

Christopher H. Meyer, ISB# 4461  
Michael P. Lawrence, ISB# 7288  
GIVENS PURSLEY LLP  
601 West Bannock Street  
P.O. Box 2720  
Boise, Idaho 83701-2720  
Office: (208) 388-1200  
Fax: (208) 388-1300  
www.givenspursley.com

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OCT 06 2014  
DEPARTMENT OF  
WATER RESOURCES

*Attorneys for United Water Idaho Inc.*

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF ACCOUNTING FOR  
DISTRIBUTION OF WATER TO THE  
FEDERAL ON-STREAM RESERVOIRS IN  
WATER DISTRICT 63

**NOTICE OF INTENT TO  
PARTICIPATE AND/OR  
PETITION TO INTERVENE**

United Water Idaho Inc. (“United Water”), through its counsel Givens Pursley LLP, files this *Notice of Intent to Participate and/or Petition to Intervene* (“Notice”) in the above-captioned matter.

United Water became a party to this proceeding by attending the December 9, 2013 status and scheduling conference, as directed by the Director’s October 22, 2013 *Notice of Contested Case and Formal Proceedings, and Notice of Status Conference*, and his October 23, 2013 cover letter transmitting the same (collectively, “Commencement Order”).<sup>1</sup> The Director has not required that parties wishing to participate provide any written notice. Nevertheless, United

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<sup>1</sup> The cover letter stated, “[i]f you wish to participate in the formal proceeding, please attend the status conference as noticed in the enclosed document.”

Water is filing this Notice to ensure that its status as a party is clearly reflected in the official record.<sup>2</sup>

In addition, to the extent it is required by any of the orders, notices, or other documents issued by the Department in this proceeding, or otherwise required by Idaho law, United Water petitions to intervene in the above-captioned matter pursuant to IDAPA 37.01.01.350 to .354. No date has yet been set for a pre-hearing conference, and therefore, United Water's petition to intervene is timely pursuant to IDAPA 37.01.01.352.

United Water holds Boise River natural flow water rights and storage entitlements in Lucky Peak and Anderson Ranch reservoirs. Accordingly, United Water has a "direct and substantial interest" in this proceeding, IDAPA 37.01.01.350, .351, .353, the stated purpose of which is "to address and resolve concerns with and/or objections to how water is counted or credited toward the fill of water rights for the federal on-stream reservoirs pursuant to existing procedures of accounting in Water District 63." *Commencement Order*, p. 6.

United Water intends to participate as a party, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. Copies of all pleadings, production requests and/or responses, notices, orders, correspondence and other documents should be provided to Christopher H. Meyer and Michael P. Lawrence at the above address.

For the foregoing reasons, United Water respectfully requests that the Director officially

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<sup>2</sup> Despite being included on the service list for the Commencement Order and all of the Director's subsequent orders in this matter, United Water's counsel has not been served with copies of all filings. For example, today United Water's counsel received a copy of the Director's October 3, 2014 *Order Denying Motion to Disqualify; Denying Request For Independent Hearing Officer* ("October 3 Order"), which contains a ruling on an October 2, 2014 *Motion to Disqualify and Affidavit of Counsel* (together "Disqualification Motion") that United Water never received. As of the filing of this Notice, the Disqualification Motion is not available on the Department's website for this contested case (<http://www.idwr.idaho.gov/news/issues/WD63/default.htm>). Due process requires that parties receive notice of issues to be determined and have an opportunity to address those issues with evidence and argument. United Water first became aware of the Disqualification Motion upon reviewing the October 3 Order, and obviously did not have an opportunity to consider or respond to issues presented therein.

recognize its status a party to these proceedings, and/or grant its petition to intervene, and allow United Water to appear and participate fully in all matters that may arise.

DATED this 6<sup>th</sup> day of October, 2014.

Respectfully submitted,

GIVENS PURSLEY LLP

By   
Michael P. Lawrence

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 6<sup>th</sup> day of October, 2014, the foregoing was filed, served, and copied as follows:

**DOCUMENT FILED:**

Idaho Department of Water Resources	<input type="checkbox"/>	U. S. Mail
Water Management Division	<input checked="" type="checkbox"/>	Hand Delivered
322 East Front Street	<input type="checkbox"/>	Overnight Mail
P.O. Box 83720	<input type="checkbox"/>	Facsimile
Boise, ID 83720-0098	<input type="checkbox"/>	E-mail

