

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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OCT 15 2002

WATER RESOURCES
WESTERN REGION

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

A prehearing conference in the above-referenced matter was held on September 23, 2002, in Boise, Idaho. All parties were present. This Prehearing Order issues as a result of the discussions at the prehearing conference and pursuant to IDAPA 37.01.01.513, and shall control the course of these proceedings.

IT IS HEREBY ORDERED that the following shall apply to proceedings in this matter. Documents to be filed with the Department of Water Resources ("IDWR") and served on the parties must be filed and served in accordance with the rules of the IDWR on or before the days listed below.

DISCOVERY/INFORMATION DISCLOSURE

Formal discovery is not authorized at this time.

On or before October 31, 2002, United Water Idaho, Inc. (the "Applicant") shall make the following disclosures to the Protestants regarding its prima facie case in support of the IMAP:

1. The name, address and telephone number of each lay-witness the Applicant may call to testify in support of the IMAP, and a summary of their testimony.
2. A copy of all documents, data compilations, and tangible things the Applicant may offer as evidence in support of the IMAP.
3. The name, address and telephone number of each expert witness the Applicant may call to testify in support of the IMAP, accompanied by a written report prepared and signed by the witness containing a complete statement of all opinions to be expressed and the basis and reasons therefore.

The Applicant shall also informally disclose information by responding to reasonable requests for information submitted to it by Protestants before November 30, 2002. IDWR has agreed to host at least one technical meeting with all parties during December 2002 to assist with these disclosures.

Each Protestant shall meet with the Applicant before December 31, 2002, to discuss the precise nature of their protest with the Applicant.

STATEMENT OF ISSUES

Following its meetings with each of the Protestants, Applicant shall prepare a neutral statement of the specific legal and factual issues raised by the Protestants. The Applicant's statement of the issues shall be circulated to the Protestants by January 17, 2003. If the Applicant's statement of the issues raised by a Protestant is accurate the Protestant shall so indicate by signing the Applicant's statement of the issues. The Applicant's statement of the issues shall be filed with IDWR on January 31, 2003. A Protestant who disputes the accuracy of the Applicant's statement of the issues may file its own statement by January 31, 2003, which statement must completely and precisely describe the legal and/or factual issues raised by that Protestant. Any issues that are not precisely identified shall be waived.

FILING OF DOCUMENTS

All documents filed by the parties with IDWR shall be filed at IDWR's State office located at 1301 N. Orchard St., Boise, ID 83706.

MOTIONS

Motions may be filed with IDWR at any time pursuant to the rules of IDWR and a copy must be served on the hearing officer at:

Peter R. Anderson
729 W. Braemere Rd.
Boise, ID 83702

The fourteen-day time period set forth in IDAPA 37.01.01.565 for responding to any motion is stayed until the Hearing Officer informs the parties in writing whether a response is necessary, and the applicable time frame.

RECORD FOR DECISION

The Hearing Officer shall establish a file at the central office of IDWR containing the official record for decision in this matter pursuant to IDAP 37.01.01.650 as of November 22, 2002. Following that date, the Hearing Officer will determine whether any document served on IDWR in relation to IMAP will be placed in the official record.

The parties may examine that file at any time. Following November 22, 2002, the Pioneer Irrigation District and Settlers Irrigation District shall inform IDWR whether they wish to proceed with the Motion to Strike/Motion for Procedural Ruling filed August 6, 2002.

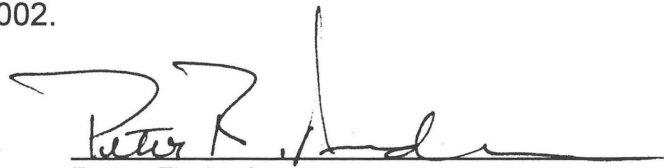
PREHEARING CONFERENCE

A prehearing conference will be held in this matter in February 2003. The precise time and location of the hearing will be provided to the parties by notice from IDWR. At the prehearing conference the parties must be prepared to discuss:

1. The means by which each issue identified in the statement(s) of issues can be resolved.
2. The necessity for further information disclosures from the Applicant, information disclosures by each Protestant, and the need, if any, for precisely focussed discovery on an issue.
3. The schedule for resolution of all issues.

An additional prehearing order shall be issued following that conference.

Dated this 11th day of October, 2002.


Peter R. Anderson
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of October, 2002, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

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