

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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WATER RESOURCES
WESTERN REGION

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

ORDER REGARDING NEW
IMAP APPLICATIONS

On January 22, 2003, Applicant United Water Idaho, Inc. ("Applicant") filed UWID's *Notice of Withdrawal of Four Applications for Amendment of Permit from the IMAP and Motion to Amend the IMAP*. By this motion the Applicant sought to accomplish three things: (1) withdrawal of applications to amend Permit nos. 63-12424, 63-12463, 63-12506 and 63-12552, (2) remove the points of diversion associated with these permits as alternate points of diversion for the water rights and permits remaining in the IMAP, and (3) remove thirteen additional well sites that were proposed alternate points of diversions for the water rights and permits remaining in the IMAP. Attachment B to the motion were three documents titled Tabs K, M and N which apparently were intended to be inserted in the IMAP to reflect the changes.

A prehearing conference in this matter was held on February 21, 2003, in Boise, Idaho. A Second Prehearing Order issued on February 27, 2003, as a result of the discussions at the prehearing conference and pursuant to IDAPA 37.01.01.513. The Second Prehearing Order provided:

In order to explicitly show the changes that would be made to the IMAP by the proposed amendments, as well as by withdrawal of Permit nos. 63-12424, 63-12463, 63-12506 and 63-12552, the Applicant is ORDERED to review the entire IMAP with staff from IDWR and hand mark all changes to the IMAP, including the executive summary, necessitated by the proposed amendments and the withdrawal. Counsel for the Applicant and IDWR staff will initial and date all such changes and the Applicant shall deliver a copy of the amended IMAP, with the exception of any unchanged, oversized maps, on all parties by **February 28, 2003**.

At the February 21, 2003, prehearing conference the Applicant agreed to this procedure and time period. The time period was chosen to allow parties wishing to file motions on

certain preliminary matters on March 14, 2003, and opportunity to see the precise changes that the Applicant was making to the IMAP.

The Applicant did not comply with this order. Instead, the Applicant filed a separate application for each water right included in the IMAP on February 28 and March 24, 2003. The separate applications do not explicitly show the changes requested in the Motion to Amend the IMAP. The Applicant did not request the Hearing Officer to amend the Second Prehearing Order to allow for this procedure chosen by the Applicant. See IDAPA 37.01.01.514.

THEREFORE the Hearing Officer ORDERS that:

1. The separate applications filed by the Applicant on February 27 and March 24, 2003, shall not be filed in the record until the preliminary motions filed on March 14, 2003, are resolved and the separate applications have been reviewed by Applicant with staff from IDWR.
2. The Applicant shall review the entire IMAP with staff from IDWR and hand mark all changes to the IMAP, including the executive summary, necessitated by the proposed amendments and the withdrawal. Counsel for the Applicant and IDWR staff will initial and date all such changes and the Applicant shall deliver a copy of the amended IMAP, with the exception of any unchanged, oversized maps, on all parties by **April 11, 2003**.
3. The deadline for filing reply briefs regarding preliminary issues 1, 2 and 3 is extended to **April 18, 2003**.

Dated this 2nd day of April, 2003.


Peter R. Anderson
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 2003, the above and foregoing document was served on the following by faxing a copy of the same to the noted fax number of the following:

CHRISTOPHER H MEYERS
JOHN M MARSHALL
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701
FAX: 388-1300

BRUCE M SMITH
TAMMY A ZOKAN
MOORE SMITH BUXTON & TURCKE
225 N 9TH ST STE 420
BOISE ID 83702
FAX: 331-1202

ALBERT BARKER
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139
FAX: 344-6034

SCOTT L CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829
FAX: 385-5384

CHARLES L HONSINGER
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701-2773
FAX: 342-4657

ADDITIONALLY, I HEREBY CERTIFY that on this 2nd day of April, 2003, the above and foregoing, 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:

CHRISTOPHER H MEYERS
JOHN M MARSHALL
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701

KATHLEEN MARION CARR MSC-020
OFFICE OF THE FIELD SOLICITOR
US DEPT OF INTERIOR
550 W FORT ST MSC-020
BOISE ID 83724

E GAIL MC GARRY PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

ALBERT BARKER
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139

CHARLES L HONSINGER
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701-2773

MATT J HOWARD
PO BOX 190012
BOISE ID 83719

BRUCE M SMITH
TAMMY A ZOKAN
MOORE SMITH BUXTON & TURCKE
225 N 9TH ST STE 420
BOISE ID 83702

SCOTT L CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829

MATT WILDE
CITY OF BOISE
PO BOX 500
BOISE ID 83701-0500

JOSEPHINE P BEEMAN
BEEMAN & ASSOCIATES PC
409 W JEFFERSON
BOISE ID 83702

ROBERT W TALBOY
ELLSWORTH KALLAS & TALBOY
2402 W JEFFERSON ST
BOISE ID 83702

ED SQUIRES
HYDRO LOGIC INC
1002 W FRANKLIN ST
BOISE ID 83702-5431

GARY SPACKMAN
IDWR -WESTERN REGION MANAGER
2735 AIRPORT WAY
BOISE ID 83705-5082



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau