

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 DENYING MOTION
TO DISMISS BOISE-KUNA
IRRIGATION DISTRICT**

On March 31, 2003, United Water Idaho, Inc. ("UWID") filed *UWID's Motion to Dismiss Boise-Kuna Irrigation District's Protest* (UWID's Motion to Dismiss) based upon Boise-Kuna Irrigation Districts failure to participate in this matter. Boise-Kuna Irrigation District ("Boise-Kuna") did not file a response to the motion within fourteen days as provided in IDAPA 37.01.01.270.02.

After reviewing UWID's Motion to Dismiss and finding good cause therefor, the Idaho Department of Water Resources ("IDWR") gave the Protestant Boise -Kuna Irrigation District *Notice of Proposed Default Order Dismissing Protest of Boise-Kuna Irrigation District* pursuant to IDAPA 37.01.01.700 because of the failure of Boise-Kuna Irrigation District to respond to the written information inquiry contained in the *Prehearing Order* dated October 11, 2002, requesting Boise-Kuna Irrigation District's statement of issues.

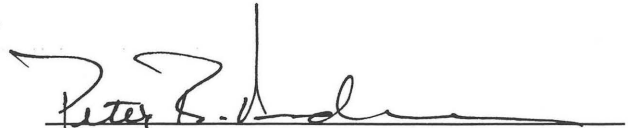
Boise Kuna filed in response its *Petition Requesting the Default Order Not Be Entered* and the *Affidavit of Robert W. Talboy in Support of Petition Requesting Default Order Not be Entered*. Boise-Kuna stated that it wished to continue receiving pleadings in this matter, that the interest of the Boise Project Board of Control and Boise-Kuna are identical, and that the Boise Project Board of Control is taking the lead. A response to Boise-Kuna's *Petition* was filed by UWID and a reply to that response was filed by the Boise Project Board of Control and the Wilder and Big Bend Irrigation Districts. From these filings it becomes apparent that Boise-Kuna participates in this matter through the Boise Project Board of Control and the Wilder and Big Bend Irrigation Districts.

ORDER

1. Based upon the *Petition Requesting the Default Order Not Be Entered* and the *Affidavit of Robert W. Talboy in Support of Petition Requesting Default Order Not be Entered* UWID's Motion to Dismiss is DENIED.

2. Further, based upon the *Petition Requesting the Default Order Not Be Entered* and the *Affidavit of Robert W. Talboy in Support of Petition Requesting Default Order Not be Entered* and the *Reply By the Boise Project, Wilder and Big Bend Irrigation Districts to United Water of Idaho's Response to the Petition by Boise-Kuna Requesting that Default Order Not Be Entered* it is ORDERED that the interests of the Boise Project Board of Control, Wilder Irrigation District, Big Bend Irrigation District and Boise-Kuna Irrigation District shall be consolidated as one protest in this matter and those four entities shall speak with one voice in all pleadings and at hearing. Pursuant to IDAPA 37.01.01.200 the representatives of this protestant shall be Albert P. Barker of the firm Barker, Rosholt & Simpson LLP and Robert W. Talboy of the firm Ellsworth, Kallas & Talboy, P.L.L.C.

Dated this 3rd day of September 2003.


Peter R. Anderson
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 4th day of September, 2003, 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:

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

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

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

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

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

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

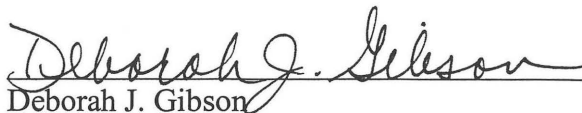
MATT WILDE
CITY OF BOISE
PO BOX 500
BOISE ID 83701-0500

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

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



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau