area" in section 42-202B. The IMAP fails to document its service area. | Boise Project;<br>Pioneer & Settlers                                     | <p>First, it is important to distinguish between four terms: (1) service area (defined in the 1996 Act); (2) service area (prior to 1996 Act); (3) planning area (on which the IMAP is based); and (4) certificated area (the area UWID is authorized to serve by the PUC).</p> <p>Second, under the 1996 Act, a provider's service area does not have any definite bounds, but is described only generally.</p> <p>Third, UWID is not seeking any change in its service area through the IMAP. Indeed, the IMAP does not control what the service area will be fifty years from now.</p> <p>Fourth, the planning area described in the IMAP is smaller than what UWID's service area is likely to be in the future. It is circumscribed to avoid controversial areas and thereby makes a conservative projection of future needs.</p> |

|     |                                                                                                                                                                  |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10. | The IMAP is based on speculation.                                                                                                                                | Boise Project;<br>Chase                                                  | The law of speculation, as it relates to municipal providers, has been codified by the 1996 Act. Consequently, we see this as adding nothing to Issue No. 9. If there is a distinction, that should be brought out at the prehearing conference, and mechanisms explored for resolving this.                                                                                                                                                                                                                                                                                                 |
| 11. | The IMAP is not consistent with the conservation of water.                                                                                                       | Boise Project;<br>Pioneer & Settlers;<br>NMID;<br>Chase                  | This criterion was added to the statute in response to <i>Sparhase v. Nebraska</i> . We do not know what the Protestants have in mind by this generic reference to water conservation. This should be clarified or dropped.                                                                                                                                                                                                                                                                                                                                                                  |
| 12. | The IMAP would promote economic waste by encouraging the conversion of irrigation systems to treated water systems.                                              | Boise Project                                                            | This issue appears to be premised on a misapprehension. UWID has a consistent policy of working with irrigation districts to facilitate NPI (non-potable irrigation) systems. The IMAP specifically maps all areas now served by irrigation and assumes that they will be served by NPI systems. The IMAP does not depart from UWID's history of cooperation with the Irrigation Districts, which UWID considers to be its partners in serving the Treasure Valley.                                                                                                                          |
| 13. | The IMAP and/or the planning horizon conflicts with the local public interest.                                                                                   | Boise Project;<br>Eagle et al.;<br>Pioneer & Settlers;<br>NMID;<br>Chase | It is not clear what Protestants mean by this generic claim. We trust that it is not a challenge to the basic principles articulated by the Legislature in the 1996 Act. This issue should be explored thoroughly at the prehearing conference, and mechanisms established to bring the most efficient resolution to this claim.                                                                                                                                                                                                                                                             |
| 14. | The IMAP involves changes in the nature of use from agriculture to municipal use without consideration of the impact on the agricultural base of the local area. | Boise Project                                                            | This issue appears to be based on a misconception. Although some water rights in UWID's portfolio break down the uses into "domestic," "irrigation" and other uses. In fact all of these have been used since their inception to serve domestic uses and lawn irrigation. Most of these came from water service entities like Barber Water Company, Warm Springs Mesa, Inc., and South County Water Company that have since been acquired by UWID. No agricultural land is being dried up. Consequently, there will be no impact on the agricultural base of the local area.                 |
| 15. | The IMAP would allow UWID to hold water rights "potentially without beneficial use" for up to fifty years.                                                       | NMID                                                                     | The 1996 Act expressly provides that water held for reasonably anticipated future needs within a municipal provider's approved planning horizon is a <u>present</u> "beneficial use." This is similar in concept to the idea that water held in a reservoir for drought protection is a present beneficial use, even though the water is not diverted out of the reservoir for many years. If it turns out, years from now, that UWID is holding more water than it has need for, current Departmental policy provides that the excess supply is subject to partial forfeiture at that time. |

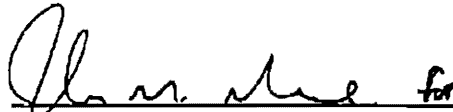
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| 19. | The fifty year planning horizon is not reasonable.                                                                                                                                                     | Pioneer & Settlers                                        | Presumably, Protestants believe that UWID should plan for the future, but for a shorter period of time. UWID contends that planning for the next fifty years is reasonable, consistent with the practice of other municipalities, and a fulfillment of the expectation of the Legislature. Indeed, failure to do so would be unreasonable. This issue should be explored further at the prehearing conference. |
| 20. | The IMAP seeks approval of out-of-priority diversions.                                                                                                                                                 | Pioneer & Settlers                                        | This comment appears to be based on a misconception. The IMAP does not advance any priority date.                                                                                                                                                                                                                                                                                                              |
| 21. | Some portions of water rights have been forfeited through nonuse.                                                                                                                                      | Pioneer & Settlers                                        | None of UWID's water rights have been forfeited. UWID has consistently met the standard for beneficial use applicable to municipal providers.                                                                                                                                                                                                                                                                  |
| 22. | The IMAP is overly complicated. It should have been filed as a series of separate applications.                                                                                                        | Pioneer & Settlers                                        | There is no denying that the IMAP is an important and complicated document. However, the IMAP was carefully designed to make it as simple as could be. Dividing it into over a hundred separate applications would hardly make things simpler. UWID would welcome suggestions for approaching the issues in a matter that allows parties to focus on issues of particular concern to them.                     |
| 23. | The Protestant has questions about changes in points of diversion, places of use, and season of use.                                                                                                   | NMID                                                      | UWID is pleased to provide further explanation on each of these issues.                                                                                                                                                                                                                                                                                                                                        |

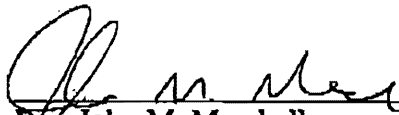
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DATED this 10<sup>th</sup> day of June, 2002.

GIVENS PURSLEY LLP

  
By: Christopher H. Meyer

  
By: John M. Marshall

*Attorneys for Applicant  
United Water Idaho Inc.*

**APPENDIX A – Protestants to the IMAP**

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| 17. City of Boise                                                                                                                          | "Boise"                                            |

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Charles L. Honsinger  
Ringert Clark, Chart  
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P.O. Box 2773  
Boise, ID 83701-2773

☐ U.S. Mail  
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Matt J. Howard  
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Boise, ID 83719

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☐ U.S. Mail  
☒ Facsimile  
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Gary D. Smith, P.E.  
Public Works Director  
City of Meridian  
660 E. Watertower  
Meridian, ID 83642

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☒ Facsimile  
☐ Hand Delivery  
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621 E. Cleveland Blvd.  
Caldwell, ID 83605

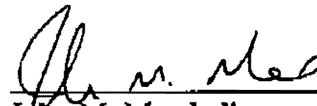
☐ U.S. Mail  
☒ Facsimile  
☐ Hand Delivery  
☐ Overnight Mail

Tammy Zokan  
Moore, Smith, Buxton & Turcke  
225 North 9th St., Ste. 420  
Boise, ID 83702

☐ U.S. Mail  
☒ Facsimile  
☐ Hand Delivery  
☐ Overnight Mail

Matt Wilde  
City of Boise  
P.O. Box 500  
Boise, ID 83701-0500

☐ U.S. Mail  
☒ Facsimile  
☐ Hand Delivery  
☐ Overnight Mail



John M. Marshall

# FAX COVER SHEET

DATE: Friday, May 10, 2002

PAGES (INCLUDING COVER): 4

ORIGINAL TO FOLLOW: No

RE: United Water IMAP  
Client/Matter No.: 30-71

JOHN M. MARSHALL  
GIVENS PURSLEY LLP  
Suite 200, Park Place  
277 North Sixth Street  
Post Office Box 2720  
Boise, Idaho 83701-2720  
Telephone: 208-388-1270  
Fax: 208-388-1300  
Email: [jmm@givenspursley.com](mailto:jmm@givenspursley.com)  
Website: [www.givenspursley.com](http://www.givenspursley.com)

TO: Gary L. Spackman  
Company: Idaho Department of Water Resources  
Phone: 208-334-2190  
Fax: 208-334-2348

MESSAGE:

If this fax does not transmit fully or is difficult to read, please contact Tina Smith at (208) 388-1234.

## CONFIDENTIALITY NOTICE

This facsimile may contain confidential information that is protected by the attorney-client or work product privilege. It is intended only for the use of the individual(s) named above. If you are not a named recipient or an employee responsible for delivering the facsimile, you are instructed not to deliver, distribute or copy this facsimile, nor should you disclose its contents or take any action in reliance on the information it contains. If you have received this facsimile in error, please notify us immediately by telephone to arrange for the return of the transmitted documents to us. Thank you.

Document9

# GIVENS PURSLEY LLP

**LAW OFFICES**

277 North 6th Street, Suite 200  
PO Box 2720, Boise, Idaho 83701  
TELEPHONE: 208 388-1200  
FACSIMILE: 208 388-1300  
WEBSITE: www.givenspursley.com

Direct Dial: (208) 388-1270  
E-Mail: [jmm@givenspursley.com](mailto:jmm@givenspursley.com)

Gary G. Allen  
Christopher J. Beeson  
Michael C. Croamer  
Jeffrey A. DeVoo  
Emily MacMaster Durkoo  
Thomas E. Dvarek  
Roy Lewis Eiguren  
Timothy P. Fearnside  
Jillroy C. Faraday  
Karl T. Klein  
Debra K. Kristiansen  
Anne C. Kunkel

Franklin G. Loo  
David R. Lombardi  
D. David Lorelio, Jr.  
Kevin T. Maloney  
Kimberly D. Maloney  
John M. Marshall  
Kenneth R. McClure  
Kelly Joanne McConnell  
Cynthia A. Mallia  
Christopher H. Meyer  
Kendall L. Miller  
L. Edward Miller

Patrick J. Miller  
Judson B. Montgomery  
Angela K. Nelson  
W. Hugh O'Riordan  
Kenneth L. Pursley  
Brad V. Sneed  
Conley E. Ward  
Robert B. White  
  
Raymond D. Givens  
James A. McClure  
Stephanie C. Westermeyer  
of counsel

May 10, 2002

**VIA FACSIMILE**

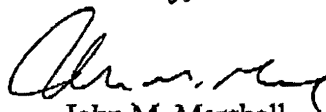
Gary Spackman  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: United Water – Integrated Municipal Application Package  
Our File: 30-71

Dear Gary:

I am enclosing a copy of the June and July calendar with the dates marked out that Chris Meyer and I are unavailable for a conference. If you have any questions, please call me.

Sincerely,

  
John M. Marshall

JMM/tms

cc: All protestants

S:\Clients\30\71\Corr\2002-5-10 Spackman-JMM.doc



IN REPLY  
REFER TO:

PN-3100  
ADM-1.10

## United States Department of the Interior

BUREAU OF RECLAMATION  
Pacific Northwest Region  
1150 North Curtis Road, Suite 100  
Boise, Idaho 83706-1234

RECEIVED  
MAY 10 2002  
WATER RESOURCES  
WESTERN REGION

MAY 09 2002

Mr. Gary Spackman  
Idaho Department of Water Resources  
Western Region Office  
2735 Airport Way  
Boise ID 83705

Subject: UWI - Integrated Municipal Application Package (IMAP)

Dear Mr. Spackman:

Thank you for your correspondence dated April 26<sup>th</sup>, regarding the IMAP filing and subsequent proceedings. Enclosed, please find June and July calendars indicating unavailable dates. Thank you.

Sincerely,

E. Gail McGarry  
Program Manager  
Water Rights & Acquisition

Enclosures

# MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

225 NORTH 9<sup>TH</sup> STREET, SUITE 420  
BOISE, ID 83702  
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

RANSOM J. BAILEY  
SUSAN E. BUXTON\*  
MICHAEL C. MOORE†  
BRUCE M. SMITH  
PAUL A. TURCKE‡  
CHRISTOPHER E. YORGASON  
TAMMY A. ZOKAN\*

JOHN J. MCFADDEN\*1  
*Of Counsel*

\* Also admitted in Oregon  
† Also admitted in Washington  
‡ Also admitted in South Dakota  
\* Also admitted in New Mexico

May 7, 2002

Department of Water Resources  
Western Region  
Attn: Gary Spackman  
2735 Airport Way  
Boise, ID 83705-5082

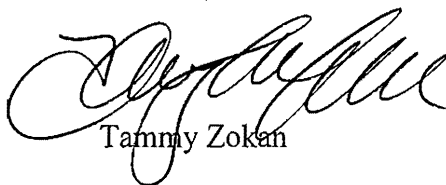
RE: Application for Transfer in the Name of United Water Idaho, Inc.

Dear Mr. Spackman:

Pursuant to your correspondence dated April 26, 2002, regarding the above entitled matter, please find enclosed a copy of the June and July calendar dates that Bruce Smith and I are unavailable.

Thank you.

Sincerely,



Tammy Zokan

TZ/aad

Enclosures

RECEIVED

MAY 08 2002

WATER RESOURCES  
WESTERN REGION

12/99

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**RECOMMENDATION OF WATERMASTER**

Application No: Amendment of Permit No. 63-12055 (re IMAP)

Applicant's Name: United Water Idaho

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as

follows: Standard Watermaster  
conditions

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional Comment: \_\_\_\_\_

Dated this 7 day of May 2002

Water District No: 63

Lee Smith  
Watermaster's Signature

Use reverse side of page if you need more space.

*John A. Rosholt  
Albert P. Barker  
John K. Simpson  
Amy D. Chestnut  
Travis L. Thompson*



205 North 10<sup>th</sup> Street, Suite 520  
Post Office Box 2139  
Boise, ID 83701-2139  
(208) 336-0700 telephone  
(208) 344-6034 facsimile  
brs@idahowaters.com

233 Second Street North, Suite D  
Twin Falls, ID 83301  
(208) 733-0700 telephone  
(208) 735-2444 facsimile

*Albert P. Barker*  
apb@idahowaters.com

May 3, 2002

RECEIVED

MAY - 7 2002

Department of Water Resources

Gary Spackman  
Manager, Western Region Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

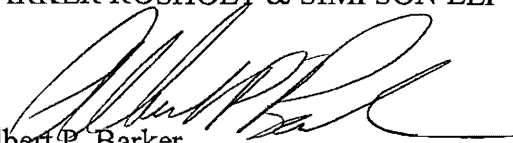
Re: Application for Transfer in the Name of United Water Idaho, Inc.

Dear Gary:

Enclosed as you requested, are my unavailable dates in June and July 2002.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

APB/eac  
Enclosure

RECEIVED

MAY 08 2002

WATER RESOURCES  
WESTERN REGION

RECEIVED

MAY 06 2002

WATER RESOURCES  
WESTERN REGION

Laura E. Burri  
Jellrey R. Christenson  
D. Blair Clark  
Michael J. Doolittle  
S. Bryce Farris  
Patrick D. Furey  
David Hammerquist  
Charles L. Honsinger  
Joseph B. Jones  
James P. Kaulman  
Jenniler Reid Mahoney  
James G. Reid  
William F. Ringen  
Daniel V. Steenson  
Allyn L. Sweeney

Samuel Kaulman (1921-1986)

May 3, 2002

Mr. Gary Spackman  
Hearing Officer  
Idaho Dept. of Water Resources  
Western Region  
2735 Airport Way  
Boise, ID 83705-5082

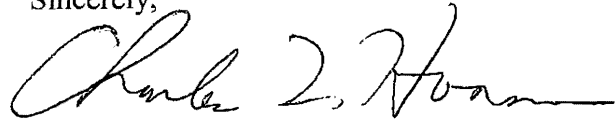
Re: United Water Idaho IMAP

Dear Mr. Spackman:

Pursuant to the request in your correspondence of April 26, 2002, please find enclosed a calendar with my unavailable dates for the months of June and July marked.

Please contact me with any questions or concerns.

Sincerely,



Charles L. Honsinger

enclosure

cc: Clients

LEGAL DEPARTMENT  
SUSAN LYNN MIMURA  
CITY ATTORNEY



H. BRENT COLES  
MAYOR

COUNCIL MEMBERS

MIKE WETHERELL  
COUNCIL PRESIDENT

M. JEROME MAPP  
COUNCIL PRO TEM

VERNON L. BISTERFELDT  
PAULA B. FORNEY  
JON MASON  
CAROLYN TERTEILING-PAYNE

May 2, 2002

Gary Spackman  
Idaho Department of Water Resources  
Western Region Office  
2735 Airport Way  
Boise, ID 83705

RECEIVED

MAY 06 2002

WATER RESOURCES  
WESTERN REGION

Re: UWI - Integrated Municipal Application Package (IMAP)

Dear Gary:

Thank you for your correspondence dated April 26<sup>th</sup>, regarding the IMAP filing and subsequent proceedings. Enclosed, please find June and July calendars indicating unavailable dates.

Thank you.

Sincerely,

Matthew K. Wilde  
Assistant City Attorney  
Boise City Attorney's Office

Enclosure

CC: Beth Baird  
Jo Beeman  
Protestants on Service List

Boise  
Idaho Falls  
Pocatello

## *Moffatt Thomas*

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas  
John W. Barrett  
R. B. Rock  
Richard C. Fields  
Robert E. Bakes  
John C. Ward  
D. James Manning  
Gary T. Dance  
Larry C. Hunter  
Morgan W. Richards  
Mark A. Ellison  
Randall A. Peterman  
Mark S. Prusynski  
Stephen R. Thomas

Glenna M. Christensen  
Gerald T. Husch  
Scott L. Campbell  
Michael G. McPeck  
Kirk R. Helvie  
Robert B. Burns  
James C. Dale  
Michael E. Thomas  
Patricia M. Olsson  
James C. deGlee  
Bradley J. Williams  
Lee Radford  
Michael O. Roe  
David S. Jensen

James L. Martin  
C. Clayton Gill  
Stephanie A. Balzarini  
David P. Gardner  
Julian E. Gabiola  
Paul C. Swainston  
Angela D. Schaer  
Casey C. Robertson  
Ray J. Chacko  
Bradley J. Dixon  
Keasa L. Hollister  
*Willis C. Moffatt,*  
1907-1980

April 29, 2002

US Bank Plaza Building  
101 S Capitol Blvd 10th Fl  
PO Box 829  
Boise Idaho 83701 0829

208 345 2000  
800 422 2889  
208 385 5384 Fax  
www.moffatt.com

RECEIVED

MAY 01 2002

WATER RESOURCES  
WESTERN REGION

Gary Spackman  
Idaho Department of Water Resources  
Western Region Office  
2735 Airport Way  
Boise, ID 83705

**Re: United Water - Integrated Municipal Application Package**  
MTBR&F File No. 18946.10

Dear Gary:

I received your correspondence dated April 26, 2002, concerning the above referenced matter. I am returning to you the dates which I am unavailable during June and July. In the interim, I will contact the other protestants to discuss the matter.

If you have any questions, please feel free to contact me.

Very truly yours,



Scott L. Campbell

SLC/dll

Enclosure

cc: Pioneer Irrigation District  
Settlers Irrigation District  
All Protestants on Service List

**MATT J. HOWARD****ATTORNEY AT LAW**

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL MHOWARD@FIBERPIPE.NET

**FACSIMILE TRANSMITTAL SHEET**

|               |                                    |
|---------------|------------------------------------|
| TO:           | FROM:                              |
| Gary Spackman | Matt J. Howard                     |
| COMPANY:      | DATE:                              |
| IDWR          | May 1, 2002                        |
| FAX NUMBER:   | TOTAL NO. OF PAGES INCLUDING COVER |
| 334-2348      | 3                                  |
| RE:           |                                    |
| IMAP Protest  |                                    |

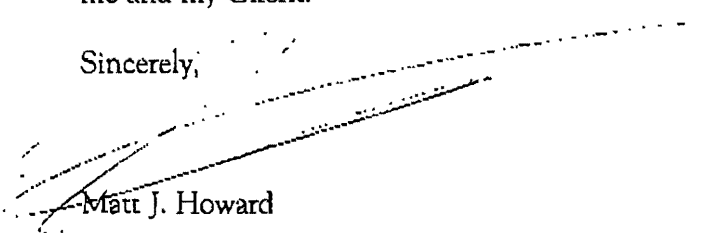
☐ URGENT    ☐ FOR REVIEW    ☐ FOR YOUR INFO    ☐ PLEASE REPLY    ☐ KEEP FOR FILES

**NOTES/COMMENTS:**

Dear Gary:

Enclosed please find the June and July calendars annotated with the unavailable dates for me and my Client.

Sincerely,

  
Matt J. Howard**CONFIDENTIAL & PRIVILEGED INFORMATION**

This facsimile is confidential & privileged. It is for use of the individual(s) named on this cover sheet. If you are not the intended recipient, do not read this facsimile. Any further inspection, dissemination, or copying of this facsimile is prohibited. If you have received this facsimile by error, please notify us by phone immediately, and we will arrange to have it returned to us. Thank you for your cooperation.



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

April 26, 2002

UNITED WATER ID INC  
C/O JOHN MARSHALL ATTORNEY  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701

Re: United Water Applications for Transfer and Amendment of Permits

Dear Applicant:

Enclosed are protests filed against United Water's recent applications for transfer and amendment of permits, referred to as "IMAP."

The following are the criteria IDWR must consider in either approving or denying an application for transfer (per Section 42-222, Idaho Code).

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The following are the criteria the department must consider in either approving or denying an application for amendment of a permit (Section 42-203A, Idaho Code):

1. Will the approval of the application result in the diversion and use of more water than originally permitted?
2. Will the rights of others be adversely affected thereby?

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

UNITED WATER ID INC

April 26, 2002

Page - 2 -

Enclosed are calendars for the months of June and July, 2002. Please mark dates you are **unavailable** during the two months and return them by May 10, 2002. After May 10, 2002, this office will schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

Please contact this office if you have questions regarding this procedure.

Sincerely,

A handwritten signature in cursive script, reading "Gary Spackman".

Gary Spackman

GS:st

Encl. Copies of Protests  
Calendars

April 26, 2002

TO: Protestants on the Attached List

Re: Application for Transfer in the Name of United Water Idaho, Inc.

Dear Protestants:

This office acknowledges receipt of your protests filed against United Water's recent applications for transfer and amendment of permits, referred to as "IMAP."

The following are the criteria IDWR must consider in either approving or denying an application for transfer (per Section 42-222, Idaho Code).

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The following are the criteria the department must consider in either approving or denying an application for amendment (per Section 42-203A, Idaho Code):

1. Will the approval of the application result in the diversion and use of more water than originally permitted?
2. Will the rights of others be adversely affected thereby?

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Enclosed are calendars for the months of June and July, 2002. Please mark dates you are **unavailable** during the two months and return them by May 10, 2002. After May 10, 2002 this

Protestants of United Water Id

April 26, 2002

Page - 2

office will schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

There is a \$25.00 protest fee for each protestant. If there is more than one protestant named with just one protest fee, IDWR will send all communication to the protestant designated or the first named protestant on the protest.

More information about IMAP can be obtained from IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 or via the Internet (see "Special Interest" items at IDWR homepage [www.idwr.state.id.us](http://www.idwr.state.id.us)). Printed or electronic (CD-ROM) copies of IMAP may be obtained from this office or can be reviewed at any IDWR office.

If this office can be of further assistance, please contact us.

Sincerely,

Gary Spackman

GS:st

Enclosure: Calendars

BOISE PROJECT BOARD OF CONTROL  
C/O ALBERT BARKER  
PO BOX 2139  
BOISE ID 83701-2139

BUREAU OF RECLAMATION  
C/O E GAIL MCGARRY PN-3100  
1150 N CURTIS RD STE 100  
BOISE ID 83706-1234

NAMPA & MERIDIAN IRRIG DIST  
C/O CHARLES L HONSINGER  
RINGERT CLARK CHARTERED  
PO BOX 2773  
BOISE ID 83701-2773

ESTATE OF ELEANOR I CHASE  
C/O MATT J HOWARD  
ATTORNEY AT LAW  
PO BOX 190012  
BOISE ID 83719

CITIES OF EAGLE, KUNA, MIDDLETON &  
STAR AND STAR SEWER DIST  
C/O TAMMY A ZOKAN  
MOORE SMITHG BUXTON & TURCKE  
225 N 9<sup>TH</sup> ST STE 420  
BOISE ID 83702

CITY OF MERIDIAN PUBLIC WORKS  
C/O GARY D SMITH  
660 E WATERTOWER  
MERIDIAN ID 83642

CITY OF CALDWELL ENGINEERING DEPT  
C/O GORDON LAW  
621 E CLEVELAND BLVD  
CALDWELL ID 83605

PIONEER & SETTLERS IRRIG DIST  
C/O SCOTT CAMPBELL  
PO BOX 829  
BOISE ID 83701-0829

BOISE PUBLIC WORKS DEPT  
C/O BETH BAIRD  
PO BOX 500  
BOISE ID 83701-0500



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 22, 2002

JOHN MARSHALL  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

*Re: United Water Idaho's IMAP Package*

Dear John:

This letter seeks additional information for IMAP as follows.

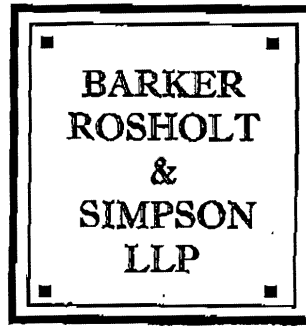
1. *How did the applicant determine the peak rate of flow currently used by United Water Idaho?* See Table 11 on page 50 of IMAP ... "rights in current portfolio used to support immediate demand = 147.5 cfs."
2. *What is the historic annual volume associated with current use?* Your response for items 1 and 2 need not include supporting data but should discuss methodology used to reach the conclusions. I imagine the applicant is best served by being able to respond to items 1 and 2 in whole and on an individual well basis at some point in the process.
3. *What information can be provided by the applicant to verify the elements of beneficial use rights included with IMAP?* These include 63-4015, 63-4395, 63-4414, 63-4424 and 63-4752. (Beneficial use right 63-19456 was already covered in this regard in prior Transfer No. 4998.) Verification of the elements should include evidence supporting priority dates, pump curves or other data regarding the rate of flow and the historic annual volume per well, confirmed well locations (perhaps GPS data and a related map?), and information validating beneficial use of water as described by each water right. In other words, information expected in support of adjudication claims for these beneficial use water rights should be provided.

Please submit the above requested information within thirty (30) days of the date of this letter, or the reply can be deferred until a hearing should one occur. Thank you for your attention to these matters.

Sincerely,

Steve Lester  
Water Rights Supervisor

John A. Rosholt  
Albert P. Barker  
John K. Simpson  
Amy D. Chestnut  
Travis L. Thompson



1221 West Idaho Street, Suite 600  
Post Office Box 2139  
Boise, ID 83701-2139  
(208) 336-0700 telephone  
(208) 344-6034 facsimile  
brs@idahowaters.com

233 Second Street North, Suite D  
Twin Falls, ID 83301  
(208) 733-0700 telephone  
(208) 735-2444 facsimile

**FACSIMILE COVER SHEET**

DATE: 4-22-02 Recipient's Fax: 334-2348

RE: United Water I MAP

TO: Idaho Dept. of Water Resources - Western Region

FROM: Albert P. Barker

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 4

- ☐ Original will not be sent.  
☒ Original will be sent by first class mail.  
☐ Original will be sent by Federal Express.

MESSAGE: \_\_\_\_\_

Protest

CONFIDENTIALITY NOTICE - THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY-CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE 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 OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL (208) 336-0700 AND RETURN THIS FACSIMILE TO US AT THE ABOVE ADDRESS. WE APPRECIATE YOUR COOPERATION.

# Receipt Details for ID W029036

| Status | Adjustment Type | Version |
|--------|-----------------|---------|
|        |                 | 1       |

**General Information:**

| Date Received        | Date Deposited       | Region  | Total Amount | Payment Type |
|----------------------|----------------------|---------|--------------|--------------|
| 4/17/2002 1:46:11 PM | 4/17/2002 2:57:59 PM | WESTERN | \$25.00      | Check        |
| Payer                | MATT HOWARD          |         |              |              |

**Account Information:**

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 2938                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** PROTEST**Fee Detail:**

| Amount  | Description | PCA   | Fund | Fund Detail | Subsidiary | Object |
|---------|-------------|-------|------|-------------|------------|--------|
| \$25.00 | PROTESTS    | 62103 | 0229 | 21          |            | 1155   |

**Refund(s):**

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

**RINGERT  
CLARK**  
CHARTERED  
LAWYERS

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APR 12 2002  
WATER RESOURCES  
WESTERN REGION

Laura E. Burri  
Jeffrey R. Christenson  
D. Blair Clark  
Michael J. Doolittle  
S. Bryce Faris  
Patrick D. Furey  
David Hammerquist  
Charles L. Honsinger  
Joseph B. Jones  
James P. Kaufman  
Jennifer Reid Mahoney  
James G. Reid  
William F. Ringert  
Daniel V. Steenson  
Allyn L. Sweeney  
Samuel Kaufman [1921-1986]

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: CHARLES L. HONSINGER

DATE: 4/11/02

RE: IMAP IN THE NAME OF UNITED WATER IDAHO, INC.

1. PROTEST
2. \$25.00 Check



\_\_\_ FOR YOUR INFORMATION

✓

\_\_\_ FILE ORIGINAL & CONFORM COPY

\_\_\_ FOR YOUR FILE

\_\_\_ PLEASE REPLY FOR MY SIGNATURE

\_\_\_ PLEASE FILE

\_\_\_ PLEASE ANSWER AND SEND COPY OF  
LETTER TO ME

\_\_\_ IN ACCORDANCE WITH  
YOUR REQUEST

\_\_\_ PLEASE RECORD AND RETURN

\_\_\_ PLEASE COMMENT

\_\_\_ RUSH

\_\_\_ PLEASE SIGN AND RETURN

\_\_\_ AS PER OUR PHONE CONVERSATION

\_\_\_ PLEASE TELEPHONE/SEE ME

\_\_\_ PLEASE REVIEW AND CALL TO  
DISCUSS

**REMARKS:** Please file the above-referenced document, conform the enclosed copy and return it in the enclosed pre-paid envelope. Thank you, Kimi White.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 9, 2002

To: Distribution List

Re: *United Water Idaho's Integrated Municipal Application Package*

Dear Sir or Ms.:

Enclosed please find information proposing a large change to many water rights held by United Water Idaho, Incorporated. The municipal provider seeks to change its rights to accommodate a fifty (50) year plan. This long term tool can be considered for approval based on statutory revisions designed for greater flexibility for municipal water providers.

A copy of the 112 applications, collectively known as "IMAP", is too large to include in this letter. Instead, you are provided a copy of the legal notice prepared by this office plus an IMAP executive summary prepared by the applicant. IMAP can be viewed in whole or in part on the department's Internet website at [www.idwr.state.id.us](http://www.idwr.state.id.us). Look under "Special Interest" at the site to find IMAP information. CD-ROM copies of IMAP can be provided on request. A paper copy of the document can be provided if electronic options are not suitable for your needs. Please contact this office if you want to learn more about these options.

Please provide any comments to this office by April 22, 2002, the final date for protest against the applications. Feel free to contact me at 334-2190 if you need information about IMAP.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester  
Water Rights Supervisor

Enclosure

CC: United Water Idaho, Inc., c/o John Marshall, Givens Pursley LLP

VIC CONRAD  
JR SIMPLOT CO  
BOISE ID 83707-0027

CATHERINE CHERTUDI  
CITYOF BOISE  
PO BOX 500  
BOISE ID 83701-0500

STATE OF IDAHO  
DEPT OF FISH & GAME  
3101 S POWERLINE RD  
NAMPA ID 83686

ADA COUNTY COMM  
200 W FRONT ST 3<sup>RD</sup> FL  
BOISE ID 82702

MAYOR  
CITY OF GARDEN CITY  
6015 GLENNWOOD  
GARDEN CITY ID 83714

MAYOR  
CITY OF MERIDIAN  
33 E IDAHO  
MERIDIAN ID 83642

IDAHO RIVERS UNITED  
PO BOX 633  
BOISE ID 83701

MIKE MCINTYRE  
MICRON TECH INC  
PO BOX 6  
BOISE ID 83707-0006

ED SQUIRES  
HYDRO LOGIC INC  
988 S LONGMONT AVE STE 100  
BOISE ID 83706

DIV OF ENV QUALITY  
BOISE REGIONAL OFFICE  
PO BOX 83720  
BOISE ID 83706

CANYON COUNTY COMM  
1115 ALBANY ST  
CALDWELL ID 83605

MAYOR  
CITY OF EAGLE  
PO BOX 1520  
EAGLE ID 83616

MAYOR  
CITY OF KUNA  
PO BOX 13  
KUNA ID 83634

UNITED WATER IDAHO  
C/O JOHN MARSHALL  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

CHAS F MCDEVITT  
LES BOISE SOCCER  
PO BOX 2564-83701  
BOISE ID 83702

SCOTT CAMPBELL  
ANGELA SHAER  
MOFFATT THOMAS  
PO BOX 820  
BOISE ID 83701-0829

LEE SISCO  
WATER DISTRICT 63  
6616 OVERLAND RD  
BOISE ID 83709

MAYOR  
CITY OF BOISE  
PO BOX 500  
BOISE ID 83701

MAYOR  
CITY OF STAR  
PO BOX 130  
STAR ID 83669

MAYOR  
CITY OF NAMPA  
411 3<sup>RD</sup> ST S  
NAMPA ID 83651

E GAIL MCGARRY PN-3100  
BUREAU OF RECLAMATION  
1150 NO CURTIS RD STE 100  
BOISE ID 83706-1234

## **MEMORANDUM**

TO: IMAP File

FROM: Steve Lester 

DATE: April 5, 2002

RE: Legal Notice

---

This memo summarizes publication of legal notices for United Water's IMAP. Publication was scheduled for the first two weeks of April in five newspapers: two local ones plus three out of area papers to complete statewide publication required in this case.

I completed the legal notice by March 26. To honor a previous request, an email including the notice was sent to UW attorney John Marshall that day. Western Region distributed the notice to the newspapers via a combination of email and regular mail by early afternoon on March 27, the deadline for sending notices for publication on April 4 and April 11.

Around 4:30 p.m. on March 27, Marshall and his colleague, Chris Meyer, called me. They wanted to change some language in the notice, mostly to avoid use of the word "future", apparently for reasons involving the PUC. They also noted the legal notice had the incorrect zip code for UW, although the zip code matched the application information. They wondered how difficult it would be to retract the notice and replace it with a revised version by the next day.

I told them the matter would be discussed with the regional manager by the next morning and that Western Region would contact them on March 28. By late morning on March 28, a second version of the notice to correct the zip code and change some but not all of the language requested by the attorneys was sent to at least the Ada County newspaper. Before the corrected notice could be supplied to the other papers, more exchanges occurred between department staff and then between staff and UW attorneys, including telephone and fax contacts involving the attorneys, the State Office and Western Region.

The result by the close of business on March 28 was a third and final version of the notice. All five newspapers were provided this information by March 29 with instructions to disregard any prior versions. It was expected that legal notices of April 4 and April 11 would reflect the final information provided by this office to the newspapers.

IMAP Legal Notice  
April 5, 2002  
Page 2

One should note past experience with similar last minute and/or multiple changes has not always been successful, lengthening the legal notice process. In any event, the die was cast by March 28.

The final and correct legal notice was added to the IDWR web site. The correct notice was included in hard copy IMAP notebooks provided to the State Office and the other regional offices.

Results of the first publication on April 4 are shown below. Only two papers published the final and correct version. Two other papers used the first version, and the remaining newspaper used the second version. This is an unfortunate but not surprising result.

| <i>NEWSPAPER &amp; LOCATION</i> |             | <i>VERSION PUBLISHED</i> |
|---------------------------------|-------------|--------------------------|
| Statesman                       | Boise       | Second                   |
| Press Tribune                   | Nampa       | First                    |
| Times News                      | Twin Falls  | First                    |
| Post Register                   | Idaho Falls | Third                    |
| Tribune                         | Lewiston    | Third                    |

The last two newspapers are expected to publish the desired version on April 11. The other three newspapers were alerted today (fax and emails) to disregard versions one and two but to publish the third and final edition of the notice on April 11.

In hindsight, it would have been better to cancel publication for early April and try again later. After years of work on IMAP, another two weeks probably would not matter.

Approximately two person-days of additional work by department staff for the above steps were required since initial mailing of the legal notice on March 27.

Version 3  
is  
correct

## NOTICE OF PROPOSED CHANGE OF WATER RIGHTS AND WATER PERMITS

UNITED WATER IDAHO INC. (UW), PO Box 7488, Boise ID 83707 has filed 99 Applications for Transfer of Water Rights (Licenses and Statutory Claims) and 13 Applications for Amendment (Permits). For convenience, water rights and water permits are referred to as "rights" in this notice. The 112 applications are known as the Integrated Municipal Application Package (IMAP) and are based on existing uses and the Idaho Municipal Water Rights Act of 1996 (ACT). The Act allows municipal providers to hold water rights for "reasonably anticipated future needs" within a planning period to accommodate growth in municipal service areas. IMAP will conform UW rights to the Act. IMAP also makes minor corrections to a few of the rights.

UW documented a 50 year planning period for IMAP, including estimates of population growth and increased water needs. UW anticipates a water demand of about 420 cfs within 50 years. Existing UW rights describe about 310 cfs, although current peak demand is about 150 cfs. The difference between the rate currently described by the rights (about 310 cfs) and the current peak flow (about 150 cfs) is about 160 cfs. UW requests approval to hold about 160 cfs for future growth. Approximately 100 to 120 additional cfs may need to be acquired by UW within the planning period, but that additional water is not sought by IMAP.

All of the rights describe a ground water source except one Boise River right for 24.8 cfs diverted at the Marden Street Treatment Plant near Municipal Park in Boise. The rights bear priority dates from 1934 through 1999. About 75% of the rights describe municipal use in variously described service areas such as the City of Boise, within city limits of Boise and vicinity, and so forth. About 25% of the rights list various combinations of domestic, irrigation and fire protection uses in specific locations or in generally described service areas. Most ground water rights include a single well although some include multiple wells. UW currently has about 107 authorized well sites for its 111 ground water rights. Most of the sites already have a well drilled under prior Idaho Department of Water Resources (IDWR) approval. Most of the rights serve the Boise area. A few of the rights serve non-contiguous areas in and/or near Eagle, Meridian, Kuna and Nampa.

### PROPOSED CHANGE

If approved, IMAP will change the rights as follows. Each well in the municipal system will provide an alternate point of diversion for each ground water right. In other words, each ground water right will list all the wells as possible points of diversion, but each well will retain its original priority date for purposes of well interference. The Boise River right will be diverted at Marden Street and/or at an existing pump station by the Hwy 21 bridge near Diversion Dam.

Third & correct version  
of legal notice

Nature of use for all rights will be municipal. Season of use for all rights will be all year. Place of use for all rights will be the UW expanding service area. Diversion rates for rights presently limited by annual volume will be adjusted downward to a continuous flow rate sufficient to produce the annual volume. About 50% of the total flow rate authorized by the rights is required to meet demand today. The balance will serve long term water demand within the 50 year planning horizon.

Total amount of water to be authorized for use under the rights will be about 295 cfs, a slight reduction in the amount presently authorized for use. The river permit will provide up to 24.8 cfs of the proposed total, with the balance to be provided from wells. Two new well sites are proposed in Boise: near Hwy 21 southeast of Harris Ranch, and near the Maple Grove/Franklin intersection.

More information about IMAP can be obtained from IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 or via the Internet (see "Special Interest" items at IDWR homepage [www.idwr.state.id.us](http://www.idwr.state.id.us)). Printed copies of IMAP can be reviewed at any IDWR office. Protests may be submitted based on the criteria of Sections 42-222 (transfers) or 42-211 (amendments), Idaho Code. Any protest against the proposed change must be filed, together with a protest fee of \$25, at the IDWR Western Region office on or before April 22, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published on April 4 and 11, 2002.



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

## FAX TRANSMITTAL COVER SHEET

FAX NUMBER (208) 334-2348

DATE: 4-5-02

TO: Ruby

FROM: Aue T.

DOCUMENT DESCRIPTION/NOTES: Legal ad changes

TOTAL PAGES SENT: 2 + COVER SHEET

CONTACT: Aue T.

FOR 4/11/02

(c) Times News, Twin Falls  
Boise Tribune, Arapahoe

CORRECT info provided  
to Boise Tribune &  
ID. Statehouse w/ emails

78

## NOTICE OF PROPOSED CHANGE OF WATER RIGHTS AND WATER PERMITS

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Karl J. Dreher, Director

Published on April 4 and 11, 2002.

**Taylor, Sue**

---

**From:** Legals [legals@idahopress.com]  
**Sent:** Friday, April 05, 2002 12:02 PM  
**To:** Taylor, Sue  
**Subject:** Re: NOTICE OF PROPOSED CHANGE OF WATER

on 4/5/02 11:49 AM, Taylor, Sue at staylor@idwr.state.id.us wrote:

Hi Tracy, The Department of Water Resources ran an ad yesterday and will run again next Thursday. It was for United Water Idaho. I have attached the ad with 5 changes that we need to have made. Will you let me know if this can be done. Please call me if you have questions.

Thanks for your help.

Sue T.

Sue,  
Your changes will be made as requested. Thank you!

--

Traci Griffin  
Legals Clerk  
Idaho Press Tribune  
(208) 465-8128  
legals@idahopress.com

4/5/2002

*Version 2: incorrect*

4. Trustees of Joint School District No. 2, Ada and 2002, beginning at the hour of 12:00 noon and elect a school board representative who resides in the district and is qualified to hold office until the annual meeting July 15, 2002; and a school board representative who resides in the district and is qualified to hold office until the annual meeting July 15, 2002.

sy declare candidacy for trustee positions in these l of Trustees not later than 5:00 p.m. on April 19, bear the name of the candidate, state the term for school district electors resident of the trustee zone

declaration of intent has been filed with the Clerk of l to assume the duties of school trustee if elected, e of election (Deadline May 7, 2002). The polling

lementary  
Eagle Road  
daho 83616

Jaks Elementary  
evening Way  
daho 83616

County  
Hage Cheese  
ast Garry Blvd  
Idaho 83686

Joseph Elementary  
Hatean  
n, Idaho 83642

alley Elementary  
River Valley Street  
n, Idaho 83642

4  
Twp. 4 N, R-1 EBM, thence on the section line east 2  
orth 4 miles to the NE corner of Sec. 24; Twp. 5 N, R  
undy line, thence in a northwesterly direction to its  
adard Parallel west 1 1/4 miles, more or less to the  
h 6 1/4 miles, more or less, to the SW corner of the  
0°08'44" W, 42°73'; thence N 89°30'02" W, 886.74'  
268.68'; thence N 42°00'00" E, 256.25'; thence N  
east 440' to the SW corner of the NE 1/4 SE 1/4 of  
thence following the Meridian Slough to an imaginary  
Southern boundary of Sec. 1, Twp. 4 N, R-2 WBM,  
corner of the SE 1/4 of Sec. 12, thence west 1672.8'  
ence S 89°45'00" E, 2.98 chains to the west line of the  
e NE 1/4 SE 1/4 of said Sec. 12, thence east to the  
1 1/4 A miles, more or less to the SW corner of Sec.  
ner of Sec. 17, Twp. 3 N, R-1 WBM, thence east 3  
s to Meridian Road, thence north 2 miles to Chinden  
l of the Boise River, thence easterly 1 1/2 miles to  
lign centerline of Sec. 15, Twp. 4 N, R-1 EBM to Hill  
5th line of said Section 10, said line being within the  
34' to the north boundary of said Sec. 10, thence east

Ed  
dian Road, thence south 3 miles, thence east 41/16  
2, Twp. 3 N, R-1 EBM, thence east to the north-south

Be added to the title within the meaning of Idaho Code, section 31-808(B), no k provided in  
ACHD, not needed for public purposes and in excess of the needs of ACHD. provided in  
Idaho Code, section 31-808(B), this public advertisement of the pending sale must be  
published, and the public has fifteen (15) days from the date of the first publication, and until  
the date and time of the public hearing hereinafter set, to object to the proposed sale. Any  
objections must be in writing and delivered personally or by United States Mail to the Ada  
County Highway District at 318 East 37th Street, Garden City, Idaho 83714-6499.

The parcel of real property proposed to be sold is located in Ada County, State of Idaho,  
at what is municipally described as Eagle, Idaho and is more particularly described as follows:

A tract of land situated within the Southeast Quarter of the northeast Quarter of Section 8,  
Township 4 North, Range 1 East, Boise Meridian, City of Eagle, Ada County, Idaho,  
described as follows:

Commencing at a found brass cap monument marking the Northeast corner of said  
Section 8, said corner at the centerline intersection of North Eagle Road and Floating  
Feather Road; thence South along the Eastern line of said section 8 and the centerline of  
said North Eagle Road, thence S 01°03'33" W, 1633.69 feet to a point, thence leaving said  
centerline, S87°18'50" W, 33.07 feet to a found steel pin monumenting the Northeast corner  
of that certain tract of land as surveyed and recorded on Record of Survey No. 4712, said  
pin being on the Western right-of-way line of said North Eagle Road and the Point of  
Beginning, thence south along said western right-of-way, perpendicular to and 33.00 feet  
Western of said centerline, thence S01°03'33" W, 29.58 feet to a point, thence leaving said  
right-of-way, S45°35'37" W, 35.65 feet to a point, thence N89°51'53" W, 25.48 feet to a  
point, thence northwesterly 57.54 feet along the arc of a circular curve to the left, said  
curve having a radius of 120.00 feet, a central angle of 27°28'29", a chord bearing  
N76°07'37" W, 56.99 feet to a point, thence N 62°23'21" W, 50.00 feet to a point, thence  
Northwesterly 84.52 feet along the arc of a circular curve to the right, said curve having a  
radius of 180.00 feet, a central angle of 26°54'14", a chord bearing N75°50'28" W, 83.75  
feet to a point on the Northern boundary line of that certain tract of land as shown on said  
Record of Survey No. 4712, thence Easterly along said Northern boundary, S89°17'34"  
232.35 feet to the POINT OF BEGINNING.

NOTICE IS HEREBY GIVEN, The Board of Commissioners of the Ada County Highway  
District will hold a public hearing in accordance with the provisions of Idaho Code, section  
40-1309(2), to consider acceptance of the offer to purchase, and approve the proposed  
sale of, this parcel.

The public hearing will be held in the auditorium of the Ada County Highway District, 318  
East 37th Street, Garden City, ID 83714-6499, on Wednesday, April 10, 2002, at 7 P.M., or  
as soon thereafter as the matter may be heard, at which hearing any person may appear  
and show cause why the sale of this Odd-Lot Remnant Parcel should not be made.

ADA COUNTY HIGHWAY DISTRICT  
By: William J. Schaefer, Director

Pub. March 25, April 4, 2002

12909

# LEGAL NOTICE NOTICE OF PROPOSED CHANGE OF WATER RIGHTS AND WATER PERMITS

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telephone number, or the signature, ma address, and telephone number of a attorney.

4. Proof of mailing or delivery of a cop your response to plaintiff's attorney as stated above.

To determine whether you must pa ling fee with your response, conta Clerk of the above-named Court.

DATED this MARCH 4, 2002  
G. NOEL HALE, Clerk of the Court  
By K. Cano, Deputy Clerk

Shari A. Dodge - ISB# 5522  
DODGE LAW OFFICES, PLLC  
PO Box 1333  
Nampa, ID 83653  
Telephone: 208-463-0681  
Facsimile: 208-442-0077  
Attorney for Plaintiff

Pub. Mar. 28, Apr. 4, 11, 18, 2002 13

## LEGAL NOTICE ANOTHER SUMMONS Case No. CV 0201617D

IN THE DISTRICT COURT OF THE  
FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE  
COUNTY OF ADA

UNITED STATES OF AMERICA,  
acting through the UNITED STATES  
DEPARTMENT OF AGRICULTURE,  
FARMERS HOME ADMINISTRATION,  
Plaintiff,  
vs.

TIMOTHY L. PLUNKETT, a widower,  
UNKNOWN OCCUPANTS, and UNKNOWN  
HEIRS AND DEVISEES OF SHERRY L.  
PLUNKETT, Deceased,  
Defendants.

NOTICE: YOU HAVE BEEN SUED BY  
THE ABOVE-NAMED PLAINTIFF (S).  
COURT MAY ENTER JUDGMENT AGA  
YOU WITHOUT FURTHER NOTICE UN  
YOU RESPOND WITHIN 20 DAYS. REA  
INFORMATION BELOW.

TO: UNKNOWN HEIRS AND DEV  
OF SHERRY L. PLUNKETT, DECEAS

YOU ARE HERE BY NOTIFIED that in  
to defend this lawsuit, an appropriate  
response must be filed with the  
designated Court within twenty (20)  
after service of this Summons on yt  
you fail to so respond, the Court may  
judgment against you as demanded t  
Plaintiff in the Complaint.

A copy of the Complaint is serve  
the Summons. If you wish to see  
advice of an attorney, you should  
promptly so that your written respo  
any, may be filed in time and other  
rights protected.

An appropriate written response re  
compliance with Rule 10(a) (1) and  
Idaho Rules of Civil Procedure and she  
include:

1. The title and number of this case.  
2. If your response is an Answer  
Complaint, it must contain address  
denials of the separate allegations  
Complaint and other defenses you  
claim.

3. Your signature, mailing addre  
telephone number, or the signature,  
address and telephone number of  
attorney.

4. Proof of mailing or delivery of a c  
your response to plaintiff's attorney a  
signed above.

To determine whether you must  
ling fee with your response, conta  
Clerk of the above-named Court.

DATED this February 25, 2002  
J. David Navarro, Clerk of the Court  
By Maryann Carr, Deputy Clerk

SUSAN E. W. B. - ISB# 3919  
ATTORNEY AT LAW  
702 E. Chicago

**FAX****DATE:** Thurs, April 4, 2002**TO:** Sue Taylor, ID Dept. of Water**FAX:** 208 334-2348**FROM:** Classified-Legals**PAGES:** 3**MEMO**

Sue,  
Here is a copy of your ad as you had  
requested. Please call if you have any  
questions. Thank you!

Traci

*Press Tribune  
Version 1 published*

**NOTICE OF PROPOSED  
CHANGE OF WATER**

**RIGHTS AND WATER PERMITS  
UNITED WATER IDAHO INC.**  
(UW), PO Box 7488, Boise ID 83709-4165 has filed 99 Applications for Transfer of Water Rights (Licenses and Statutory Claims) and 13 Applications for Amendment (Permits). For convenience, water rights and water permits are referred to as "rights" in this notice. The 112 applications are known as the Integrated Municipal Application Package (IMAP) and are based on the Idaho Municipal Water Rights Act of 1996 (ACT). The Act allows municipal providers to reserve rights and associated water for future use within a planning period to accommodate growth in municipal service areas. IMAP will conform UW rights to the Act. IMAP also makes minor corrections to a few of the rights.

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**PROPOSED CHANGE**

If approved, IMAP will change the rights as follows. Each well in the municipal system will provide an alternate point of diversion for each ground water right. In other words, each ground water right will list all the wells as possible points of diversion, but each well will retain its original priority date for purposes of well interference. The Boise River right will be diverted at Marden Street and/or at an existing pump station by the Hwy 21 bridge near Diversion Dam.

Nature of use for all rights will be municipal. Season of use for all rights will be all year. Place of use for all rights will be the UW service area. Diversion rates for rights presently limited by annual volume will

be adjusted downward to a continuous flow rate sufficient to produce the annual volume. About 50% of the total flow rate authorized by the rights will be dedicated to future water demand within the 50 year planning horizon.

Total amount of water to be authorized for use under the rights will be about 295 cfs, a slight reduction in the amount presently authorized for use. The river permit will provide up to 24.8 cfs of the proposed total, with the balance to be provided from wells. Two new well sites are proposed in Boise: near Hwy 21 southeast of Harris Ranch, and near the Maple Grove/Franklin intersection.

More information about IMAP can be obtained from IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 or via the Internet (see "Special Interest" items at IDWR homepage [www.idwr.state.id.us](http://www.idwr.state.id.us)). Printed copies of IMAP can be reviewed at any IDWR office. Protests may be submitted based on the criteria of Sections 42-222 (transfers) or 42-211 (amendments), Idaho Code. Any protest against the proposed change must be filed, together with a protest fee of \$25, at the IDWR Western Region office on or before April 22, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

April 4, 11, 2002 04507086

# The Times-News

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## Facsimile Cover Sheet

Date: 4-4-02

To: Sue Company Id Dept of Water Resources

Fax # 208-334-2348 Phone # 208-334-2190

From Ruby

Number of pages to follow \_\_\_\_\_

If you are having difficulty receiving this transmission,  
please call, \_\_\_\_\_ at (208) 733-0931, Ext. \_\_\_\_\_

Message: \_\_\_\_\_

*Verni I published*

# NOTICE OF PROPOSED CHANGE OF WATER RIGHTS AND WATER PERMITS

UNITED WATER IDAHO, INC. (UW), PO Box 7408, Boise, ID 83709-4165 has filed 99 Applications for Transfer of Water Rights (Licenses and Statutory Claims) and 13 Applications for Amendment (Permits). For convenience, water rights and water permits are referred to as "rights" in this notice. The 112 applications are known as the Integrated Municipal Application Package (IMAP) and are based on the Idaho Municipal Water Rights Act of 1996 (ACT). The Act allows municipal providers to reserve rights and associated water for future use within a planning period to accommodate growth in municipal service areas. IMAP will conform UW rights to the Act. IMAP also makes minor corrections to a few of the rights.

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More information about IMAP can be obtained from IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 or via the Internet (see "Special Interest" items at IDWR homepage [www.idwr.state.id.us](http://www.idwr.state.id.us)). Printed copies of IMAP can be reviewed at any IDWR office. Protests may be submitted based on the criteria of Sections 42-222 (transfers) of 42-211 (amendments), Idaho Code. Any protest against the proposed change must be filed, together with a protest fee of \$25, at the IDWR Western Region office on or before April 22, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

**Lester, Steve**

---

**From:** Spackman, Gary  
**Sent:** Thursday, April 04, 2002 2:47 PM  
**To:** Lester, Steve  
**Subject:** FW: UWI Legal Twin Falls Paper

Steve,  
Looks like the Times News printed the first legal notice.  
Gary

-----Original Message-----

**From:** Larsen, Dick  
**Sent:** Thursday, April 04, 2002 2:33 PM  
**To:** Spackman, Gary  
**Subject:** UWI Legal Twin Falls Paper

Gary:

Here's what appeared today in the Twin Falls Times News.

Dick Larsen  
Public Information Officer  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706  
Tel - (208) 327-7933

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS AND WATER PERMITS UNITED WATER IDAHO, INC. (UW), PO Box 7488, Boise, ID 83709-4165 has filed 99 Applications for Transfer of Water Rights (Licenses and Statutory Claims) and 13 Applications for Amendment (Permits). For convenience, water rights and water permits are referred to as "rights" in this notice. The 112 applications are known as the Integrated Municipal Application Package (IMAP) and are based on the Idaho Municipal Water Rights Act of 1996 (ACT). The Act allows municipal providers to reserve rights and associated water for future use within a planning period to accommodate growth in municipal service areas. IMAP will conform UW rights to the Act. IMAP also makes minor corrections to a few of the rights. UW documented a 50 year planning period for IMAP, including estimates of population growth and future water needs. UW anticipates a water demand of about 420 cfs within 50 years. Existing UW rights describe about 310 cfs, although current peak demand is about 150 cfs. The difference between the rate currently described by the rights (about 310 cfs) and the current peak flow (about 150 cfs) is about 160 cfs. UW requests approval to hold about 160 cfs for future growth. Approximately 100 to 120 additional cfs may need to be acquired by UW within the planning period, but that additional water is not sought by IMAP. All of the rights describe a ground water source except one Boise River right for 24.8 cfs diverted at the Marden Street Treatment Plant near Municipal Park in Boise. The rights bear priority dates from 1934 through 1999. About 75% of the rights describe municipal use in variously described service areas such as the City of Boise, within city limits of Boise and vicinity, within Boise Water Corp. service area and so forth. About 25% of the rights list various combinations of domestic, irrigation and fire protection uses in specific locations or in generally described service areas. Most ground water rights include a single well although some include multiple wells. UW currently has about 107 authorized well sites for its 111 ground water rights. Most of the sites already have a well drilled under prior Idaho Department of Water Resources (IDWR) approval. Most of the rights serve the Boise area. A few of the rights serve non-contiguous areas in and/or near Eagle, Meridian, Kuna and Nampa. PROPOSED CHANGE If approved, IMAP will change the rights as follows. Each well in the municipal system will provide an alternate point of diversion for each ground water right. In other words, each ground water right. In other words, each ground water right will list all

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**Lester, Steve**

---

**From:** Spackman, Gary  
**Sent:** Thursday, April 04, 2002 2:45 PM  
**To:** Lester, Steve  
**Subject:** FW: Legal Notice

Steve,  
Looks like the Press Tribune printed the first version.  
Gary

-----Original Message-----

**From:** Larsen, Dick  
**Sent:** Thursday, April 04, 2002 2:20 PM  
**To:** Spackman, Gary  
**Subject:** Legal Notice

Gary:

Here's what appeared today in the Idaho Press Tribune.

Dick Larsen  
Public Information Officer  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706  
Tel - (208) 327-7933

**NOTICE OF PROPOSED  
CHANGE OF WATER  
RIGHTS AND WATER PERMITS**

**UNITED WATER IDAHO INC. (UW)**, PO Box 7488, Boise ID 83709-4165 has filed 99 Applications for Transfer of Water Rights (Licenses and Statutory Claims) and 13 Applications for Amendment (Permits). For convenience, water rights and water permits are referred to as "rights" in this notice. The 112 applications are

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Karl J. Dreher, Director

April 4, 11, 2002 04507086

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION  
IDAHO FALLS, ID  
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Gary Spackman FROM: Sharla Cox

DOCUMENT DESCRIPTION: \_\_\_\_\_

TOTAL NUMBER OF PAGES (Including this page): 3

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\* BILLING ADDRESS: \_\_\_\_\_  
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\* NO. OF PAGES \_\_\_\_\_ COST/PAGE \_\_\_\_\_ TOTAL CHARGE \_\_\_\_\_  
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IMAP ad - correct in Id. Falls

For Louisa paper: I saw a fax received 4/5/02  
showing third & current version published 4/4/02 but  
cannot locate the fax to include here.

**NOTICE OF OPPORTUNITY  
FOR PUBLIC COMMENT  
ON A PERMIT APPLICATION  
WITH THE OPTION TO  
REQUEST A PUBLIC  
COMMENT PERIOD ON  
THE PROPOSED  
PERMIT TO CONSTRUCT**

**SUBJECT:** Application for a permit to construct an air pollution-emitting source and proposed action: Busch Agricultural Resources, Inc.

**PURPOSE:** The Department of Environmental Quality has scheduled a period to receive public comments on the air quality aspects of the project application.

**AUTHORITY:** In compliance with Section 58.01.01.209, Rules For The Control of Air Pollution in Idaho, notice is hereby given that Busch Agricultural Resources Inc., Idaho Falls, Idaho, has applied for a permit to construct an air pollution source located at 2121 W. 145 N.

**PUBLIC COMMENT PERIOD:** Pursuant to Section 58.01.01.209, a public comment period on the proposed permit may be provided if written requests are submitted to the undersigned on or before May 6, 2002.

**DESCRIPTIVE SUMMARY:** Busch Agricultural Resources Inc. is proposing permit modifications to increase the permanent storage capacity of the grain elevator. The company has not requested an increase in production or emissions limits set by the current permit.

**AVAILABILITY OF MATERIALS:** The permit application materials submitted by Busch Agricultural Resources Inc. will be available for public review at the following location:

Department of  
Environmental Quality  
Idaho Falls Regional Office  
900 Skyline, Suite B  
Idaho Falls, Idaho

**SUBMISSION OF WRITTEN COMMENTS, ASSISTANCE ON TECHNICAL QUESTIONS:** Anyone may submit written comment regarding the project application. To be most effective, comments should address air quality considerations and include support materials where available. Comments, requests, and questions regarding the public comment process should be directed to Chris Ramsdell, Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, cramsdel@deq.state.id.us, or (208) 373-0237. Please reference the company name and project when sending comments or requesting information on an application.

For technical assistance on questions concerning this application or the permitting process, please contact Dan Salgado at (208) 373-0502.

All written comments and data concerning this application must be directed to and received by Dan Salgado on or before 5:00 p.m. MDT, May 6, 2002.

DATED this 1st day of April 2002.

Christopher P. Ramsdell  
Air Quality Division  
Published: April 4, 2002

**PUBLIC NOTICE**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

73-11961

IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707-0070  
Point(s) of Diversion: NWNENW S21  
T15N R21E 1 FMHI County

**NOTICE OF  
TRUSTEE'S SALE**

Trustee's Sale No. 02-CL-25530  
NOTICE IS HEREBY GIVEN that, FIRST AMERICAN TITLE INSURANCE COMPANY, the duly appointed Successor Trustee, will on July 11, 2002, at the hour of 11:00 AM, of said day, AT THE OFFICE OF FIRST AMERICAN TITLE COMPANY, 2004 JENNIE LEE DRIVE, IDAHO FALLS, ID, sell at public auction to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real and personal property (hereafter referred to collectively as the "Property"), situated in the County of BONNEVILLE, State of Idaho, to-wit:

Beginning at the Southeast corner of the Northwest Quarter of the Northeast Quarter of SECTION 14, TOWNSHIP 3 NORTH, RANGE 38, East of the Boise Meridian, Bonneville County, Idaho, and running thence North 12 rods; thence West 16 rods, thence South 12 rods, thence East 18 rods to the point of beginning.

**LESS AND EXCEPTING THEREFROM THE FOLLOWING:**

Beginning at the Southeast corner of Lot 1, Block 3, Woodland Park Subdivision, Division No. 2, to the City of Ucon, Bonneville County, Idaho, running thence North 0°04'47" West 163.00 feet to the Southwest Corner of Lot 7, in said Block 3, thence North 89°34'30" East 124.00 feet to the true point of beginning; running thence North 89°34'30" East 140.00 feet; thence South 0°04'47" East 163.00 feet; thence South 89°34'30" West 140.00 feet; thence North 0°04'47" West 163.00 feet to the true point of beginning.

The Trustee has no knowledge of a more particular description of the above-referenced Property but, for purposes of compliance with Section 60-113 of Idaho Code, the Trustee has been informed that the address of 4239 EAST 109TH NORTH, UCON, ID 83454, is sometimes associated with said real property.

Said sale will be made without covenant or warranty regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the Deed of Trust executed by KERRY L. STRUHS AND CARA L. STRUHS, HUSBAND AND WIFE, as Grantor, to FREDERIC V. SHOEMAKER, as Trustee, for the benefit and security of AAMES CAPITAL CORPORATION, A CALIFORNIA CORPORATION, as Beneficiary, dated 5/1/2000, recorded 5/5/2000, under Instrument No. 1021929, Mortgage records of BONNEVILLE County, IDAHO, the beneficial interest in which is presently held by CALMCO SERVICING LT.

THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 46-1506(4)(A), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default for which this sale is made is the failure to pay when due under the Deed of Trust Note dated 5/1/2000, THE MONTHLY PAYMENT WHICH BECAME DUE ON 10/1/2000 AND ALL SUBSEQUENT MONTHLY PAYMENTS, PLUS LATE CHARGES AND OTHER COSTS AND FEES AS SET FORTH.

Amount due as of  
March 6, 2002

**NOTICE OF PROPOSED  
CHANGE OF WATER**

**RIGHTS AND WATER PERMITS.**  
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Nature of use for all rights will be municipal. Season of use for all rights will be all year. Place of use

**Steel Belted  
GREAT BUY!**



|                |                    |
|----------------|--------------------|
| 155/R12        | \$29 <sup>95</sup> |
| 155/R-13       | \$29 <sup>95</sup> |
| 155/80R-13     | \$29 <sup>95</sup> |
| 165/R-13       | \$32 <sup>95</sup> |
| 175/70R-13     | \$36 <sup>95</sup> |
| 185/70R-13     | \$37 <sup>95</sup> |
| 185/70R-14     | \$41 <sup>95</sup> |
| 195/70R-14     | \$42 <sup>95</sup> |
| 205/70R-14     | \$44 <sup>95</sup> |
| 185/75R-14     | \$39 <sup>95</sup> |
| 195/75R-14     | \$41 <sup>95</sup> |
| 205/70R-15     | \$44 <sup>95</sup> |
| 205/75R-15     | \$47 <sup>95</sup> |
| 215/75R-15     | \$51 <sup>95</sup> |
| 235/75R-15     | \$54 <sup>95</sup> |
| 185/65R-14     | \$49 <sup>95</sup> |
| 195/65R-14     | \$51 <sup>95</sup> |
| 205/65R-15     | \$52 <sup>95</sup> |
| PLUS SALES TAX |                    |

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|            |      |      |
|------------|------|------|
| 185/75R-14 | \$64 | 235/ |
| 195/75R-14 | \$65 | 235/ |
| 205/75R-14 | \$67 | 175/ |
| 215/75R-14 | \$69 | 185/ |
| 185/70R-14 | \$67 | 195/ |
| 195/70R-14 | \$69 | 195/ |
| 205/70R-14 | \$67 | 205/ |
| 215/70R-14 | \$69 | 215/ |
| 205/70R-15 | \$69 | 225/ |
| 215/70R-15 | \$71 |      |



**FREE REP**  
**Against**  
**for life**  
**H-RA**  
**for pe**

**NICAL QUESTIONS:** Anyone may submit written comment regarding the project application. To be most effective, comments should address air quality considerations and include support materials where available. Comments, requests, and questions regarding the public comment process should be directed to Chris Ramsdell, Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, cramsdel@deq.state.id.us, or (208) 373-0237. Please reference the company name and project when sending comments or requesting information on an application.

For technical assistance on questions concerning this application or the permitting process, please contact Dan Salgado at (208) 373-0502.

All written comments and data concerning this application must be directed to and received by Dan Salgado on or before 5:00 p.m. MDT, May 8, 2002.

DATED this 1st day of April 2002.

Christopher P. Ramsdell

Air Quality Division

Published: April 4, 2002

# **PUBLIC NOTICE**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

73-11951

IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707-0070  
Point(s) of Diversion: NWENW S21 T15N R21E, LEMHI County  
Source GROUND WATER  
Use: FISH PROPAGATION

01/01 To: 12/31 14 CFS  
Total Diversion: 14 CFS

Date Filed: 03/18/2002  
Place of Use: FISH PROPAGATION  
T15N R21E S21 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before April 22, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director  
Published: April 4, 11, 2002

# **ADVERTISEMENT FOR BIDS**

INVITATION TO BID  
NUMBER: IF-02-14  
CITY OF IDAHO FALLS, IDAHO

Sealed proposals, for furnishing Mobile Radios, Sirens, Emergency Lights, Barrier Cages and Related Equipment for Police Vehicles will be received at the office of the Purchasing Agent, 375 "D" Street, Idaho Falls, Idaho until 11:00 AM Local Prevailing Time, on the 11th day of April, 2002, and then will be publicly opened and read.

Bid Form should be obtained from the office of the Purchasing Agent. The City of Idaho Falls reserves the right to reject any of all bids.

Dated this 22nd day of March, 2002.

City of Idaho Falls  
By Willa Swalm  
Purchasing Agent

Published: March 28, April 4, 2002

add of 4239 EAST 109TH  
NOR JCON, ID 83454, is some-  
times associated with said real  
property.

Said sale will be made without covenant or warranty regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the Deed of Trust executed by KERRY L. STRUHS AND CARA L. STRUHS, HUSBAND AND WIFE, as Grantor, to FREDERIC V. SHOE-MAKER, as Trustee, for the benefit and security of AAMES CAPITAL CORPORATION, a CALIFORNIA CORPORATION, as Beneficiary, dated 5/1/2000, recorded 5/5/2000, under instrument No. 1021929, Mortgage records of BONNEVILLE County, IDAHO, the beneficial interest in which is presently held by CALMCO SERVICING L.T.

THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 45-1506(4)(A), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default for which this sale is made is the failure to pay when due under the Deed of Trust Note dated 5/1/2000, THE MONTHLY PAYMENT WHICH BECAME DUE ON 10/1/2000 AND ALL SUBSEQUENT MONTHLY PAYMENTS, PLUS LATE CHARGES AND OTHER COSTS AND FEES AS SET FORTH.

Amount due as of  
March 6, 2002

Delinquent Payments from  
October 01, 2000  
18 payments at  
\$ 563.83 each ..... \$ 10,148.94  
(10-01-00 through 03-06-02)  
Late Charges: ..... \$ 1,183.98  
Beneficiary Advances: ... \$ 280.20  
TOTAL: ..... \$ 11,613.12

All delinquencies are now due, together with unpaid and accruing taxes, assessments, trustee's fees, attorney's fees, costs and advances made to protect the security associated with this foreclosure. The principal balance is \$55,394.87, together with interest thereon at 8.875% per annum from 9/1/2000, until paid.

The Beneficiary elects to sell or cause the trust property to be sold to satisfy said obligation.

DATED: March 06, 2002.

FIRST AMERICAN TITLE  
INSURANCE COMPANY

Trustee  
By Cynthia G. Guanelli

Asst. V.P.

c/o REGIONAL TRUSTEE  
SERVICES CORPORATION  
720 Seventh Avenue, Suite 400  
Seattle, WA 98104

Phone: (206) 340-2550

Sale Information:

http://www.rtrustee.com

Published: March 28,  
April 4, 11, 18, 2002

# **BIDS**

The City of Shelley is seeking bids for construction of a transfer station building. Project plans and specifications can be obtained from City Hall, 101 S. Emerson Ave., Shelley, ID, 83274, Monday through Friday from 8:00 a.m. to 5:00 p.m. Deadline for bids to be submitted is April 12, 2002, by 2:00 p.m. Bids will be opened at 2:15 p.m.

Published: March 27, 28, 29, 30, 31,  
April 1, 2, 3, 4, 6, 7, 8, 9, 10, 2002

near Municipal Park use. The rights bear priority date from 1934 through 1999. About 75% of the rights describe municipal use in variously described service areas such as the City of Boise, within city limits of Boise and vicinity, and so forth. About 25% of the rights list various combinations of domestic, irrigation and fire protection uses in specific locations or in generally described service areas. Most ground water rights include a single well although some include multiple wells. UW currently has about 107 authorized well sites for its 111 ground water rights. Most of the sites already have a well drilled under prior Idaho Department of Water Resources (IDWR) approval. Most of the rights serve the Boise area. A few of the rights serve non-contiguous areas in and/or near Eagle, Meridian, Kuna and Nampa.

# **PROPOSED CHANGE**

If approved, IMAP will change the rights as follows. Each well in the municipal system will provide an alternate point of diversion for each ground water right. In other words each ground water right will list all the wells as possible points of diversion, but each well will retain its original priority date for purposes of well interference. The Boise River right will be diverted at Marden Street and/or at an existing pump station by the Hwy 21 bridge near Diversion Dam.

Nature of use for all rights will be municipal. Season of use for all rights will be all year. Place of use for all rights will be the UW expanding service area. Diversion rates for rights presently limited by annual volume will be adjusted downward to a continuous flow rate sufficient to produce the annual volume. About 50% of the total flow rate authorized by the rights is required to meet demand today. The balance will serve long term water demand within the 50 year planning horizon.

Total amount of water to be authorized for use under the rights will be about 295 cfs, a slight reduction in the amount presently authorized for use. The river permit will provide up to 24.8 cfs of the proposed total, with the balance to be provided from wells. Two new well sites are proposed in Boise: near Hwy 21 south-east of Harris Ranch, and near the Maple Grove/Franklin intersection.

More information about IMAP can be obtained from IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 or via the Internet (see "Special Interest" items at IDWR homepage [www.idwr.state.id.us](http://www.idwr.state.id.us)). Printed copies of IMAP can be reviewed at any IDWR office. Protests may be submitted based on the criteria of Sections 42-222 (transfers) or 42-211 (amendments), Idaho Code. Any protest against the proposed change must be filed; together with a protest fee of \$25, at the IDWR Western Region office of or about April 22, 2002. The protestant must also send a copy of the protest to be applicant.

Karl J. Dreher, Director  
Published: April 4, 11, 2002

# **FREE Mounting & FREE Balancing**

**KELLY TIRES**

Rainy day shopping trips. Snow-covered slopes. Cross-country vacations. Even at the dry cleaners. Wherever you're going, Navigator Gold Premium All-Season, Ste to get you there in style.

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| 185/75R-14 | '64" | 235/75R |
| 195/75R-14 | '65" | 235/70R |
| 205/75R-14 | '67" | 175/65R |
| 215/75R-14 | '69" | 185/65R |
| 185/70R-14 | '67" | 195/65R |
| 195/70R-14 | '69" | 195/65R |
| 205/70R-14 | '67" | 205/65R |
| 215/70R-14 | '69" | 215/65R |
| 205/70R-15 | '69" | 225/60R |
| 215/70R-15 | '71" |         |

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Against [unclear]  
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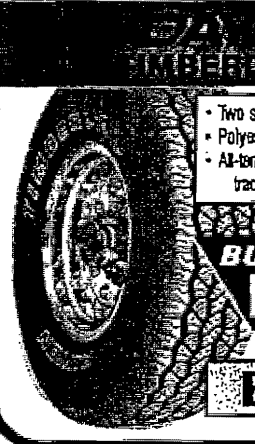


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- UNI-T technology, for enhanced wet performance
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- Enjoy the h  
rated tire, a  
the excep  
quiet ride of

| ITEM   | DESCRIPTION         |
|--------|---------------------|
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| 105856 | P185/70R14 AFFINITY |
| 105857 | P225/70R14 AFFINITY |
| 107042 | P215/70R14 AFFINITY |
| 107107 | P175/65R14 AFFINITY |
| 107115 | P185/65R14 AFFINITY |
| 107285 | P205/70R14 AFFINITY |
| 107393 | P215/70R14 AFFINITY |
| 107322 | P185/65R15 AFFINITY |
| 107123 | P195/60R18 AFFINITY |
| 107132 | P205/65R15 AFFINITY |
| 107130 | P215/66R15 AFFINITY |
| 107539 | P195/60R15 AFFINITY |
| 107264 | P205/60R15 AFFINITY |
| 107549 | P215/60R15 AFFINITY |
| 107425 | P215/65R16 AFFINITY |
| 106870 | P215/60R16 AFFINITY |
| 107417 | P225/60R18 AFFINITY |
| 107514 | P205/60R18 AFFINITY |

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- All-terrain tread design pr
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# FAX COVER SHEET

DATE: Thursday, March 28, 2002

PAGES (INCLUDING COVER): 3

ORIGINAL TO FOLLOW: No

From:

CHRISTOPHER H. MEYER

GIVENS PURSLEY LLP

Suite 200, Park Place

277 North Sixth Street

Post Office Box 2720

Boise, Idaho 83701-2720

Telephone: 208-388-1236

Fax: 208-388-1300

Email: [chm@givenspursley.com](mailto:chm@givenspursley.com)

Web: [www.givenspursley.com](http://www.givenspursley.com)

RE: United Water Idaho – IMAP  
Our File No. 30-71

|                  |          |
|------------------|----------|
| TO: Phil Rassier | 327-7866 |
| Steve Lester     | 334-2348 |
| Gary Spackman    | 334-2348 |

MESSAGE:

Gentlemen:

Thanks very much for hearing me out on this. I very much appreciate the time you've taken at the last minute. I am sending along a copy of the further edits which I understand Mr. Dreher has suggested. It is his hope and mine that you will be able to get this out this morning in order to avoid a delay in the timing of the notice.

— Chris

cc: Scott Rhead (via Facsimile – 362-3858)  
Joe Miller (via Facsimile – 336-6912)  
John M. Marshall

**If this fax does not transmit fully or is difficult to read, please contact  
me or my secretary, Katrina Thomas, at (208) 388-1227.**

## CONFIDENTIALITY NOTICE

This facsimile may contain confidential information that is protected by the attorney-client or work product privilege. It is intended only for the use of the individual(s) named above. If you are not a named recipient or an employee responsible for delivering the facsimile, you are instructed not to deliver, distribute or copy this facsimile, nor should you disclose its contents or take any action in reliance on the information it contains. If you have received this facsimile in error, please notify us immediately by telephone to arrange for the return of the transmitted documents to us. Thank you.

*Edits to Notice by Chris Meyer  
- With further edits by K. Deher*

*3-28-2002*

**NOTICE OF PROPOSED CHANGE OF WATER  
RIGHTS AND WATER PERMITS**

UNITED WATER IDAHO INC. (UW), PO Box 7488, Boise ID 83707 has filed 99 Applications for Transfer of Water Rights (Licenses and Statutory Claims) and 13 Applications for Amendment (Permits). For convenience, water rights and water permits are referred to as "rights" in this notice. The 112 applications are known as the Integrated Municipal Application Package (IMAP) and are based on the Idaho Municipal Water Rights Act of 1996 (ACT). The Act allows municipal providers to ~~reserve rights and associated water for future use~~ within a planning period to accommodate growth in municipal service areas. IMAP will conform UW rights to the Act. IMAP also makes minor corrections to a few of the rights.

UW documented a 50 year planning period for IMAP, including estimates of population growth and ~~future water needs~~. UW anticipates a water demand of about 420 cfs within 50 years. Existing UW rights describe about 310 cfs, although current peak demand is about 150 cfs. The difference between the rate currently described by the rights (about 310 cfs) and the current peak flow (about 150 cfs) is about 160 cfs. UW requests approval to hold about 160 cfs for future growth. Approximately 100 to 120 additional cfs may need to be acquired by UW within the planning period, but that additional water is not sought by IMAP.

All of the rights describe a ground water source except one Boise River right for 24.8 cfs diverted at the Marden Street Treatment Plant near Municipal Park in Boise. The rights bear priority dates from 1934 through 1999. About 75% of the rights describe municipal use in variously described service areas such as the City of Boise, within city limits of Boise and vicinity, and so forth. About 25% of the rights list various combinations of domestic, irrigation and fire protection uses in specific locations or in generally described service areas. Most ground water rights include a single well although some include multiple wells. UW currently has about 107 authorized well sites for its 111 ground water rights. Most of the sites already have a well drilled under prior Idaho Department of Water Resources (IDWR) approval. Most of the rights serve the Boise area. A few of the rights serve non-contiguous areas in and/or near Eagle, Meridian, Kuna and Nampa.

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*expanding*  
Nature of use for all rights will be municipal. Season of use for all rights will be all year. Place of use for all rights will be the UW service area. Diversion rates for rights presently limited by annual volume will be adjusted downward to a continuous flow rate sufficient to produce the annual volume. About 50% of the total flow rate authorized by the rights ~~will be dedicated to future~~ water demand within the 50 year planning horizon.

*is required to meet demand today. The balance will serve long term*

Total amount of water to be authorized for use under the rights will be about 295 cfs, a slight reduction in the amount presently authorized for use. The river permit will provide up to 24.8 cfs of the proposed total, with the balance to be provided from wells. Two new well sites are proposed in Boise: near Hwy 21 southeast of Harris Ranch, and near the Maple Grove/Franklin intersection.

More information about IMAP can be obtained from IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 or via the Internet (see "Special Interest" items at IDWR homepage [www.idwr.state.id.us](http://www.idwr.state.id.us)). Printed copies of IMAP can be reviewed at any IDWR office. Protests may be submitted based on the criteria of Sections 42-222 (transfers) or 42-211 (amendments), Idaho Code. Any protest against the proposed change must be filed, together with a protest fee of \$25, at the IDWR Western Region office on or before April 22, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published on April 4 and 11, 2002.

