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MAR 13 2003

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of United Water Idaho's	)	
Municipal Application Package, United Water	)	CLARIFIED
Idaho, Petitioner	)	STATEMENT OF ISSUES
	)	
	)	

The Cities of Eagle, Kuna, Middleton, Star, and the Star Sewer and Water District (collectively referred to as "Protestants"), by and through counsel of record, MOORE SMITH BUXTON & TURCKE, CHARTERED, file the following clarification of their statement of issues in accordance with the Hearing Officer's Second Prehearing Order:

- (1) It is not clear whether United Water's application describes a service area that overlaps the Protestants' proposed impact area(s). Overlapping service areas would affect the Protestants' ability to plan for and accommodate anticipated future needs.
- (2) United Water's application attempts to apply the Municipal Planning Act contrary to the intent of the Act.
 - (a) United Water's application requests the Idaho Department of Water Resources ("IDWR") to grant "future need" status for amounts of water that United Water has said it needs. This request has nothing to do with a specific water right being applied for or transferred.

(b) United Water has not identified which water rights United Water proposes to use to meet immediate needs and which water rights would be held for future needs.

(c) United Water's "Information in Support of IMAP" claims that no "future need" water rights can be established for the Eagle area. See p. 27. A prohibition on the City of Eagle's ability to establish future need water rights impacts the City's ability to plan for and accommodate anticipated future needs.

(4) United Water's application for "integrated points of diversion" asks the IDWR to approve the inter-basin transfers of groundwater that may injure the Protestants' water rights.

(5) United Water replaced the original IMAP with an amended IMAP but the IDWR has not published notice of the amended IMAP in accordance with Idaho Code §§ 42-211 and 42-203A.

(6) Some of the water right permits United Water seeks to amend may have lapsed and some of the water rights United Water seeks to change may have been forfeited.

(7) United Water proposed a series of conditions on its original IMAP after it had been filed. United Water did not include the proposed conditions in the amended IMAP application; thus, the status of the conditions in relation to the amended IMAP application is unclear.

(8) The Protestants submit this list of issues based on their current understanding of the IMAP as explained by United Water. Protestants have made informal requests for information that may result in the identification of additional issues or further clarification of the IMAP. The Protestants reserve the right to amend this statement as more information is obtained.

RESPECTFULLY SUBMITTED this 13 day of March, 2003.



TAMMY A. ZOKAN

MOORE SMITH BUXTON & TURCKE, CHARTERED

Attorneys for The City of Eagle, the City of Kuna, the City of Middleton, the City of Star and the Star Sewer and Water District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13 day of March, 2003, I caused to served a true and correct copy of the forgoing CLARIFIED STATEMENT OF ISSUES by the U.S. mail, addressed to the following:

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