**SERVICE COPIES TO:**

Erika E. Malmen	<input checked="" type="checkbox"/>	U. S. Mail
PERKINS COIE LLP	<input type="checkbox"/>	Hand Delivered
1111 West Jefferson St., Suite 500	<input type="checkbox"/>	Overnight Mail
Boise, ID 83702-5391	<input type="checkbox"/>	Facsimile
<a href="mailto:emalmen@perkinscoie.com">emalmen@perkinscoie.com</a>	<input checked="" type="checkbox"/>	E-mail

Peter R. Anderson	<input checked="" type="checkbox"/>	U. S. Mail
TROUT UNLIMITED	<input type="checkbox"/>	Hand Delivered
910 W. Main St., Ste 342	<input type="checkbox"/>	Overnight Mail
Boise, ID 83702	<input type="checkbox"/>	Facsimile
<a href="mailto:panderson@tu.org">panderson@tu.org</a>	<input checked="" type="checkbox"/>	E-mail

Scott L. Campbell	<input checked="" type="checkbox"/>	U. S. Mail
Andrew J. Waldera	<input type="checkbox"/>	Hand Delivered
MOFFATT THOMAS BARRETT	<input type="checkbox"/>	Overnight Mail
ROCK & FIELDS, CHRTD	<input type="checkbox"/>	Facsimile
P.O. Box 829	<input checked="" type="checkbox"/>	E-mail
Boise, ID 83701		
<a href="mailto:slc@moffatt.com">slc@moffatt.com</a>		
<a href="mailto:ajw@moffatt.com">ajw@moffatt.com</a>		

David Gehlert, Esq.	<input checked="" type="checkbox"/>	U. S. Mail
U.S. Dept. of Justice	<input type="checkbox"/>	Hand Delivered
Denver Field Office	<input type="checkbox"/>	Overnight Mail
999 18 <sup>th</sup> Street, South Terrace Suite 370	<input type="checkbox"/>	Facsimile
Denver, CO 80202	<input checked="" type="checkbox"/>	E-mail
<a href="mailto:David.gehlert@usdoj.gov">David.gehlert@usdoj.gov</a>		

James C. Tucker, Esq.  
Idaho Power Company  
P.O. Box 70  
Boise, ID 83702  
[jamestucker@idahopower.com](mailto:jamestucker@idahopower.com)

U. S. Mail  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

Daniel V. Steenson  
S. Bryce Farris  
Sawtooth Law Offices, PLLC  
P.O. Box 7985  
Boise, ID 83707  
[dan@sawtoothlaw.com](mailto:dan@sawtoothlaw.com)  
[Bryce@sawtoothlaw.com](mailto:Bryce@sawtoothlaw.com)

U. S. Mail  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

Albert P. Barker  
Shelley M. Davis  
BARKER ROSHOLT & SIMPSON, LLP  
P.O. Box 2139  
Boise, ID 83701-2139  
[apb@idahowaters.com](mailto:apb@idahowaters.com)  
[smd@idahowaters.com](mailto:smd@idahowaters.com)

U. S. Mail  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

Chas. F. McDevitt  
Dean J. Miller  
Celeste K. Miller  
McDEVITT & MILLER, LLP  
P.O. Box 2564  
Boise, ID 83701  
[chas@mcdevitt-miller.com](mailto:chas@mcdevitt-miller.com)  
[joe@mcdevitt-miller.com](mailto:joe@mcdevitt-miller.com)  
[ck@mcdevitt-miller.com](mailto:ck@mcdevitt-miller.com)

U. S. Mail  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

Jerry A. Kiser  
P.O. Box 8389  
Boise, ID 83707  
[jkiser@cableone.net](mailto:jkiser@cableone.net)

U. S. Mail  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

John K. Simpson  
Travis L. Thompson  
Paul L. Arrington  
BARKER ROSHOLT & SIMPSON LLP  
195 River Vista Place, Ste 204  
Twin Falls, Idaho 83301-3029  
[jks@idahowaters.com](mailto:jks@idahowaters.com)  
[tlt@idahowaters.com](mailto:tlt@idahowaters.com)  
[pla@idahowaters.com](mailto:pla@idahowaters.com)

U. S. Mail  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

W. Kent Fletcher  
FLETCHER LAW OFFICE  
P.O. Box 248  
Burley, Idaho 83318  
[wkf@pmt.org](mailto:wkf@pmt.org)

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Facsimile
- E-mail

Rex Barrie  
Watermaster  
Water District 63  
P.O. Box 767  
Star, ID 83669

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Facsimile
- E-mail

Ron Shurtleff  
Watermaster  
Water District 65  
102 N. Main Street  
Payette, ID 83661

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Facsimile
- E-mail

Bruce Smith  
Moore Smith  
950 W. Bannock St. Ste 520  
Boise, ID 83702-5716

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Facsimile
- E-mail

  

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Michael P. Lawrence