## Taylor, Sue

---

**From:** Lester, Steve  
**Sent:** Wednesday, March 27, 2002 3:48 PM  
**To:** Western Region  
**Subject:** United Water's IMAP - 112 applications for transfer or amendment, 310 cfs

Sue sent the legal notices for the big IMAP package today. For office day etc. inquiries beyond "when does the protest deadline end" and that sort of thing, please feel free to refer questions to me. The filing is available for review but we will not make copies here at Western if anyone asks. You might want to keep a copy of the legal notice handy for very general office day inquiries.

Here is some background fyi. I sent the following information to all other IDWR offices as a heads up.

United Water, the largest municipal provider in Idaho, filed a change to 112 of its rights/permits based on the Municipal Act of 1996. UW wants to consolidate its filings to provide water for the next 50 years in the Treasure Valley. The filing is the Integrated Municipal Application Package (IMAP). It is a collection of 93 transfers and 19 amendments instead of a single transfer and 19 amendments. But we are processing all of it as a single package. Some of the permits have been licensed since the filing was made, and IMAP is being processed as 99 transfers and 13 amendments. All of the rights/permits describe ground water, except for one junior Boise River permit.

All the ground water filings will list 109 well sites as alternate p/ds. The river permit will list two existing river diversions. All uses will be year around municipal with the same service area remark. About half of the existing cfs described by the rights/permits is currently being used. The remainder is requested to be reserved for future growth over 50 years. UW paid a \$10,800 filing fee!

The legal notice will run locally and statewide on April 4 and 11, 2002. The notice is attached. A hard copy of the IMAP notebook is being provided to all IDWR offices in case someone wants to review the package in person. We do not intend to copy the document for anyone. Instead, if you get requests for copies, please do the following: send me the person's name, address and telephone number and determine if the person wants a hard copy or will accept a CD-ROM. I will coordinate distribution of hard copies (from applicant) or electronic copies (from IDWR) to save you some work.

The department determined that the entire package can be protested for \$25. The protest deadline is April 22, 2002.

The transfers and amendments are being processed independent of Workflow at this time. Transfer and amendment application id numbers have not been assigned. The traditional way to view the application data on the Internet is not available. Dick Larsen is coordinating the Internet alternative. He will post a heading under "Special Interest" on our website. That will link to a menu of items to download ... a summary, the legal notice, key portions of IMAP, and the entire IMAP document for those so inclined. So we have several ways to provide information to people who request it. Dick will also issue a press release, probably early next week.

Shelley Keen and Dave Grindle will be working behind the scenes to programmatically complete most/all of the data entry (I can't thank them enough for that!). Norm Young, Glen Saxton, Gary Spackman, Jeff Peppersack and Pam Skaggs also had a hand in this along the way. I particularly want to thank Lisa Mattson for her hard work for initial review of all the rights, permits and SRBA claims associated with this to get the ball rolling. She did a lot of good work and was a big help to me in reviewing this unique filing. Gee, this is starting to sound like the academy awards or something. But many people have done much along the way, and it is a pleasure to acknowledge their efforts.

John Marshall at Givens Pursley is the attorney for the applicant in case there is a need to initiate contact.

Please let me know if you have any questions about processing IMAP.

Steve



IMAP ad.doc

✓ info and other IDWR  
office

**Lester, Steve**

---

**From:** Lester, Steve  
**Sent:** Wednesday, March 27, 2002 3:39 PM  
**To:** Young, Norm; Saxton, Glen; Tuthill, Dave; Peppersack, Jeff; Shaff, Don; Keen, Shelley; Larsen, Dick; Grindle, Dave; Skaggs, Pam; Haynes, Bob; Merritt, Allen; Carlson, Ron; Jones, Harold (Skip)  
**Cc:** Spackman, Gary; Mattson, Lisa  
**Subject:** Processing United Water's 112 applications for future municipal growth - "IMAP"

Gentlemen:

United Water, the largest municipal provider in Idaho, filed a change to 112 of its rights/permits based on the Municipal Act of 1996. UW wants to consolidate its filings to provide water for the next 50 years in the Treasure Valley. The filing is the Integrated Municipal Application Package (IMAP). It is a collection of 93 transfers and 19 amendments instead of a single transfer and 19 amendments. But we are processing all of it as a single package. Some of the permits have been licensed since the filing was made, and IMAP is being processed as 99 transfers and 13 amendments. All of the rights/permits describe ground water, except for one junior Boise River permit.

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Please let me know if you have any questions about processing IMAP.

Steve



IMAP ad.doc

## **Lester, Steve**

---

**From:** Lester, Steve  
**Sent:** Wednesday, March 27, 2002 1:00 PM  
**To:** Keen, Shelley; Grindle, Dave  
**Subject:** Well update for IMAP

Shelley & Dave:

John Marshall concurred yesterday with our thoughts about the 3 wells or well sites for Carriage Hill ... can label them 1, 2 and 3 when we get to the data entry step. John confirmed this with Roger Dittus of United Water.

Steve



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

March 27, 2002

**Legal Notice Department**

**TIMES NEWS**

**PO BOX 548**

**TWIN FALLS ID 83301**

RE: Applications for Permit

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 04/22/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor  
Senior Secretary

## **NOTICE OF PROPOSED CHANGE OF WATER RIGHTS AND WATER PERMITS**

**UNITED WATER IDAHO INC. (UW)**, PO Box 7488, Boise ID 83709-4165 has filed 99 Applications for Transfer of Water Rights (Licenses and Statutory Claims) and 13 Applications for Amendment (Permits). For convenience, water rights and water permits are referred to as "rights" in this notice. The 112 applications are known as the Integrated Municipal Application Package (IMAP) and are based on the Idaho Municipal Water Rights Act of 1996 (ACT). The Act allows municipal providers to reserve rights and associated water for future use within a planning period to accommodate growth in municipal service areas. IMAP will conform UW rights to the Act. IMAP also makes minor corrections to a few of the rights.

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*original notice sent 3/27/02*

sufficient to produce the annual volume. About 50% of the total flow rate authorized by the rights will be dedicated to future water demand within the 50 year planning horizon.

Total amount of water to be authorized for use under the rights will be about 295 cfs, a slight reduction in the amount presently authorized for use. The river permit will provide up to 24.8 cfs of the proposed total, with the balance to be provided from wells. Two new well sites are proposed in Boise: near Hwy 21 southeast of Harris Ranch, and near the Maple Grove/Franklin intersection.

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Karl J. Dreher, Director

Published on April 4 and 11, 2002.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

**FAX TRANSMITTAL COVER SHEET**

FAX NUMBER (208) 334-2348

DATE: 3-29-02

TO: Kathy Von Borstel

FROM: IDWR - Western

DOCUMENT DESCRIPTION/NOTES: Legal ad

Hi Kathy, please throw away the ad  
for United Water I sent you through  
regular mail and use this one.  
Thanks,  
Aue

TOTAL PAGES SENT: 3 + COVER SHEET

CONTACT: Aue t.

*corrected notice sent 3/28/02  
§ 3/29/02.*



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 29, 2002

KATHY VON BORSTEL  
Legal Notice Department  
POST REGISTER  
PO BOX 1800  
IDAHO FALLS ID 83401

RE: Application for Advertising

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 04/22/2002. Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script, appearing to read 'Sue', is written over a horizontal line.

Sue Taylor  
Senior Secretary

## **NOTICE OF PROPOSED CHANGE OF WATER RIGHTS AND WATER PERMITS**

**UNITED WATER IDAHO INC. (UW)**, PO Box 7488, Boise ID 83707 has filed 99 Applications for Transfer of Water Rights (Licenses and Statutory Claims) and 13 Applications for Amendment (Permits). For convenience, water rights and water permits are referred to as “rights” in this notice. The 112 applications are known as the Integrated Municipal Application Package (IMAP) and are based on existing uses and the Idaho Municipal Water Rights Act of 1996 (ACT). The Act allows municipal providers to hold water rights for “reasonably anticipated future needs” within a planning period to accommodate growth in municipal service areas. IMAP will conform UW rights to the Act. IMAP also makes minor corrections to a few of the rights.

UW documented a 50 year planning period for IMAP, including estimates of population growth and increased water needs. UW anticipates a water demand of about 420 cfs within 50 years. Existing UW rights describe about 310 cfs, although current peak demand is about 150 cfs. The difference between the rate currently described by the rights (about 310 cfs) and the current peak flow (about 150 cfs) is about 160 cfs. UW requests approval to hold about 160 cfs for future growth. Approximately 100 to 120 additional cfs may need to be acquired by UW within the planning period, but that additional water is not sought by IMAP.

All of the rights describe a ground water source except one Boise River right for 24.8 cfs diverted at the Marden Street Treatment Plant near Municipal Park in Boise. The rights bear priority dates from 1934 through 1999. About 75% of the rights describe municipal use in variously described service areas such as the City of Boise, within city limits of Boise and vicinity, and so forth. About 25% of the rights list various combinations of domestic, irrigation and fire protection uses in specific locations or in generally described service areas. Most ground water rights include a single well although some include multiple wells. UW currently has about 107 authorized well sites for its 111 ground water rights. Most of the sites already have a well drilled under prior Idaho Department of Water Resources (IDWR) approval. Most of the rights serve the Boise area. A few of the rights serve non-contiguous areas in and/or near Eagle, Meridian, Kuna and Nampa.

### **PROPOSED CHANGE**

If approved, IMAP will change the rights as follows. Each well in the municipal system will provide an alternate point of diversion for each ground water right. In other words, each ground water right will list all the wells as possible points of diversion, but each well will retain its original priority date for purposes of well interference. The Boise River right will be diverted at Marden Street and/or at an existing pump station by the Hwy 21 bridge near Diversion Dam.

Nature of use for all rights will be municipal. Season of use for all rights will be all year. Place of use for all rights will be the UW expanding service area. Diversion rates for rights presently limited by annual volume will be adjusted downward to a continuous flow rate sufficient to produce the annual volume. About 50% of the total flow rate authorized by the rights is required to meet demand today. The balance will serve long term water demand within the 50 year planning horizon.

Total amount of water to be authorized for use under the rights will be about 295 cfs, a slight reduction in the amount presently authorized for use. The river permit will provide up to 24.8 cfs of the proposed total, with the balance to be provided from wells. Two new well sites are proposed in Boise: near Hwy 21 southeast of Harris Ranch, and near the Maple Grove/Franklin intersection.

More information about IMAP can be obtained from IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 or via the Internet (see "Special Interest" items at IDWR homepage [www.idwr.state.id.us](http://www.idwr.state.id.us)). Printed copies of IMAP can be reviewed at any IDWR office. Protests may be submitted based on the criteria of Sections 42-222 (transfers) or 42-211 (amendments), Idaho Code. Any protest against the proposed change must be filed, together with a protest fee of \$25, at the IDWR Western Region office on or before April 22, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published on April 4 and 11, 2002.



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

March 27, 2002

**Legal Notice Department**

Press-Tribune

PO Box 9399

Nampa ID 83652

RE: Applications for Permit

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 04/22/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor  
Senior Secretary



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

March 27, 2002

**Legal Notice Department**  
IDAHO STATESMAN  
PO BOX 40  
BOISE ID 83707

**RE:** Application for Advertising

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 04/22/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor  
Senior Secretary



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

March 27, 2002

**Legal Notice Department**  
POST REGISTER  
PO BOX 1800  
IDAHO FALLS ID 83401

RE: Applications for Permit

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Sincerely

Sue Taylor  
Senior Secretary



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

March 27, 2002

**Legal Notice Department**  
LEWISTON MORNING TRIBUNE  
505 C  
PO BOX 957  
LEWISTON ID 83431

RE: Applications for Permit

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Karl J. Dreher, Director

Published on April 4 and 11, 2002.

## A. EXECUTIVE SUMMARY

### 1. Background

Five years ago, the Idaho Legislature enacted the Municipal Water Rights Act of 1996 (“1996 Act” or the “Act”). This statute codified substantive and procedural law embodying what has come to be known as the “growing communities doctrine.” The thrust of the Act is to encourage municipal providers to establish a long term “planning horizon” and to engage in planning for water rights acquisition to ensure that they will be able to satisfy the needs of their customers throughout the planning horizon. Water rights held for this purpose are referred to as the “planning horizon component” (“PHC”) of the provider’s portfolio of rights.

This *Integrated Municipal Application Package* (“IMAP”) is submitted by United Water Idaho Inc. (“United Water,” “UWID” or the “Company”) to the Idaho Department of Water Resources (“IDWR” or the “Department”) as a direct result of the 1996 Act. Its purpose is to bring UWID’s portfolio of water rights<sup>1</sup> within the protection and obligations of the 1996 Act.

The core of the IMAP consists of two sets of change applications: First, UWID seeks to change 93 ground water rights (Tab H). Second, UWID seeks to amend 19 water right permits,<sup>2</sup> all but one of which are for ground water<sup>3</sup> (Tab I). These applications are supported by a series of spreadsheets, identifying and describing various aspects of the water rights in UWID’s portfolio (Tabs J through N). Finally, the IMAP documents the various planning requirements under the 1996 Act:

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<sup>1</sup>In addition to water rights and permits addressed in this IMAP, the Company owns certain other entitlements to the use of surface water. UWID is not seeking to change the water rights behind these entitlements. They are fully disclosed, taken into account, and discussed in Part E7 at page 38. In addition, UWID owns a contract entitlement to water from Anderson Ranch Reservoir which is used solely for mitigation purposes in connection with Water Right No. 63-02892. Because this right does not supply water to UWID’s customers, but instead benefits other water users, it is not deemed part of UWID’s portfolio for purposes of quantifying UWID’s planning horizon component.

<sup>2</sup>UWID is now in the process of proving up on these permits. If some or all of them are approved as licenses prior to the time the Department completes processing of this IMAP, we request that, in each case, the *Application for Amendment of Permit* be treated as an *Application for Transfer of Water Right*.

<sup>3</sup>The only surface water permit in UWID’s portfolio is its Marden Treatment Plant right from the Boise River, No. 63-12055. By including this permit in the IMAP, United Water does not intend to have this permit treated as an alternate point of diversion for any of its ground water rights.

|       |   |                                                        |
|-------|---|--------------------------------------------------------|
| Tab B | ⇒ | Definitions                                            |
| Tab C | ⇒ | The Company's history                                  |
| Tab D | ⇒ | Objectives of the IMAP                                 |
| Tab E | ⇒ | Quantification of water needs for the planning horizon |
| Tab F | ⇒ | Analysis of comprehensive plans in all areas served    |
| Tab G | ⇒ | Summary                                                |

## 2. Planning Horizon Established

The IMAP establishes a planning horizon of fifty years. If the IMAP is approved by the Department, this will authorize UWID to acquire water rights for its portfolio sufficient to serve reasonably anticipated needs over the next fifty years. Water rights held for this purpose pursuant to a such a documented planning horizon are expressly declared to constitute "beneficial use" of the state's water.

The IMAP then sets about determining the quantity of water which will be necessary to serve UWID's customers in the year 2050.

## 3. Planning Area Mapped

The first step in determining projected demand is to delineate the area which will be served, termed the "planning area." The planning area is shown graphically on the accompanying map (Appendix B). Many areas which are likely to be served by UWID in the future (and even some areas which are served today) were nevertheless excluded from the planning area.<sup>4</sup>

First, the planning area was limited to Ada County. There are two small, non-contiguous areas in Canyon County served by UWID. They account for such a small fraction of the Company's systemwide demand, however, that we could not justify complicating the population projection analysis by including them within the planning area at this time. It should be noted, however, that the points of diversion associated with

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<sup>4</sup>The planning area, as its name implies, is solely a planning device. It does not control or limit the provider's ultimate service area. The effect of exclusions of potential service areas from the planning area is solely to reduce the quantity of water which UWID is entitled to claim as its planning horizon component ("PHC"). On the other hand, the quantity of water actually delivered today to areas outside the planning area is included in the total service projection. (See footnote 18 at 27.) The inclusion or exclusion of an area from the planning area has no legal effect on what areas UWID ultimately may be authorized to serve with its PHC water rights. UWID's actual "certificated area" is determined from time to time by the PUC. Under the 1996 Act, the Company's "service area" for these water rights will follow changes in the certificated area automatically.

these two Canyon County neighborhoods are included in the “alternative points of diversion” change discussed in Part D2 at page 15, even though they are not part of the “planning area.”

Second, the planning area excludes communities which have their own water supply system, such as Garden City, Meridian, Kuna, Star and parts of Eagle.

Third, as required by the 1996 Act, the planning area excludes certain areas which are subject to unresolved planning conflicts among competing governmental entities or to competition among potential water providers. For this reason, the planning area does not include growth areas surrounding Kuna and Star, and it excludes the entire Eagle area.

#### **4. Year 2050 Population Projected**

Next the IMAP predicts population for the planning area through the year 2050. UWID contracted with John S. Church, President of Idaho Economics, to assist it in making accurate population projections. Mr. Church estimated the planning area’s population through the year 2050 using a sophisticated econometric model that predicts population by estimating the natural increase of the existing population and then adjusting for the net migration into the area resulting from the predicted creation of new jobs. The model generates a state-wide population estimate that is then broken down by county. The model predicts an Ada County population of 813,966 in the year 2050.

Since UWID’s planning area covers only part of Ada County, it was necessary to further refine the Ada County population estimate to predict which portion of it will reside in the planning area. This was done by utilizing the distribution of the population from the Community Planning Association of Southwest Idaho’s (“Compass”) population forecast of Ada County by traffic analysis zones (“TAZs”). TAZs are infrastructure and zoning based geographic areas used by government agencies for transportation planning in the Treasure Valley. Compass’ existing population forecast is somewhat dated, first published in 1997, and it was necessary to update the projections for the TAZs to reflect Mr. Church’s more current population forecast. Using Compass’ 1997 distribution as a starting point, and then incorporating Compass’ 1999 estimates to further refine the calibration, United Water allocated the population from its fifty-year forecast to the TAZs. United Water then overlaid the TAZs on the planning area map, identified those TAZs within its planning area, and totaled the population estimates for all those TAZs in the planning area. The result is a planning area population of 540,020—roughly 66% of the total predicted 2050 Ada County population.

Comparing the projected population of 540,020 to UWID’s current service area (as

of 2000) population of 214,615 yields an annual rate of growth of 2.08 percent over the fifty year period. Considering that the County has experienced 3.22 percent growth rate for the previous 30 years, and a 3.50 percent growth rate over the past decade, UWID believes that its projection is appropriate and, indeed, quite conservative.

## **5. Projecting Total Annual Demand**

Predicting population is only the first step in calculating anticipated future water demand. The next step is to calculate the quantity of water that the population is expected to consume. Whether that population comes in the form of landscaped suburban homes, high density apartments or commercial uses will substantially affect water demand. Likewise, the price elasticity of water can affect aggregate demand.

To calculate total water demand, United first predicted the number of residential and commercial customers it expected to have in the planning area in 2050 based on the same econometric model used for predicting total population. The model distributed the predicted population into households (residential customers) and predicted the level of commercial development that would serve those households and a commuting population from western Ada and Canyon Counties.

Next, UWID estimated the average demand for residential and commercial customers in the year 2050. UWID began by calculating a bi-monthly average demand for residential and commercial customers using 15 years of historical sales data and collecting monthly precipitation, temperature, and water price data to establish a comprehensive database. Using a regression analysis, these same variables, and an independent variable that accounts for conservation effects, then were used to estimate the bi-monthly and annual future residential and commercial demand each year through 2050.

To the projected annual residential and commercial water demands, UWID added other system demands that tap its water delivery system. These include consumption by (1) public sector customers, (2) a small number of other customers that do not fit in any other category, (3) fire hydrant use, (4) system losses, and (5) UWID's own use. The total predicted demand for each category was estimated using ratios calculated by analyzing the historical relationship between each category to either annual residential and commercial demand or total system water production. UWID then calculated the total estimated demand by summing the totals from each category. The result is a predicted demand of approximately 48 billion gallons annually in the year 2050.

