

Christopher H. Meyer [ISB No. 4461]
Michael P. Lawrence [ISB No. 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
Attorneys for Applicant United Water Idaho Inc.

RECEIVED
NOV 14 2012
DEPARTMENT OF
WATER RESOURCES

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF INTEGRATED
MUNICIPAL APPLICATION PACKAGE
("IMAP") OF UNITED WATER IDAHO
INC., BEING A COLLECTION OF
INDIVIDUAL APPLICATIONS FOR
TRANSFERS OF WATER RIGHTS AND
APPLICATIONS FOR AMENDMENT OF
PERMITS.

**UNITED WATER'S OBJECTION AND
MOTION TO STRIKE THE CITY OF
EAGLE'S INITIAL STATEMENT**

Applicant United Water Idaho Inc. ("United Water") hereby objects to, and moves to strike, City of Eagle's ("Eagle") submission on October 31, 2012 entitled *Protestor City of Eagle, City of Star, City of Middleton and Star Water & Sewer District's Joint Initial Statement* ("*Joint Initial Statement*"). Eagle withdrew as a party from this proceeding on July 31, 2007. The other parties to the joint submission (City of Star, City of Middleton, and Star Water & Sewer District) are parties to this proceeding, and United Water does not object to their filing a joint initial statement. This objection and motion to strike targets only Eagle's submission of an initial statement.

The Hearing Officer's *Order Setting Schedule for Parties to Respond and Propose Timetables for Discovery and Hearing* ("*Initial Statement Order*") (Oct. 19, 2012) invited

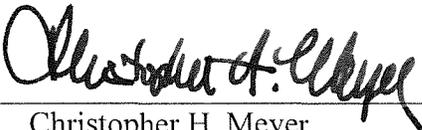
“parties to submit information setting out their position on a number of preliminary issues.” *Initial Statement Order* at 1. Eagle is not a party to this proceeding, but rather is an “interested person.” See *Order Affirming Party Status and Notice of Status Conference* at 2 (Aug. 8, 2012); IDAPA 37.01.01.158 (“Persons not parties who have an interest in a proceeding are called ‘interested persons.’”). Under the Department’s Rule of Procedure 158, an interested person is entitled to participate only as a “public witness,” which means it “do[es] not have parties’ rights to examine witnesses or otherwise participate in the proceedings as parties.” IDAPA 37.01.01.355. Eagle’s participation is limited to that of a “public witness” unless it becomes a party, *i.e.* an intervenor, under the Department’s Rules of Procedure (a request that United Water would oppose). In any case, at this time Eagle is not a party and it simply has no right to submit an initial statement pursuant to the Hearing Officer’s *Initial Statement Order*, or to otherwise influence the course of proceedings or the evidence in the record prior to hearing. IDAPA 37.01.01.355 (“public witnesses have a right to introduce evidence at hearing by their written or oral statements and exhibits introduced at hearing”).

Prior to filing this motion, undersigned counsel communicated by email with counsel for the City of Eagle, requesting that Eagle’s filing be withdrawn. Eagle agreed to “clarify” its filing, but not to withdraw it. If Eagle “clarifies” that it is withdrawing the filing, then this motion is moot. Otherwise, United Water respectfully requests the Hearing Officer to strike from the record Pocatello’s *Initial Statement*.

United Water respectfully requests the Hearing Officer strike from the record City of Eagle’s October 31, 2012 filing, either by ordering that Eagle be excluded from the *Joint Initial Statement*, or by requiring the Joint Parties to file a new Initial Statement excluding the City of Eagle.

Respectfully submitted this 14th day of November, 2012.

GIVENS PURSLEY LLP

By 
Christopher H. Meyer

By 
Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of November, 2012, the foregoing was filed, served, and copied as follows:

DOCUMENT FILED:

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

SERVICE COPIES TO:

Albert P. Barker, Esq.	<input type="checkbox"/>	U. S. Mail
Shelley M. Davis, Esq.	<input type="checkbox"/>	Hand Delivered
Barker, Rosholt & Simpson, LLP	<input type="checkbox"/>	Overnight Mail
1010 W. Jefferson, Suite 102	<input type="checkbox"/>	Facsimile
P.O. Box 2139	<input checked="" type="checkbox"/>	E-mail
Boise, ID 83701-2139	<input checked="" type="checkbox"/>	IDWR Website
apb@idahowaters.com		
smd@idahowaters.com		

