

comments, suggestions, and raised questions at the conferences consistent with its notice. Neither UW nor any other party has objected to the City's participation. UW further has consulted with and sought the City's participation and discussion on matters outside the formal conferences.

The City of Eagle has not objected to or protested any representations or comments by UW. Instead the City has offered what it considered helpful comments in response to the parties' and the Director's questions or suggestions. UW has thus waived any objections at this late date to the City of Eagle's participation.

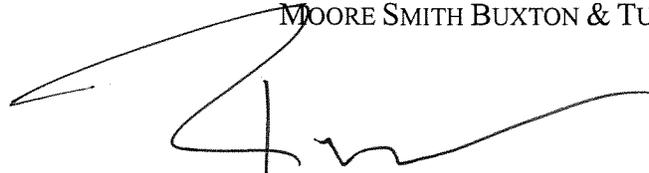
The timing of UW's objection is interesting. The City of Eagle has attempted to communicate with UW and other parties as appropriate to address the novel issues and procedural questions raised by UW's filings and request to lift the stay. It would appear that so long as the City of Eagle agreed to follow whatever proposal or procedure sought by UW, the City's participation was not objectionable. However, if the City does not support UW's position, suddenly UW finds fault with the City's participation. UW is not a municipality. Its interests are not necessarily the same as municipalities. Consistent with its Notice of Continued Participation, the City will make comments as this matter develops.

The City has not sought to participate as a party. However, the City's Notice of Continued Participation was clear. IDAPA Rule 37.01.01.355 provides for comments by public witnesses, and UW is certainly free to object. UW is not entitled to stifle or silence appropriate comments simply because they do not just follow UW's lead or changing positions. This matter is at a sensitive stage given the dated filings, the long stay, the changing positions of UW, and the uncertainties created by a procedure which all participants, including the applicant, parties, participants, agency staff, or the Director, are attempting in good faith to address. The City will

continue in good faith as well to offer suggestions or comments. If the Hearing Officer elects to consider or ignore the comments, that is within his discretion. However, simply attempting to stifle comment is not appropriate.

Respectfully submitted this 28th day of November, 2012.

MOORE SMITH BUXTON & TURCKE, CHTD.

A handwritten signature in black ink, appearing to read 'Bruce M. Smith', is written over a horizontal line. The signature is stylized and extends above the line.

BRUCE M. SMITH
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of November, 2012, a true and correct copy of the foregoing document was served upon the following by the method indicated below:

DOCUMENT FILED:

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

COURTESY COPIES TO:

Gary Spackman	<input checked="" type="checkbox"/>	U.S. Mail
Director	<input type="checkbox"/>	Hand Delivery
Idaho Department of Water Resources	<input type="checkbox"/>	Facsimile
322 E. Front Street	<input type="checkbox"/>	Email
P.O. Box 83720		
Boise, ID 83720-0098		
<u>Gary.spackman@idwr.idaho.gov</u>		

John Westra	<input checked="" type="checkbox"/>	U.S. Mail
Manager	<input type="checkbox"/>	Hand Delivery
Western Regional Office	<input type="checkbox"/>	Facsimile
Idaho Department of Water Resources	<input type="checkbox"/>	Email
2735 Airport Way		
Boise, ID 83705-5082		
<u>John.westra@idwr.idaho.gov</u>		

Garrick L. Baxter	<input checked="" type="checkbox"/>	U.S. Mail
John Homan	<input type="checkbox"/>	Hand Delivery
Deputy Attorney General	<input type="checkbox"/>	Facsimile
Idaho Department of Water Resources	<input type="checkbox"/>	Email
PO Box 83720		
Boise, ID 83720-0098		
<u>Garrick.baxter@idwr.idaho.gov</u>		
<u>John.homan@idwr.idaho.gov</u>		

Clive Strong	<input checked="" type="checkbox"/>	U.S. Mail
Natural Resources Division	<input type="checkbox"/>	Hand Delivery
Office of the Attorney General	<input type="checkbox"/>	Facsimile
PO Box 83720-0010	<input type="checkbox"/>	Email
<u>Clive.strong@ag.idaho.gov</u>		

Thomas H. Barry
Public Works Director
City of Meridian Public Works Department
33 E. Broadway Avenue, Suite 200
Meridian, ID 83642
tbarry@meridiancity.org

U.S. Mail
 Hand Delivery
 Facsimile
 Email

Kyle Radek
Assistant City Engineer, Engineering
Division
City of Meridian Public Works Department
33 E. Broadway Avenue, Suite 200
Meridian, ID 83642
kradek@meridiancity.org

U.S. Mail
 Hand Delivery
 Facsimile
 Email

Scott Campbell
Andrew Waldera
Moffatt Thomas Barrett Rock & Fields, Chtd.
PO Box 839
Boise, ID 83701-0829
slc@moffatt.com
ajw@moffatt.com

U.S. Mail
 Hand Delivery
 Facsimile
 Email

S. Bryce Farris
Ringert Law, Chtd.
PO Box 2773
Boise, ID 83701-2773
bryce@ringerlaw.com

U.S. Mail
 Hand Delivery
 Facsimile
 Email

Charles Honsinger
Honsinger Law, PLLC
PO Box 517
Boise, ID 83701
honsingerlaw@gmail.com

U.S. Mail
 Hand Delivery
 Facsimile
 Email

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

U.S. Mail
 Hand Delivery
 Facsimile
 Email

Josephine Beeman
Jane Newby
Beeman & Associates
409 W. Jefferson
Boise, ID 83702
Jo.beeman@beemanlaw.com
Jane.newby@beemanlaw.com

U.S. Mail
 Hand Delivery
 Facsimile
 Email

Kathleen Carr
Office of Field Solicitor
US Department of Interior
960 W. Broadway Avenue, Suite 400
Boise, ID 83706
Kathleenmarion.carr@sol.doi.gov

U.S. Mail
 Hand Delivery
 Facsimile
 Email

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

U.S. Mail
 Hand Delivery
 Facsimile
 Email

SERVICE COPIES TO:

Christopher Meyer
Michael Lawrence
Givens Pursley, LLP
PO Box 2720
Boise, ID 83701-2720
chrismeyer@givenspursely.com

U.S. Mail
 Hand Delivery
 Facsimile
 Email

Albert P. Barker
Shelley Davis
Barker Rosholt & Simpson, LLP
PO Box 2139
Boise, Idaho 83701-2139
apb@idahowaters.com
smd@idahowaters.com

U.S. Mail
 Hand Delivery
 Facsimile
 Email

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

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

Matthew Wilde
Brenda Bauges
Assistant City Attorneys
City of Boise
PO Box 500
Boise, ID 83701-0500
mwilde@cityofboise.org

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

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

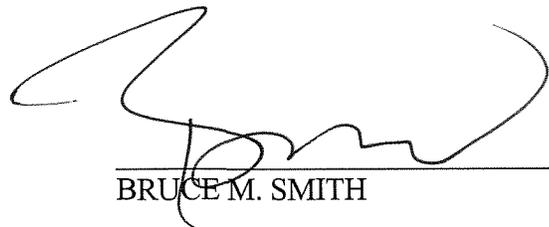
- U.S. Mail
- Hand Delivery
- Facsimile
- Email

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

- U.S. Mail
- Hand Delivery
- Facsimile
- Email

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

- U.S. Mail
- Hand Delivery
- Facsimile
- Email



BRUCE M. SMITH