147,307 AFA

This figure includes a price effect on water demand that equals the rate of

inflation, which is expected to average 2.5% over the planning horizon. However, because UWID anticipates the construction of significant infrastructure improvements in the early years of the planning horizon to meet anticipated demand, it adjusted the calculation to predict customers' response to water prices that increase at a rate faster than inflation in the first half of the planning horizon. UWID calculated this price effect by predicting a series of six tiered price increases over the planning horizon's first 20 years in an effort to match historical trends in both the timing and magnitude of rate increases. The result reduced the total predicted demand by over 1 billion gallons to approximately 46.8 billion gallons. This compares to a year 2000 annual demand of approximately 17 billion gallons, equating to a 2.01 annual percentage increase over the 50 year planning horizon. 143,624<sup>K</sup>

UWID next assessed whether the availability of non-potable irrigation ("NPI")<sup>5</sup> in the planning area would reduce demand. For this analysis, UWID estimated the potential availability for NPI in the planning area starting with *IDWR Land Use Cover Data* from 1994 which identifies irrigated acres. Using year 2000 areal photography and physical inspections, UWID updated its estimate of the available NPI acreage. In the end, a very limited number of currently irrigated acres are available in the planning area for conversion to NPI. Furthermore, it is expected that the high cost of retrofitting will not make conversion to NPI economical in developed areas where it does not already exist. UWID calculated the effect on total demand if NPI is used on those lands where it would be available. The reduction was so minor that it did not change the estimated demand.

## 6. Quantification of Peak Demand

Municipal water rights are quantified only in terms of peak flow, not annual volume. Consequently, the final step was to convert the predicted annual consumption to predict peak flow.

Comparing the relationship between peak month production and peak day production over 12 years of available data, UWID determined that the annual daily peak water production represents 3.82 percent of annual peak month production. (In other words, the hottest day demand can be predicted from the hottest month demand, and this relationship has proven stable over the years.)

---

<sup>5</sup>By "non-potable irrigation" we refer to separate (also called "dual") domestic lawn irrigation systems which apply non-potable water from non-municipal supplies (such as irrigation canals). These are sometimes referred to as "pressurized" irrigation systems to distinguish them from non-pressurized crop irrigation. We do not use that term, however, because it fails to distinguish pressurized irrigation systems using municipal water.

By breaking annual demand into monthly totals and then applying the daily peaking factor to the predicted peak month production in 2050, UWID predicts peak day demand of 268 million gallons, or a daily flow rate of 416.8 cfs in 2050.<sup>6</sup> Compared to the current peak demand of 147.5 cfs, this reflects an annual increase of 2.10 percent.

The bottom line is reflected in Table 11 at page 50. UWID is entitled to hold a water rights portfolio of up to 416.8 cfs. Its current portfolio measures 307.58, meaning that UWID is entitled to acquire additional water rights totaling 109.23 cfs if this IMAP is approved.

## **7. Additional Changes**

In addition in determining the size of UWID's planning horizon component, the IMAP seeks a variety of changes in the Company's current portfolio of water rights. The most notable change is to make each point of diversion for every ground water right an alternative point of diversion for every ground water right in UWID's portfolio. UWID will agree to a condition ensuring that this change will not be used to cause well interference to any existing, senior priority well. In other words, any well in existence at the time this IMAP is improved will not be subject to any additional well interference if the request for alternate points of diversion is approved.

UWID also has provided a consistent description of its service areas for all its water rights, as well as a uniform statement of the nature of use and season of use for each right.

Finally, inconsistent methods of quantification are proposed to be eliminated, so that all rights may be expressed and measured in terms of peak flow (cfs). In so doing, appropriate adjustments are made to ensure against any enlargement.

---

<sup>6</sup>This is a conservative calculation that likely underestimates the instantaneous peak demand on the system because it averages out fluctuating demand over a 24-hour period. In reality, on the peak day, demand will fluctuate and instantaneous demand (typically highest in the morning) on the system will be higher than 416.8 cfs. However, UWID currently uses small reservoirs to help meet these fluctuating peaks and anticipates that it will continue to do so in the future, making average peak day demand a reasonable estimate of the system's peak.

## Description of UWID's Permits After Application for Amendment

| RIGHT NUMBER | SOURCE       | PRIORITY   | PURPOSE OF USE | AMOUNT (CFS) | AMOUNT (AFA) | PERIOD OF USE |
|--------------|--------------|------------|----------------|--------------|--------------|---------------|
| 63-10945     | Ground water | 10/29/1989 | Municipal      | 2.00         |              | 1/1-12/31     |
| 63-11467     | Ground water | 2/21/1991  | Municipal      | 0.72         |              | 1/1-12/31     |
| 63-11878     | Ground water | 6/15/1992  | Municipal      | 0.26         |              | 1/1-12/31     |
| 63-12055     | Boise River  | 9/8/1993   | Municipal      | 24.80        |              | 1/1-12/31     |
| 63-12138     | Ground water | 8/19/1994  | Municipal      | 3.90         |              | 1/1-12/31     |
| 63-12139     | Ground water | 8/19/1994  | Municipal      | 4.90         |              | 1/1-12/31     |
| 63-12140     | Ground water | 10/19/1994 | Municipal      | 3.50         |              | 1/1-12/31     |
| 63-12192     | Ground water | 3/31/1995  | Municipal      | 5.00         |              | 1/1-12/31     |
| 63-12310     | Ground water | 1/19/1996  | Municipal      | 3.00         |              | 1/1-12/31     |
| 63-12334     | Ground water | 3/8/1995   | Municipal      | 0.06         |              | 1/1-12/31     |
| 63-12362     | Ground water | 9/30/1996  | Municipal      | 2.22         |              | 1/1-12/31     |
| 63-12432     | Ground water | 1/30/1998  | Municipal      | 4.50         |              | 1/1-12/31     |
| 63-12424     | Ground water | 12/3/1997  | Municipal      | 0.87         |              | 1/1-12/31     |
| 63-12452     | Ground water | 4/15/1998  | Municipal      | 4.50         |              | 1/1-12/31     |
| 63-12463     | Ground water | 6/25/1998  | Municipal      | 3.00         |              | 1/1-12/31     |
| 63-12464     | Ground water | 7/13/1998  | Municipal      | 0.30         |              | 1/1-12/31     |
| 63-12506     | Ground water | 1/15/1999  | Municipal      | 3.50         |              | 1/1-12/31     |
| 63-12516     | Ground water | 4/13/1999  | Municipal      | 4.00         |              | 1/1-12/31     |
| 63-12552     | Ground water | 11/18/1999 | Municipal      | 3.00         |              | 1/1-12/31     |

Total CFS: 74.03

Place of use for all permits: "Within the Service Area of UWID"

\*  
Point of diversion for all permits: Please see list behind Tab "N", except right 63-12055 for which the point of diversion will be Township 3N, Range 2E, Section 14 SENE (lot 7) (existing Marden Treatment Plant intake), and Township 2N, Range 3E, Section 4 NWNE (existing pipeline intake for proposed Columbia Treatment Plant).

\* TAB N = list of all a.w. well sites

Revised permit --- add pump station to pld. use permit in  
50 year allocation period as contributing cfs to IMAP.

Additional  
Enclosures for  
Watermaster

Notes - JZ 3/27/02

Publ = (all Thursday papers  
4/4 & 4/11)

**Lester, Steve**

---

**From:** Larsen, Dick  
**Sent:** Wednesday, March 27, 2002 7:41 AM  
**To:** Lester, Steve  
**Subject:** RE: United Water legal notice

Steve:

I am in the process of creating the special web page for the application. I will also be writing today the news release. You can go ahead and send the legal notice, just let me know the first day it will appear in print so I can put the news release out the day prior. I should have the web page done today. Unfortunately, our Internet has been down for a full day and is still not up but we will have the page ready to go as soon as it comes back up.

Make sure to let me know the first day of publication. That, now, is the only critical element left.

Dick Larsen  
Public Information Officer  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706  
Tel - (208) 327-7933

-----Original Message-----

**From:** Lester, Steve  
**Sent:** Tuesday, March 26, 2002 9:59 AM  
**To:** Larsen, Dick  
**Subject:** United Water legal notice

Dick:

Here is the legal notice. The only thing missing from it is the dates of publication at the end of the notice. Ads will be run in 5 papers for local & statewide publication so dates will vary. You can modify the notice to put the following in place of publication dates:

"Published statewide in the first two weeks of April, 2002."

Let me know if you are ready and then we will send the notices to the papers tomorrow.

Thanks.

Steve

<< File: IMAP ad.doc >>

✓ cc of legal notice to UW attorney

**Lester, Steve**

---

**From:** Lester, Steve  
**Sent:** Tuesday, March 26, 2002 3:12 PM  
**To:** 'jmm@givenspursley.com'  
**Subject:** IMAP legal notice

**Contacts:** John Marshall

John:

The legal notice is attached. Please assume publication will occur in the first two weeks of April unless you hear otherwise from me. The last line, noting dates of publication, will be altered to match each newspaper's requirements. But for now we can read it as "first two weeks of April, 2002."

Let me know if I can do anything for you in this unique processing event.

Thanks.

Steve Lester



IMAP ad.doc

✓ SRBA coordination  
in processing

**Lester, Steve**

---

**From:** Lester, Steve  
**Sent:** Tuesday, March 26, 2002 1:28 PM  
**To:** Shaff, Don; Shurte, Jan  
**Cc:** Keen, Shelley; Grindle, Dave; Larsen, Dick  
**Subject:** United Water IMAP filing of 112 rights/permits

Don & Jan:

This week we will process the massive IMAP package filed to change United Water's 112 rights & permits for a 50 year planning period. Legal notices will run first two weeks of April in local & statewide papers if all goes as planned.

This is an unusual project. Literally it involves 99 transfers of licenses/stat. claims and 13 amendments of permits. None of the permits require an SRBA claim. SRBA claims have been filed for all rights as required except 63-7077. United Water hopes 63-4015 will replace 63-7077 so did not claim the latter right.

The package of applications is being processed independent of transfer & amendment application data entry in Workflow by agreement with Western & State Office. Shelley Keen and Dave Grindle will be working behind the scenes to complete the data entry, mostly if not entirely through programming steps instead of traditional data entry. To give you an example of why traditional data entry is not feasible, 109 p/ds will be listed on 111 of the 112 rights (each will have 109 p/ds!!).

So we don't have an automatic email reminder from Workflow to let you know that claims so & so are being changed by transfers. Instead, I provided a copy of a spreadsheet from IMAP to Jan. IMAP is also available electronically. I imagine the necessary SRBA work within transfer processing can be done by using the e'version of IMAP somehow. Contact Dick Larsen for details about e'version (he is posting it on the net but can give you as much or as little of the info you need electronically). Shelley or Dave might be able to help you in that regard.

The spreadsheet listing rights for which SRBA claims have been filed is Tab J that follows page 60 of IMAP. Every right in Tab J has a claim *except* 63-7077 (pg. 2 of spreadsheet), and all the rights on pg. 4 of the spreadsheet except 63-19456, which has been claimed. The other rights on pg. 4 do not require SRBA claims. The copy of the spreadsheet to Jan has all this information on it.

None of the claims have been partially decreed so we don't need to worry about migrating anything to wr side. I hope this gives you enough information to plan the easiest way to notify the court about pending administrative procedures relative to the claims. Please let me know if I can help in any way.

This is a huge package dealing with about 310 cfs. If approved, all the rights & permits will have identical p/d, use, season, p/u (blank field) and service area remark. Cleans up the database for most United Water stuff pretty nicely.

Steve

*Interest coordination  
in progress*

**Lester, Steve**

---

**From:** Lester, Steve  
**Sent:** Tuesday, March 26, 2002 9:59 AM  
**To:** Larsen, Dick  
**Subject:** United Water legal notice

Dick:

Here is the legal notice. The only thing missing from it is the dates of publication at the end of the notice. Ads will be run in 5 papers for local & statewide publication so dates will vary. You can modify the notice to put the following in place of publication dates:

"Published statewide in the first two weeks of April, 2002."

Let me know if you are ready and then we will send the notices to the papers tomorrow.

Thanks.

Steve



IMAP ad.doc

# GIVENS PURSLEY LLP

LAW OFFICES  
277 North 6th Street, Suite 200  
PO Box 2720, Boise, Idaho 83701  
TELEPHONE: 208 388-1200  
FACSIMILE: 208 388-1300  
WEBSITE: www.givenspursley.com

Direct Dial: (208) 388-1270  
E-Mail: jmn@givenspursley.com

Gary G. Allen  
Christopher J. Beeson  
Michael C. Creamer  
Emily MacMaster Durkee\*  
Thomas E. Dvorak  
Roy Lewis Eiguren  
Timothy P. Feamside  
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Raymond D. Givens  
James A. McClure  
Stephanie C. Westermeier  
OF COUNSEL  
\*Licensed in California only

March 22, 2002

## VIA HAND DELIVERY

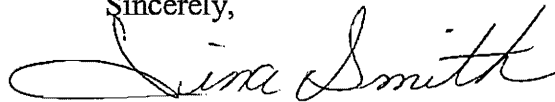
Steve Lester  
Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705

Re: United Water Idaho — Integrated Municipal Application Package  
Our File: 30-71

Dear Steve:

I enclose with this letter an original and four copies of the amended version of United Water Idaho's *Integrated Municipal Application Package* ("IMAP"). If you have any questions, please call me.

Sincerely,



Tina N. Smith  
Assistant to John M. Marshall

Enclosure

cc: H. Scott Rhead (with 2 copies of encl.)  
S:\Clients\30\71\Corr\2002-3-22 Lester amend IMAP.doc

RECEIVED

MAR 22 2002

W. H. O'RIORDAN  
WESTERN REGION

**Lester, Steve**

*A.W.'s draft  
news release*

**From:** Cahoon, Mary [Mary.Cahoon@UnitedWater.com]  
**Sent:** Thursday, March 21, 2002 10:32 AM  
**To:** 'Larsen, Dick'; 'Lester, Steve'  
**Cc:** Rhead, Scott  
**Subject:** IMAP News Release



mzc3-19-02draftne  
wsrelease.doc...

Good morning. Scott Rhead (United Water) requested that I send you a draft copy of a news release that we would like to send to the media during the first week in April. The news release topic is on the "Integrated Municipal Application Package" (IMAP). The IMAP is a topic that United Water will be discussing during a work session scheduled with the Mayor and Boise City Council in April.

After reading this if you have any questions or comments, please contact:

Scott Rhead - 362-7345  
scott.rhead@unitedwater.com

Mary Cahoon - 362-7336  
mary.cahoon@unitedwater.com

Thanks and have a GREAT day.

<<mzc3-19-02draftnewsrelease.doc>>

Mary Z. Cahoon  
United Water Idaho  
(208) 362-7336

# DRAFT

NEWS RELEASE  
FOR IMMEDIATE RELEASE

More information:  
Mary Cahoon, 362-7336

## United Water Idaho submits 50-year growth projection

*Proposal will give company flexibility to meet demands of growth  
and avoid a California-style water crisis, public briefing to be held  
12:00 p.m., April 23, 2002.*

By 2050, more than a half-million Ada County residents and their economy will rely on United Water Idaho, and the company is laying the groundwork now to make sure there will be enough water to meet their needs.

More than 200,000 Ada County residents in United Water's service area enjoy a stable and affordable water supply. To make sure it stays that way over the next half-century, United Water has submitted an Integrated Municipal Application Package (IMAP) to the Idaho Department of Water Resources (the "Department").

The Department will hold public hearings on the plan this spring and summer, and United Water representatives are also available to answer questions and provide information. The Boise City Council will receive an update on the IMAP and related water supply issues at the 12:00 p.m., April 23, 2002 Council meeting.

The Idaho Legislature, recognizing the unique needs of cities, passed a 1996 law that sets up the IMAP process.

United Water believes it's important to start planning now for the future. According to population estimates done by John Church of Idaho Economics, the number of people in United Water's service area will increase at the rate of 2.08 percent between now and 2050 (from 214,615 to 540,020).

-more-more-

United Water Idaho Submits 50-Year Growth Projection – Page 2 of 2

“The IMAP gives municipal water providers greater flexibility to accommodate this kind of growth,” said Scott Rhead, director of special projects for United Water Idaho. However, the 1996 Act also imposes increased oversight and certain restrictions on municipal water providers, to make sure neighboring water users suffer no harm. “The IMAP is basically the opposite of what happened in California with the recent energy crisis,” said Rhead. “Those companies stopped planning for the future and just relied on a highly unstable spot market to fill their needs. That was an invitation to disaster. The IMAP provides protection so that we don’t have a replay of that here.”

This is the first IMAP that has been submitted in Idaho. Depending on the length of the public process, the Department could approve it as soon as October, 2002. Copies of the IMAP are available at the United Water Idaho office. For more information, call Mary Cahoon at 362-7336.

## Lester, Steve

---

**From:** Keen, Shelley  
**Sent:** Tuesday, February 19, 2002 4:26 PM  
**To:** Lester, Steve  
**Subject:** UWI PODs.xls



UWI PODs.xls

Steve,

Here's an update on my efforts related to the UWI IMAP filing. The attached file contains all the UWI Basin 63 PODs, with associated POD IDs and Right IDs. My next step will be to list permits, too. Then I'll match up the PODs from our database with the final version of UWI's list. Let me know as soon as you have a final version.

Also, today I sent Dick Larsen a memo asking for his support of our plan to show a PDF version of the IMAP filing in the New Water Right Listings on the Internet. Let me know as soon as UWI can get us the file.

What else? Am I forgetting anything?

Shelley



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

**FAX TRANSMITTAL COVER SHEET**

FAX NUMBER (208) 334-2348

DATE: 2/14/02

TO: John Marshall  
givens Pinesley  
fax 388-1300

FROM: Steve Lester

DOCUMENT DESCRIPTION/NOTES: IMAP Review per your 2/6/02 Submittal:

- ① Revised Pg. 50 Not Received
- ② Review of Tab M with suggested revisions to reflect permits as 5/4/01.
- ③ Review of Tab N well list. Checked items on list addressed in ④.
- ④ Notes & Reconcile IDWR Records vs. UW well list.

Let me know if anything not clear etc. Thanks

TOTAL PAGES SENT: 6 + COVER SHEET

CONTACT: \_\_\_\_\_

*emailed well list to Shelley*

**Lester, Steve**

---

**From:** Lester, Steve  
**Sent:** Tuesday, February 12, 2002 12:52 PM  
**To:** Keen, Shelley  
**Subject:** United Water well list

Shelley:

John Marshall emailed me this Excel list of wells for IMAP. I still need to do some checking to make sure the list is comprehensive. Once that is done, the application will be ready to publish and we can work on the publication arrangements we discussed the other day.

For now, please treat this list as preliminary. I'm sending it to you with the hope that we won't need a revised list but you never know.

Steve



UW well locations  
for IMAP.xls...

## Lester, Steve

---

**From:** John Marshall [jmm@givenspursley.com]  
**Sent:** Tuesday, February 12, 2002 11:12 AM  
**To:** slester@idwr.state.id.us  
**Cc:** Christopher Meyer; skeene@idwr.state.id.us  
**Subject:** Excel spreadsheet of United Water's points of diversion (30-71)



2002-02-12 Well  
locations copy...

Steve:

As you requested, I am forwarding an electronic version of the table behind Tab "N" in the IMAP that shows the points of diversion for UWID's ground water rights. Please call with any questions.

- John Marshall

## *Moffatt Thomas*

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Gerald T. Husch  
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C. Clayton Gill

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N. Danette Kriehn  
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Paul C. Swainston  
Angela D. Schaer  
Casey C. Robertson  
Ray J. Chacko  
Dean C. Sorensen  
Bradley J. Dixon  
Keasa L. Hollister

*Willis C. Moffatt,*  
1907-1980

February 12, 2002

US Bank Plaza Building  
101 S Capitol Blvd 10th Fl  
PO Box 829  
Boise Idaho 83701 0829

208 345 2000  
800 422 2889  
208 385 5384 Fax  
www.moffatt.com

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FEB 13 2002

WATER RESOURCES  
WESTERN REGION

Mr. Steve Lester  
Western Region Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

**Re: United Water Idaho**  
MTBR&F File No. 18946.10

Dear Mr. Lester:

Pursuant to our telephone conversation on February 11, 2002, this letter will confirm that on August 15, 2001, I moved my law practice to Moffatt Thomas. Accordingly, I am requesting to have any notifications regarding the application of United Water Idaho with the Idaho Department of Water Resources sent to me at the above address.