Thomas H. Barry	<input type="checkbox"/>	U. S. Mail
Public Works Director	<input type="checkbox"/>	Hand Delivered
City of Meridian Public Works Department	<input type="checkbox"/>	Overnight Mail
33 E. Broadway Avenue, Suite 200	<input type="checkbox"/>	Facsimile
Meridian, ID 83642	<input checked="" type="checkbox"/>	E-mail
tbarry@meridiancity.org	<input checked="" type="checkbox"/>	IDWR Website

Kyle Radek	<input type="checkbox"/>	U. S. Mail
Assistant City Engineer, Engineering Division	<input type="checkbox"/>	Hand Delivered
City of Meridian Public Works Department	<input type="checkbox"/>	Overnight Mail
33 E. Broadway Avenue, Suite 200	<input type="checkbox"/>	Facsimile
Meridian, ID 83642	<input checked="" type="checkbox"/>	E-mail
kradek@meridiancity.org	<input checked="" type="checkbox"/>	IDWR Website

Scott L. Campbell, Esq.
Andrew J. Waldera, Esq.
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829
slc@moffatt.com
ajw@moffatt.com

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

S. Bryce Farris, Esq.
Ringert Law, Chtd.
455 S. Third Street
P.O. Box 2773
Boise, ID 83701-2773
bryce@ringertlaw.com

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

Charles L. Honsinger, Esq.
Honsinger Law, PLLC
P.O. Box 517
Boise, ID 83701
honsingerlaw@gmail.com

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

Brent Orton
Public Works Director, City Engineer
City of Caldwell
621 East Cleveland Blvd.
Caldwell, ID 83605
borton@ci.caldwell.id.us

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

Bruce M. Smith, Esq.
Moore, Smith, Buxton & Tureke, Chartered
950 W. Bannock St, Ste. 520
Boise, ID 83702
bms@msbtlaw.com

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

Ed Squires
Hydro Logic, Inc.
1002 West Franklin St.
Boise, ID 83702-5431
ed@hydrologicinc.net

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

Matthew K. Wilde, Esq.
Brenda Bauges, Esq.
Assistant City Attorneys
Boise City Attorney's Office
150 N. Capitol Blvd.
P.O. Box 500
Boise, ID 83701-0500
mwilde@cityofboise.org

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

Paul Woods
Environmental Manager
Public Works Department
Boise City Hall
150 N Capitol Blvd
Boise, ID 83702
pwoods@cityofboise.org

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

COURTESY COPIES TO:

Gary L. Spackman
Director
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098
gary.spackman@idwr.idaho.gov

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

John Westra
Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082
john.westra@idwr.idaho.gov

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

Garrick L. Baxter, Esq.
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098
garrick.baxter@idwr.idaho.gov

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

John W. Homan, Esq.
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098
john.homan@idwr.idaho.gov

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

Jeff Peppersack
Water Allocation Bureau Chief
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098
jeff.peppersack@idwr.idaho.gov

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

Clive J. Strong, Esq.
Natural Resources Division
Office of the Attorney General
700 W. State St.
P.O. Box 83720
Boise, ID 83720-0010
clive.strong@ag.Idaho.gov

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

Josephine P. Beeman, Esq.
Jane M. Newby, Esq.
Beeman & Associates PC
409 West Jefferson
Boise, ID 83702-6049
jo.beeman@beemanlaw.com
jane.newby@beemanlaw.com

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

Kathleen Marion Carr, Esq.
Office of the Field Solicitor
U.S. Department of the Interior
960 Broadway Ave., Ste. 400
Boise, ID 83706
kathleenmarion.carr@sol.doi.gov

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

Gordon N. Law
City Engineer
City of Kuna
P.O. Box 13
Kuna, ID 83634
gordon@cityofkuna.com

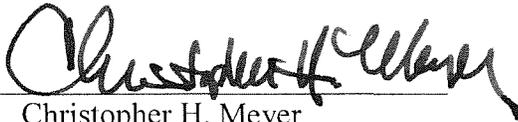
- U. S. Mail
- Hand Delivered
- Overnight Mail
- Facsimile
- E-mail
- IDWR Website

E. Gail McGarry
Matt J. Howard
U.S. Bureau of Reclamation
Pacific Northwest Regional Office
1150 N. Curtis Road
Boise, ID 83706-1234
emcgarry@pn.usbr.gov
mhoward@pn.usbr.gov

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

Richard T. Roats, Esq.
Roats Law Office, PLLC
Plantation Business Center
6126 W. State Street, Ste. 203
Boise, ID 83703
rtr@roatslaw.com

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



Christopher H. Meyer