Thank you for your consideration in this regard.

Very truly yours,



Scott L. Campbell

SLC/dll

# GIVENS PURSLEY LLP

## LAW OFFICES

277 North 6th Street, Suite 200  
PO Box 2720, Boise, Idaho 83701  
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Raymond D. Givens  
James A. McClure  
OF COUNSEL

Direct Dial: (208) 388-1270  
E-Mail: [jmm@givenspursley.com](mailto:jmm@givenspursley.com)

May 4, 2001

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MAY 04 2001

WATER RESOURCES  
WESTERN REGION

*Via Hand Delivery*

Mr. Karl J. Dreher  
Director  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Statehouse Mail  
Boise, ID 83720-9000

Mr. Gary Spackman  
Regional Manager  
Western Regional Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: United Water Idaho — Integrated Municipal Application Package  
Our File No. 30-71

Dear Messrs. Dreher and Spackman:

I enclose with this letter the final version of United Water Idaho's *Integrated Municipal Application Package*, or IMAP as we have termed it, which incorporates an amended population and water demand forecast prepared by John Church, president of Idaho Economics.

\*

We are providing a copy for the State Office so that your two offices can coordinate on the processing of the application. We can easily provide additional copies if necessary and are more than willing to provide as many copies as you may need. The filing fee of \$10,800.00 was previously paid with an earlier version of the IMAP.

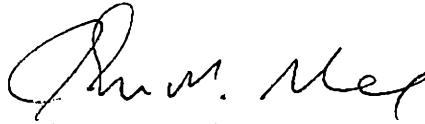
\* Neither set has signed transfer + amendment appls (appls. w/o signatures)  
-se 5/8/01  
✓ OK 5/10/01 signatures

May 4, 2001

Page 2

We look forward to working with the Department on the processing of this IMAF.

Sincerely,

A handwritten signature in cursive script, appearing to read "John M. Marshall".

John M. Marshall

Encl: *Integrated Municipal Application Package (2)*

cc: Norman C. Young, IDWR  
David R. Tuthill, IDWR  
Phillip J. Rassier, IDWR  
Gregory P. Wyatt, UWID (with encl.)  
H. Scott Rhead, UWID (with encl.)  
Christopher H. Meyer, Givens Pursley



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.state.id.us/idwr/idwrhome.htm](http://www.idwr.state.id.us/idwr/idwrhome.htm)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

 FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 4/12/01

TO: Tiffany Hudak  
Glenn + Burke  
fax - 384-5844

FROM: Steve Leth

DOCUMENT DESCRIPTION: Un-fol water: "IMAP" :  
These are the only additions to date for the  
IMAP filing. Current status: LWI is revising some of  
the supporting info. IDWR will process upon receipt of  
revised or additional info. NO time forecast at this point.

TOTAL PAGES SENT: 7 + COVER SHEET

CONTACT: \_\_\_\_\_

## Lester, Steve

---

**From:** Tiffany Hudak [th@elamburke.com]  
**Sent:** Wednesday, April 11, 2001 7:20 AM  
**To:** slester@idwr.state.id.us  
**Subject:** United Water's IMAP Application

Hi Steve,

Last week when we spoke concerning this matter you indicated that IDWR's file did not contain anything other than the IMAP application and a memo from you to Gary Spackman concerning advertising language. At that time, I stated we did not need to obtain a copy of your memo, however, Scott Campbell indicated to me that he would like a copy of your memo to Gary Spackman. Could you please make a copy for us and either fax it to my attention at 384-5844 or mail it to me at Elam & Burke, P.A., PO Box 1539, Boise, ID 83701.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me or Scott Campbell.

Sincerely, Tiffany

Tiffany Hudak  
Paralegal  
Elam & Burke, P.A.  
(208) 343-5454  
Email: th@elamburke.com

Confidentiality Notice: This e-mail message may contain confidential and privileged information exempt from disclosure under applicable law. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning us, and do not review, disclose, copy, or distribute it. Thank you.

✓ 4/12/01 faxed her:

Scott's 9/11/00 letter

my 9/8/00 memo

Chris's 6/16/00 cover letter

4/12/01

RECEIVED

SEP 12 2000

WATER RESOURCE  
WESTERN REGION

**ELAM & BURKE**  
*A Professional Association*  
ATTORNEYS AND COUNSELORS AT LAW  
*Established in 1928*

KEY FINANCIAL CENTER  
702 WEST IDAHO  
POST OFFICE BOX 1539  
BOISE, IDAHO 83701

TELEPHONE  
208-343-5454

FACSIMILE  
208-384-5844

SCOTT L. CAMPBELL

September 11, 2000

Mr. Steve Lester   
Wester Region Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705

Re: United Water Idaho Applications for Transfer of 92 Separate Water Rights and  
Applications for Amendment of 16 Separate Permits

Dear Steve:

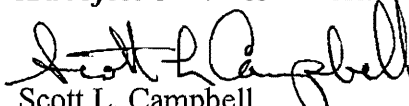
This letter serves to provide written confirmation of my telephone request to you that I be provided actual written notice of the publication of notice for processing the above-referenced applications for transfer of water rights and applications for amendment of permits by United Water Idaho. You indicated to me that the Department is still conducting a pre-publication review of the applications to determine the appropriate level of detail to include in the public notice and to resolve outstanding issues pertaining to the sufficiency of the application which was submitted by United Water Idaho.

On behalf of Settlers Irrigation District and Pioneer Irrigation District, I specifically request actual written notice of the initial publication of notice, pursuant to the pertinent Idaho Code provisions. Please advise me in writing if this request cannot be granted.

Thank you for your attention to this matter.

Very truly yours,

ELAM & BURKE  
*A Professional Association*

  
Scott L. Campbell

SLC:dap G:\Dap\WPDATA\1002\104\006-lester ltr re notice.wpd

cc: Settlers Irrigation District  
Pioneer Irrigation District  
Gary Spackman  
Jeffrey C. Fereday

**ELAM & BURKE**  
*A Professional Association*  
ATTORNEYS AND COUNSELORS AT LAW  
*Established in 1928*

COPY

KEY FINANCIAL CENTER  
702 WEST IDAHO  
POST OFFICE BOX 1539  
BOISE, IDAHO 83701

TELEPHONE  
208-343-5454

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208-384-5844

SCOTT L. CAMPBELL

September 11, 2000

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SEP 12 2000

WATER RESOURCES  
WESTERN REGION

Mr. Steve Lester  
Wester Region Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705

Re: United Water Idaho Applications for Transfer of 92 Separate Water Rights and  
Applications for Amendment of 16 Separate Permits

Dear Steve:

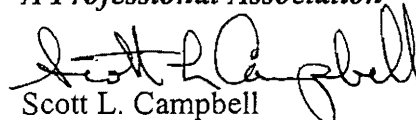
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Thank you for your attention to this matter.

Very truly yours,

ELAM & BURKE  
*A Professional Association*

  
Scott L. Campbell

SLC:dap G:\Dap\WPDATA\1002\104\006-lester ltr re notice.twpd

cc: Settlers Irrigation District  
Pioneer Irrigation District  
✓ Gary Spackman  
Jeffrey C. Fereday

# GIVENS PURSLEY LLP

## LAW OFFICES

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PO Box 2720, Boise, Idaho 83701

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James A. McClure  
OF COUNSEL

March 19, 2001

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MAR 20 2001

WATER RESOURCES  
WESTERN REGION

Mr. Karl J. Dreher  
Director  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Statehouse Mail  
Boise, ID 83720-9000

Re: United Water Idaho  
Request for Guidance on Effect of Transfer of Water Right within a  
Municipal Portfolio  
Our File No. 30-71

Dear Mr. Director:

I am writing on behalf of United Water Idaho to seek clarification of departmental policy respecting how the transfer of a municipal water right within a municipal water provider's portfolio might impact that provider's planning horizon. We raise this issue as a request for general guidance, because we anticipate that it may arise from time to time, for this provider as well as others. Consequently, we believe it is important for the Department to articulate a consistent approach in analyzing the issue under a variety of circumstances.

To facilitate the discussion, I have attached Appendix A, a schematic of a hypothetical municipal provider's water rights portfolio.

Mr. Karl J. Dreher  
March 19, 2001  
Page 2

**The statute prohibits the transfer of “planning horizon water rights.”**

As you know, the Municipal Water Supply Act of 1996<sup>1</sup> contains two provisions that prohibit municipal providers from transferring “planning horizon water rights”<sup>2</sup> to a place of use outside the bounds of the service area or to new beneficial uses.<sup>3</sup>

The director shall condition the license to prohibit any transfer of the place of use outside the service area, as defined in section 42-202B, Idaho Code, or to a new nature of use of amounts held for reasonably anticipated future needs together with such other conditions as the director may deem appropriate.

Idaho Code § 42-219(1).

When a water right or portion thereof to be changed is held by a municipal provider for municipal purposes, as defined in section 42-202B, Idaho Code, that portion of the right held for reasonably anticipated future needs at the time of the change shall not be changed to a place of use outside the service area, as defined in section 42-202B, Idaho Code, or to a new nature of use.

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<sup>1</sup> The Municipal Water Rights Act of 1996 (“1996 Act”), 1996 Idaho Sess. Laws, ch. 297 (codified at Idaho Code §§ 42-202, 42-202B, 42-217, 42-219, 42-222), was a codification of the “Growing Communities Doctrine.” See, Janis E. Carpenter, *Water for Growing Communities: Refining Tradition in the Pacific Northwest*, 27 *Envtl. L.* 127 (1997); Wells A. Hutchins, *The Idaho Law of Water Rights*, 5 *Idaho L. Rev.* 1, 44 n.211 (1968); A. Lynne Krogh-Hampe, *Injury and Enlargement in Idaho Water Right Transfers*, 27 *Idaho L. Rev.* 249, 294-95 (1990); Frank J. Trelease, *Preferences to the Use of Water*, 27 *Rocky Mtn. L. Rev.* 133, 138 (1955); *State of Washington, Dept. of Ecology v. Theodoratus*, 135 *Wash.2d* 582, 957 *P.2d* 1241 (1998); *City and County of Denver v. Sheriff*, 96 *P.2d* 836, 841 (Colo. 1939); *City of Pocatello v. Murray*, 206 *F. 72*, 80 (D. Idaho 1913), *aff’d*, 214 *F. 214* (9th Cir. 1914); *Village of Peck v. Denison*, 92 *Idaho* 747, 450 *P.2d* 310 (1969); *Beus v. Soda Springs*, 62 *Idaho* 1, 107 *P.2d* 151 (1940).

<sup>2</sup> The term “planning horizon water rights” refers to those water rights (or portions thereof) that are not required to meet current production demand, but are maintained in the provider’s portfolio of water rights to meet “reasonably anticipated future needs” within an established “planning horizon” under Idaho Code § 42-202B. We do not use the term “future needs water rights,” because the 1996 Act expressly recognizes that these rights serve a present beneficial use, even though they are held to meet anticipated demand. Idaho Code § 42-222.

<sup>3</sup> It bears emphasis that this restriction is purely statutory. It was not part of the Growing Community Doctrine, and does not apply to conveyances which predate a municipal provider’s acquisition of water rights under the statutory protection.

Mr. Karl J. Dreher  
March 19, 2001  
Page 3

Idaho Code § 42-222(1).

I distinctly recall your adding these provisions to the bill at the time it was being drafted. It was your view that a bright statutory line needed to be drawn to ensure that the opportunity and incentive under the common law for municipal providers to hoard water rights for speculative purposes was curtailed under the 1996 Act. Indeed, I recall your saying that you would put it in the legislation twice, just to make certain that it was not overlooked. (Hence, the essentially redundant language in sections 219 and 222(1).)

**The basic principle is to prohibit providers from converting this special statutory benefit to financial gain by extending the benefit to others.**

The basic idea behind the restriction, as I understand it, is that if a municipal provider is granted the special statutory benefit of being able to hold planning horizon water rights for an extended period of time, the provider should not be allowed to convert that benefit to profit by turning around and selling those rights to another user. The fact that the provider saw fit to sell the water right constitutes, essentially, an admission that it did not really need quite that much water in its planning horizon in the first instance. If that is the case, the provider's planning horizon portfolio should simply be reduced, without financial benefit to the provider.

Seen from the side of the buyer, the idea is that if the statute is going to relax the forfeiture rule with respect to a special class of water right holders (municipal providers), no third party should be able to buy its way into that class by purchasing planning horizon water rights that only exist because of the statute.

Thus, the holder of "planning horizon water rights" is prohibited absolutely from selling those rights to either (1) a different municipality (hence, the prohibition on a new service area) or (2) a non-municipal user (hence, the prohibition on a new beneficial use).<sup>4</sup>

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<sup>4</sup> One might ask why we focused on change in beneficial use and place of use, instead of simply prohibiting the transfer of such rights to a new entity. I believe there are three reasons.

First, by focusing on objective criteria (changes in beneficial uses and places of use), the statute avoids confusion when entities undergo change. For example, under the statute, it is of no consequence (and ought to be of no consequence) that a municipal provider undergo a corporate reorganization or that a new company might buy out a municipal provider, so long as the new provider steps into the shoes of the former provider and maintains the same service with the same water rights.

Second, under some circumstances it may be permissible to convey a "planning horizon water right" to a different municipality. For example, one municipal provider might buy out a neighboring municipal provider,

**The practical implementation of the restriction raises questions.**

As a broad concept, the purpose of the statutory restriction seems clear enough. It gets a little trickier, however, in the application.

The statute does not bar a municipal provider from selling any and all water rights in its portfolio. Rather, the statute draws a distinction, repeated in both section 42-219 and section 42-222(1). The statute allows municipal providers to sell off what I will call the provider's "current demand" water rights (those currently required to meet present annual peak demand), while prohibiting the provider from conveying "planning horizon" water rights (those held solely to meet anticipated demand during the planning horizon).

There are two practical problems:

- First, how does one tell whether a particular water right in the provider's portfolio is part of the provider's "current demand" (and may be conveyed) or whether it is held as an planning horizon water right (and may not be conveyed)?
- Second, assuming that a water right has been identified as being within a municipal provider's current demand, what effect, if any, does conveyance of this water right have on the provider's portfolio?

I will explore these issues in turn.

**How to identify a "current demand" water right.**

As noted above, the statute draws a clear distinction between current demand water rights and planning horizon water rights. But the statute offers no guidance on how to tell the difference between the two.

A municipal provider should be allowed to align its portfolio as it sees fit, and declare which water rights are within its "current demand" component and which are

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acquiring the second provider's planning horizon water rights, and merging them into the first provider's portfolio. This probably would not constitute a change in place of use, so long as the first provider's expanding service area was reasonably understood to contemplate possible expansion into the adjacent provider's service area.

Third, an industrial company seeking to buy a municipal provider's water rights and transfer them to a new place of use could not overcome the statutory prohibition by simply buying the municipal provider. Even though this might arguably be "the same entity," the statute would prohibit this transaction (as it should) because the change would entail a new place of use and/or new nature of use.

Mr. Karl J. Dreher  
March 19, 2001  
Page 5

within its "planning horizon" component. After all, a municipal provider will typically hold an integrated portfolio of ground water rights, where all points of diversion serve as alternative points of diversion for each other. Consequently, at any particular time, the holder is free to declare which water rights are being used to meet current demand and which are being held to meet anticipated demand during the planning horizon. There is nothing tricky about this. Indeed, the ability to shuffle rights around in response to a call or other external demand is precisely the reason that the provider sought to, and was allowed to, integrate its portfolio in the first instance.<sup>5</sup>

**The Department should bar transfers of municipal rights that simply cash out water rights.**

Saying that the provider has considerable flexibility in arraying its water rights is not the end of the analysis, however. We believe that the Department retains the responsibility to look at the overall transaction. Where a provider simply "cashes out" one of the water rights in its portfolio, the effect is simply and necessarily to pull down an equivalent water right from the planning horizon portion of its portfolio in order to meet unchanged current demand

In the schematic set out in Appendix A, this would correspond to the provider selling, for example, water rights number 2 and 3 (totaling 2 cfs). This would cause water right number 8 (also 2 cfs) to "slip down" into the current demand component of the provider's portfolio.

But this should not be permitted under the statute. A provider should not be allowed to sell off its current demand water rights, and then turn around and replace them with water rights held for anticipated demand during the planning horizon. That is precisely the sort of behavior the statute was meant to circumscribe: the conversion of a statutorily-bestowed benefit to private gain. In this circumstance, the Department should prohibit the transfer altogether.

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<sup>5</sup> Typically, the holder would array its portfolio in such a way that the most senior ground water rights would be used first (i.e., put in the "current demand" component of the portfolio) with the more junior held for planning horizon purposes. Then, in the case of a system wide call on the aquifer, the provider would be in the best possible position. However, there might be special circumstances under which a provider might pull out a more senior water right (assigning it to the planning horizon) and replace it with other more junior rights. This might be done, for instance, to address well interference issues, to address conservation concerns with particular areas of the aquifer, or for other legitimate planning reasons.

**A provider may reduce its current demand, and sell the conserved water.**

On the other hand, there are circumstances in which a municipal provider may be justified in selling a particular municipal water right. Suppose, for instance, that an industrial company in need of water rights offered to fund municipal system improvements that would reduce a municipal provider's system losses. In that special circumstance, the provider might legitimately claim that the water rights it was selling to the industry were truly "current demand" water rights. This is so because the transaction involves (1) a true reduction in current demand, (2) no "filling in" current demand by drawing on planning horizon rights, and (3) no reduction in anticipated demand during the planning horizon. This scenario, however, we expect will be a rare one.

To analyze this problem in terms of the schematic attached as Appendix A, one might imagine that the system improvements would save 1 cfs. The provider would then be entitled to sell, for instance, water right number 1, to the industry, dropping the size of the provider's total portfolio to 19 cfs. In approving the transfer, the Department would recalculate the provider's current demand at 9 cfs, leaving its anticipated demand at 15 cfs, for a total municipal need of 24 cfs.

**A provider is entitled to sell a water right for non-speculative purposes, subject to a reduction in its planning horizon.**

It bears emphasis that not all sales of municipal water rights are driven by profit-taking. For instance, a municipal provider might sell a water right:

- in order to resolve a well interference problem,
- in order to address an aquifer conservation concern,
- in order to allow another to make use of a contaminated well unsuited for municipal use,
- in order to maximize use of a geothermal resource,
- or for other legitimate, non-speculative reasons.

Where the provider can document to the Department's satisfaction that it is motivated by some legitimate, non-speculative motive such as those listed above, the

provider should be authorized to convey the water right to a third party.

This sensible policy can be reconciled with the statute in the following way: The 1996 Act allows sales of water rights from the current demand component of a provider's portfolio. In the previous example involving conserved water, the provider documented that the current demand was reduced, allowing a sale from this part of the portfolio. Where there is no conserved water, but there is some other legitimate, non-speculative purpose served by the transfer, the Department should simply allow the provider to "deem" this water right to be from the current demand portion of its portfolio.

Even though the conveyance is approved, however, the Department may be justified in making a permanent downward adjustment in the provider's anticipated needs quantification for the planning horizon. This would serve to ensure that the provider does not attempt to re-fill that gap created in its planning horizon portfolio, and sell the water resource to yet another party. In other words, even if the provider may legitimately claim to be selling a portion of its current demand portfolio, the Department may be justified in correspondingly reducing the planning horizon quantification as a *quid pro quo* for the transaction. Moreover, that reduction should in some sense be permanent.<sup>6</sup>

In terms of Appendix A, if a provider sought to sell water right number 6 (1 cfs), for instance, in order to resolve a well interference dispute with a nearby well, the Department might reasonably reduce the provider's planning horizon needs from 15 to 14 cfs. In fact, the same result should follow if the provider sought to sell water right number 11 (currently arrayed within the planning horizon component of the portfolio). The provider should be allowed to re-array the portfolio and declare water right number 11 to be part of the current demand portion of the portfolio before selling it. But the provider would be subject to the same reduction in planning horizon demand from 15 to 14 cfs.

**When the provider sells its entire portfolio, only the current demand portion may be transferred.**

Finally, consider the circumstance of a provider selling its entire portfolio, or, for that matter, any amount in excess of its "current demand" needs. Were that to occur, the Department should simply void that part of the transfer in excess of the current demand.

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<sup>6</sup> By permanent, we mean simply that the Department should carry some administrative memory of the event, such that the Department retains the discretion to prevent efforts by the provider to circumvent the restriction by filing for a new evaluation of its anticipated demand.

Mr. Karl J. Dreher  
March 19, 2001  
Page 8

Under the statute, however, the provider may freely sell its entire current demand (that is, water rights currently in use), even if some of that current demand was originally acquired as a planning horizon water right.

Looking to Appendix A, the provider should be allowed to transfer only 10 cfs to the third party, even though the provider has sold the entire 20 cfs portfolio. The provider and the purchaser, however, should be allowed to select which water rights (totaling 10 cfs) are to be conveyed.

**When water rights are exchanged or replaced, there is no impact on current or anticipated demand.**

While we acknowledge a need for strict enforcement of the “no conveyance of planning horizon water rights” rule, we urge an important distinction.

Where the conveyed water right is promptly replaced by another water right (or rights) of equivalent size, the conveyance should be deemed not to fall within the prohibition of sections 42-219 and 42-222(1). In other words, the swap was a “non-event” for purposes of the restriction. Consequently, it should be approved without any reduction or other impact on the provider’s planning horizon.

The reason is simply that where a water right is promptly replaced with another, the planning horizon component is not called upon to fill in the loss caused by the transfer. In other words, planning horizon rights do not “drop down” into the current demand component, and there is no reason to reduce the size of the planning horizon component.

In Appendix A, this would correspond to a provider selling, for instance, water right number 7 (for 2 cfs) and promptly replacing it with a new water right of the same quantity (or larger). This might happen simultaneously as part of a swap, or it might occur as part of a more complex arrangement (for example, involving federal water rights modified under a multi-party settlement).

**There is no prohibition against leasing municipal water rights to others.**

The statute addresses only the permanent transfer of water rights. The leasing (or other temporary conveyance) of a water right is another matter altogether. We are aware of no limitation on the ability of a municipal provider to lease water rights held for

Mr. Karl J. Dreher  
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anticipated demand purposes. Indeed, we understand the case law under the Growing Communities Doctrine to encourage the interim use of such water rights in this fashion.

### Summary

To sum up, where a municipal provider seeks to convey a water right from its portfolio to a third party, without replacing it, then the provider has essentially confessed that it no longer needs quite that much water in its anticipated demand. This should be prohibited altogether where there is no purpose to the transaction other than profit-taking.

On the other hand, where there is an independent, non-speculative purpose, it should be permitted, but with a condition reducing anticipated demand during the planning horizon by an equivalent amount.

Then again, if the proposed transfer of a municipal water right is part of a legitimate "swap" of water rights, then the Department should treat the transaction as having no impact on the provider's anticipated demand calculation for the planning horizon.

Likewise, a lease or other temporary arrangement involving a municipal water right is another "non event" for purposes of the statutory prohibition.

We would appreciate an opportunity to explore these ideas with you further. If they are consistent with the Department's view, we would like to have them confirmed in an appropriate manner.

Sincerely,



Christopher H. Meyer

Encl: Appendix A (Schematic of municipal provider's portfolio)

cc: Norman C. Young, IDWR  
Hal Anderson, IDWR  
Gary Spackman, IDWR  
David R. Tuthill, IDWR

Mr. Karl J. Dreher

March 19, 2001

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Phillip J. Rassier, IDWR  
Client

CHM:kdt

S:\CLIENTS\30\71\Corr\2001-03-19 CHM Ltr to Karl Dreher - Re transfer of municipal water rights.doc

## APPENDIX A

### Schematic Showing Components Of A Municipal Provider's Water Rights Portfolio

|                                   |                                                                                         |                                           |                                                              |                                                                                                                 |
|-----------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| To be acquired Water Right (1cfs) | Planning horizon<br>water rights yet<br>to be<br>appropriated or<br>acquired<br>(5 cfs) | To be<br>acquired<br>portfolio<br>(5 cfs) | Anticipated<br>demand within<br>planning horizon<br>(15 cfs) | Total<br>municipal<br>needs within<br>planning<br>horizon<br>(current and<br>anticipated<br>demand)<br>(25 cfs) |
| To be acquired Water Right (1cfs) |                                                                                         |                                           |                                                              |                                                                                                                 |
| To be acquired Water Right (1cfs) |                                                                                         |                                           |                                                              |                                                                                                                 |
| To be acquired Water Right (1cfs) |                                                                                         |                                           |                                                              |                                                                                                                 |
| To be acquired Water Right (1cfs) |                                                                                         |                                           |                                                              |                                                                                                                 |
| Water Right #12 (2 cfs)           | Planning horizon<br>water rights now<br>within portfolio<br>(10 cfs)                    | Current<br>portfolio<br>(20 cfs)          |                                                              |                                                                                                                 |
| Water Right #11 (1 cfs)           |                                                                                         |                                           |                                                              |                                                                                                                 |
| Water Right #10 (1 cfs)           |                                                                                         |                                           |                                                              |                                                                                                                 |
| Water Right #9(4 cfs)             |                                                                                         |                                           |                                                              |                                                                                                                 |
| Water Right #8 (2 cfs)            |                                                                                         |                                           |                                                              |                                                                                                                 |
| Water Right #7 (2 cfs)            | Current demand:<br>Water rights now<br>within portfolio<br>(10 cfs)                     |                                           | Current demand<br>(10 cfs)                                   |                                                                                                                 |
| Water Right #6 (1 cfs)            |                                                                                         |                                           |                                                              |                                                                                                                 |
| Water Right #4 (4 cfs)            |                                                                                         |                                           |                                                              |                                                                                                                 |
| Water Right #3 (1 cfs)            |                                                                                         |                                           |                                                              |                                                                                                                 |
| Water Right #2 (1 cfs)            |                                                                                         |                                           |                                                              |                                                                                                                 |
| Water Right #1 (1 cfs)            |                                                                                         |                                           |                                                              |                                                                                                                 |

# Water Use Forecasting Methods

9/12/00  
Meeting  
J.O. (by  
gong)

1. Use a forecasting method that is recognized in the water use or economic forecasting literature as credible and up-to-date. An example of a forecasting method is a sector or "end use" approach. This involves separating water use into sectors and sub sectors and forecasting these separately. Baseline water use for each sector is estimated first, followed by the forecast. Another approach is econometric forecasting approach. It involves looking at a historical path of water use, identifying the major determinants of water use and econometrically estimating the parameter values of the determinants. The determinants are then forecasted into the future and are used in combination with the parameter values to predict future water use. The econometric forecasting method does not require as much detailed information as the sector approach but does require current and projected values for the major determinants of water use. Important characteristics of both these models are set out as follows:

- a. Account for changes over time in the major determinants of water use; i.e. income, prices, density and weather in the case of residential and employment in the case of commercial.
  - b. Specifications of the models are selected on the basis of statistical confidence and the parameter values and statistics associated with a particular specification are reported.
  - c. Different uses are either treated separately (in a different equation or sector) or in the same equation with explicit treatment so that important differences are accounted for.
  - d. Where, because of lack of information, it is not possible to separate by sector, by equation or explicitly within an equation, an attempt should be made to make the sample more homogeneous in terms of water use, and treat outliers, particularly those with high water use, on a separate basis.
2. The forecasting method that is adopted would be used to generate estimates which can then be calibrated so that they make sense "on the ground". Calibration can involve testing the different implications of the forecasted numbers. For example, forecasted numbers will have implications in terms of density of development, which can be explored. Calibration can also involve using a variety of different approaches such as was used in the "IMAP" to replicate a particular number.
3. High and low bound estimates should be calculated. The higher bound estimates would reflect high use assumptions throughout. Similarly, low bound estimates would reflect low use assumptions throughout.
4. Peak flow requirements should be identified separately. Average use estimates should also be reported.
5. All assumptions are clearly stated and the implications of the assumptions are calculated in terms of water use, where feasible and reasonable.
6. Support important assumptions where possible with historical trend information, for example, trend information for average density is available from Compass and can be used to support or refute the IMAP assumptions.
7. Projections to 2050 should be given in two increments and explicitly reflect data availability. For example, since county numbers are only available to the year 2025, the "hard" projections can be made to 2025 and a "soft" extrapolation made to 2050.

8. All references should be clearly documented.



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

July 13, 2000

BENJAMIN M HEPLER  
UNITED WATER IDAHO INC  
PO BOX 7488  
BOISE ID 83707-1488

***Re: Application for Transfer No. 4816***

Dear Ben:

Enclosed are copies of the first, second and last pages of the above referenced transfer application filed by United Water in 1996. The transfer involves a number of wells in and around the Southeast Boise area. Our last conversation regarding this transfer application was in September of 1999 when you asked this office to continue holding the transfer without processing it.

Recently United Water filed the Integrated Municipal Application Package (IMAP) to integrate most or all of its water rights in the local service area. The IMAP package incorporates the substance of Transfer No. 4816 with the exception of water right nos. 63-08992 and 63-09029, the Oregon Trail and Gowen wells, respectively. Those two rights were conveyed to Micron and are no longer relevant to either filing made by United Water.

*done*  
Please consider withdrawing Transfer Application No. 4816 by completing and returning the enclosed withdrawal form. This letter serves as a notice of intent to void that application if United Water does not withdraw the application or explain why it should remain in the department records. In the latter case, United Water should amend Transfer No. 4816 to reflect current conditions (ownership of rights etc.). Your reply should occur within thirty (30) days of the date of this letter.

The IMAP of transfer and amendment applications will be processed once initial review is completed. Initial processing will undoubtedly take longer for such a large filing. Please let me know if you have any questions or concerns about Transfer No. 4816. Thank you for your help in this matter.

Sincerely,

Steve Lester  
Water Rights Supervisor

Enclosure

Cc: John Marshall for United Water IMAP

**RECEIPT**  
For Monies Paid  
to the  
Idaho Department of Water Resources

Receipt No: W026617

Date:  
Time: 6/16/2000  
16:18:01

Received  
From: UNITED WATER

Type of Payment

Program A cct

Amount

TRANSFERS\_OF WATER RIGHTS

62105

229 21 1155

10,800.00

CHECK

176177

Total \$ 10,800.00

Region: WESTERN

Signature:

*Lisa Matheson*

1 transfer \$  
92 WRS @ 100 EA = 9200

16 amendments  
@ 100 EA = 1600

108 WRS ↑ = 10,800 fee

paid fee (us 50) per amendment  
in case licensed while processing  
if 50, amendment charges to  
a transfer inclusion

**GIVENS PURSLEY LLP**

**RECEIVED**

**JUN 16 2000**

**WATER RESOURCES  
WESTERN REGION**

**LAW OFFICES**

277 North 6th Street, Suite 200  
PO Box 2720, Boise, Idaho 83701

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Stephanie C. Westermeier  
Robert B. White

Raymond D. Givens  
James A. McClure  
OF COUNSEL

June 16, 2000

**Via Hand Delivery**

Mr. Karl J. Dreher  
Director  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Statehouse Mail  
Boise, ID 83720-9000

Mr. Gary Spackman  
Regional Manager  
Western Regional Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: United Water Idaho — Integrated Municipal Application Package  
Our File No. 30-71

Dear Messrs. Dreher and Spackman:

I am pleased to enclose, on behalf of United Water Idaho, copies of our *Integrated Municipal Application Package*, or IMAP as we have termed it, which culminates literally years worth of work and coordination between your agency and United Water Idaho to pass and implement the Municipal Water Rights Act of 1996.

The copy submitted to the Western Region is accompanied with the filing fee and is the official copy for filing with the Department. We are providing a copy for Headquarters so that your two offices can coordinate on the processing of the application. We can easily provide additional copies if necessary and are more than willing to provide as many copies as you may need.

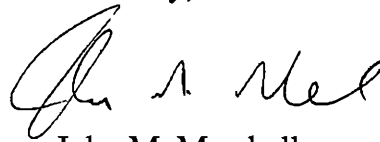
The enclosed filing fee is for \$10,800.00. This fee was calculated by allocating \$100.00 for each of the 108 water rights involved in this IMAP. Although 16 of the rights are permits, which require only a \$50.00 fee to amend, we are submitting a \$100.00

Mr. Karl J. Dreher  
Mr. Gary Spackman  
June 16, 2000  
Page 2

fee for each permit as well since United Water Idaho is aggressively working to have each of the permits brought to license as part of the processing of this IMAP.

We look forward to working with the Department on the processing of this IMAP.

Sincerely,



John M. Marshall

Encl: *Integrated Municipal Application Package* (2)  
United Idaho Check No. 00176177  
Planning Area Map (2)

cc: Norman C. Young, IDWR  
David R. Tuthill, IDWR  
Phillip J. Rassier, IDWR  
Gregory P. Wyatt, UWID (with encl.)  
H. Scott Rhead, UWID (with encl.)  
Daniel Brown, UWID (with encl.)  
Christopher H. Meyer, Givens Pursley

# Memo

*Comments c 4/2000 DRAFT  
ZMAP*

**To:** Hal Anderson, Dave Tuthill  
**From:** Zena Cook  
**CC:** Bill Graham  
**Date:** 05/10/00  
**Re:** Data

---

## 1. General Comments:

Overall I find the report to be poorly documented, both in terms of methodology and reference material. There are too many conjectural statements which are unsubstantiated. The methodology is rather simplistic and relies too much on population as a determinant of water use, which has been found to overestimate water demand. It also appears that the population projections are high.

I appreciate that an attempt has been made to incorporate factors such as price, conservation and density into the analysis, but these have been done in a back of the envelope fashion which makes it difficult to evaluate them.

## 2. General Methodology:

- a. The methods used in the study are not typical of those used in other water forecasting studies. The most widely used and accepted method separates residential from commercial water demand and uses different approaches for each. United Water has treated commercial water needs as a residual component (as a fixed percentage of residential) rather than broken it out separately with sectors (e.g. manufacturing, services etc.) which can develop in various ways with different water use implications. Idaho Power has forecasts of employment by sector which could be used for predicting commercial water use on a county level.
- b. United Water's study weighs population heavily in determining and projecting water demand. It considers density and price, the latter indirectly through conservation. Residential demand for water is explained by other factors such as the income of residents and weather. These factors are important and should be included.

Much of the behavior we perceive as being unresponsive to price is in fact a reflection of higher real income levels (income after adjusting for inflation). When we observe that people are putting more swimming pools, fountains, and other water features in their homes in spite of rising water prices, it's because real incomes are rising and the "income effect" offsets the "price effect". If we ignore income in our analysis we are implicitly assuming that the trend in real incomes levels will continue. (Since we are not told which years United Water used to select its estimate of "residential consumption" we can't identify the trend in income levels).

Considering weather, if the baseline for projecting water use is not a "normal" year, in terms of temperature and precipitation, then it needs to be adjusted so that projected future use is not biased upward or downward. Again, we can't tell what this implies for the United water study because we are not told what years they use.)

3. **Using Census Bureau projections rather than those from the Bureau of Economic Analysis:** Census Bureau projections tend to be higher than BEA's: The Census Bureau projects an Idaho population of 2,866,178 in 2050 whereas BEA projects a population of 1,725,000 to 2045. Clearly, United Water have taken the higher of the two set of estimates. Note that BEA uses a semi-log method to forecast their numbers, i.e. they assume that population will increase but at a decreasing rate. That takes demographic changes into consideration: primarily the fact that the population is aging, and baby boomers will be retiring, implying a lower employment to population ratio. This, in turn, implies that commercial demand will not be a constant proportion of population.
4. **Extrapolating methods:** United Water uses linear and exponential methods to forecast population into the future. It appears that United Water extrapolates from historical data presented in five year increments (Table 9, Page 33). Growth rates fell and then rose again. If you look at more recent data in one-year increments, the general pattern is of a growth rate which is falling. Exponential and even linear methods are hard to justify in view of this. A semi-log function, such as used by BEA would be more appropriate to use in this case.
5. **Implications of growth:** It is questionable whether the amount of growth United water projects is going to occur. Some of the growth would require redevelopment, which is more expensive than developing new areas. Whereas this may be justified for commercial use it is unlikely to be economical for residential development. Indeed, it seems that other areas of the county are growing faster than the United Water Service area. Boise City is growing less than 2% whereas Meridian (outside the UW area) is growing at 9%.

6. **Comparison of growth rates (Idaho Power versus United Water):** Idaho Power's projected annual growth rate for Ada County to 2025 is 1.9%. This is lower than United Water's annual projected rate for its service area out to 2050 (2.37%). This implies that the area outside of United Water area of operations is growing more slowly than the area inside. One would expect the opposite to happen.
7. **Density implications.** The United Water study implies very high densities inside the urban core. Historical data on densities of new subdivisions suggest that densities are declining rather than increasing (Compass). While much of this development is going on outside of the urban core it demonstrates a preference for lower density living and development outside of United water's area of operations.
8. **Summary Statistics:** United Water need to include summary statistics for their regression analyses so that we can determine the level of confidence there is for their results
9. **A fifty year planning horizon:** Fifty years appears to be a somewhat typical time horizon for water demand forecasts at the state level. Oklahoma, Texas and Utah use fifty year horizons. However, California uses a 25 year horizon and Nevada offers an interesting hybrid. They have a "hard" forecast for 30 years out but makes a "soft extrapolation" for the last 20 years. However, forecasting on a local level for more than 25 years is less reliable and, indeed neither the Census Bureau nor the Bureau of Economic Analysis provide forecasts out that far, probably for that reason. Further, comprehensive plans for cities are typically 20-25 years. Compass's estimates are only for that period

GIVENS PURSLEY LLP

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April 20, 2000

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Mr. Gary Spackman  
Regional Manager  
Western Regional Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: United Water Idaho — Integrated Municipal Application Package  
Our File No. 30-71

Dear Messrs. Dreher and Spackman:

Attached to this letter are copies of UWID's Planning Area Map, which accompanies the draft *Integrated Municipal Application Package* ("IMAP") submitted for informal discussion purposes last Friday.

I am providing two copies for Headquarters and one copy for the Western Region. Please advise if you require additional copies of this draft version.

I look forward to discussing the draft IMAP with you.

Sincerely,



Christopher H. Meyer

faxed from S.O. to  
Region 6/27/02  
-fl

b.d

IDWR

Jun 27 02 03:01P

Mr. Karl J. Dreher  
Mr. Gary Spackman  
April 20, 2000  
Page 2

Encl: 2 Planning Area Maps to Mr. Dreher  
1 Planning Area Map to Mr. Spackman

cc: Norman C. Young, IDWR  
David R. Tuthill, IDWR  
Phillip J. Rassier, IDWR  
H. Scott Rhead, UWID  
John M. Marshall, Givens Pursley

CHM:kdt

SAC\IENTS\30\71\Corr\2000-04-20 CHM Ltr to K.Dreher & G.Spackman - Re map.wpd

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WESTERN REGION

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SCOTT L. CAMPBELL

August 15, 1996

USE this address:

Moffatt Thomas  
PO Box 829  
Boise 83701-0829

effective 9/2001 -SC

Steve Lester  
Deputy Regional Manager  
Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, Idaho

Re: File No: 96-53-CU  
Applicant: United Water Idaho (Boise River Pumping Station)

Dear Steve:

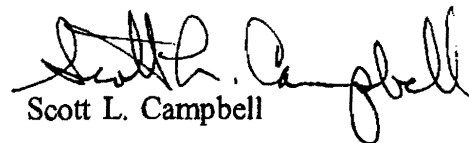
I am writing on behalf of Pioneer Irrigation District, my client. I have reviewed your correspondence of July 29, 1996 to Mr. Bob Unger.

When applications for transfer have been submitted to the Idaho Department of Water Resources, please provide me with written notification of the transfers and copies so that I may discuss these with Pioneer. I make this request specifically so that I do not need to rely upon the published notice process to file a protest if Pioneer decides to take such action.

Please advise me in writing if you will not be able to provide me with copies of the transfer application in a timely fashion to enable us to file a protest if one is required.

Very truly yours,

ELAM & BURKE  
*A Professional Association*

  
Scott L. Campbell

SLC:kc g:\koc\wpdata\1002

cc: Pioneer Irrigation District Board of Directors