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DEPARTMENT OF
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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.

**SUEZ'S MOTIONS REGARDING PARTY
STATUS AND SERVICE PROTOCOL**

I. BACKGROUND INFORMATION

A. Caption

Applicant Suez Water Idaho Inc. ("Suez") (formerly United Water Inc.) filed today a separate motion entitled *Suez's Motion to Change Caption to Reflect Name Change*.

B. Party status

On June 6, 2012, the Hearing Officer instructed all persons on the service list to "file a notice with the Department reaffirming their intent to remain a participant either as a protestant

or an intervenor.” A number of notices were filed, after which the Hearing Officer issued an *Order Affirming Party Status and notice of Status Conference* on October 8, 2012.

Thereafter, a number of parties changed their party status (either withdrawing their protest or switching to intervenor-in-support status). Based on all submissions to date, it appears to Suez that the current party status of all parties and so-called “interested parties” (which are not true parties) is as follows:

Applicant:

1. Suez Water Idaho Inc. (represented by Givens Pursley LLP).

Protestants:

1. Big Bend Irrigation District (represented by Barker Rosholt & Simpson, LLP).
2. Boise Project Board of Control (represented by Barker Rosholt & Simpson, LLP).
3. Boise-Kuna Irrigation District (represented by Barker Rosholt & Simpson, LLP).
4. Wilder Irrigation District (represented by Barker Rosholt & Simpson, LLP).
5. Nampa & Meridian Irrigation District (represented by Sawtooth Law Offices, PLLC).
6. Settlers Irrigation District (represented by Sawtooth Law Offices, PLLC).
7. City of Middleton (represented by Moore, Smith, Buxton & Turcke, Chartered).
8. Star Water and Sewer District (represented by Moore, Smith, Buxton & Turcke, Chartered).

Intervenors in support Suez’s application:

1. City of Boise (represented by its Public Works Department and its City Attorney). On July 17, 2012, the City of Boise filed a notice reaffirming its participation, but requesting that it be re-aligned as an intervenor in support of the application. The City’s notice stated in part: “The City is currently a participant in this action as a Protestant. However, the City’s position is not accurately described as ‘protesting’ the IMAP filing. Rather, the City supports the filing in general but wishes to participate so that the City’s interests – and those of its franchisee, United Water – are adequately protected.” Notice at p. 2.
2. City of Caldwell (represented by its Public Works Department). The City of Caldwell adopted Resolution 36-14 and entered into the *2014 Mutual Cooperation Agreement between the City of Caldwell and United Water Idaho Inc.* On March 13, 2014, United Water submitted a copy of the resolution and agreement for the record in these proceedings. The agreement expresses the City’s support for “common goals and interests with respect to implementation of the 1996 Municipal Water Rights Act” including, in particular, “long term planning over a 50-year planning horizon.” 2014 Agreement at ¶¶ 7-8.

3. City of Meridian (represented by its Public Works Department and by Honsinger Law, PLLC). On December 20, 2013, the City of Meridian filed its *Notice of Withdrawal of Protest and Request to Change Status to Intervenor*. The notice states in part: “In particular, the City supports the efforts of municipal water providers such as United Water Idaho Inc. in applying for 50 year planning horizons under the Municipal Water Rights Act of 1996 – in some cases, it is possible that even longer planning horizons may be appropriate.” Notice at p. 1-2.

Interested parties (no party status, but remain on service list):

1. City of Eagle (represented by Moore, Smith, Buxton & Turcke, Chartered). The City withdrew its protest on July 31, 2007. In its Notice Reaffirming Participation filed on July 13, 2012, the City stated: “The City of Eagle withdrew as a protestant in 2007 based on the IMAP package at that time. The City of Eagle reserves its right to intervene if the IMAP package changes or has changed from the package of July 31, 2007, or as necessary to protect the City’s interest.” Notice at p.1. On August 8, 2012, the Hearing Officer ruled that the City of Eagle is an “interested party” but “will need to be granted intervention to participate as a party.” On November 14, 2012, United Water filed a motion to strike the City’s Initial Statement, because the City is not a party.
2. City of Kuna (represented by its Public Works Department and by its City Attorney, Richard T. Roats). The City withdrew its protest on January 11, 2008. On July 17, 2012, the City filed a “notice of its continued participation” in the IMAP proceeding. On August 8, 2012, the Hearing Officer ruled that the City of Kuna is an “interested party” but “will need to be granted intervention to participate as a party.”
3. City of Pocatello (represented by its City Attorney, Dean Tranmer and by Josephine P. Beeman). The City has never filed a protest or motion for intervention. Ms. Beeman was included on the service list only because she previously represented the City of Boise. Nevertheless, on July 18, 2012, Ms. Beeman filed a Notice Reaffirming Participation on behalf of the City of Pocatello. On August 8, 2012, the Hearing Officer ruled that the City of Pocatello is an “interested party” but “will need to be granted intervention to participate as a party.” On November 14, 2012, United Water filed a motion to strike the City’s Initial Statement, because the City is not a party.

Protests withdrawn (no longer on service list):

1. The Terteling Company and T-7, LLC (previously represented by Matt J. Howard, who was then in private practice). Protest withdrawn October 20, 2004.
2. City of Star (represented by Moore, Smith, Buxton & Turcke, Chartered). Protest withdrawn January 28, 2013.
3. Pioneer Irrigation District (represented by Scott L. Campbell, formerly with Moffatt Thomas Barrett Rock & Fields, Chtd., currently with Campbell Law, Chtd.). Protest withdrawn December 5, 2012.
4. U.S. Bureau of Reclamation (represented by U.S. Department of the Interior Field Solicitor Kathleen Marion Carr and by E. Gail McGarry and Matt J. Howard of the

Bureau of Reclamation). Protest withdrawn July 19, 2012. The notice of withdrawal stated in part: "Reclamation's withdrawal of protest is based on its understanding that the remaining issues, as represented by United Water Idaho, Inc., are limited to securing alternative points of diversion with appropriate protective conditions and quantifying its 'reasonably anticipated future needs' over a 50-year planning horizon to protect its water rights from forfeiture. Reclamation has no objection to how these issues are resolved." Notice at p. 1.

C. Service list

In the years since this proceeding was last active, a few of the counsel and other representations have changed. The list in Section I.B ("Party status") reflects Suez's understanding of all current representations.

Suez has also made a number of updates to the service list reflecting changes in address, personnel, and the like (based on publically available information including official websites).

Suez believes that the current service list should be as follows:

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D. Electronic service

In the interest of efficiency and economy, the Department established a webpage specifically devoted these IMAP proceedings:

https://www.idwr.idaho.gov/news/Issues/IMAP/Public_Information.htm

Order Affirming Party Status and Notice of Status Conference at p. 3 (Aug. 8, 2012).

Per informal agreement among the parties and the Hearing Officer, and in cooperation with Department staff, it was established in 2012 that parties were not required to serve paper copies of pleadings and other submissions in this matter, and may instead provide service through a combination of email plus posting the pleading or other submission on the Department's IMAP webpage.

II. MOTIONS

A. Motion to confirm party status

Suez moves for an order confirming the party status of each person or entity as designated in Section I.B ("Party status") above.

B. Motion regarding interested parties

Suez moves for an order clarifying that those parties listed as "interested parties" are entitled to service of all pleadings (not including discovery) and orders, are entitled to participate in any status conference, and have the right to seek to intervene. Unless they are granted intervenor status, they have no other rights to participate in this proceeding or to seek judicial review thereof.

C. Motion regarding service protocol

Suez moves for an order establishing that the service list contact information for the applicant, protestants, intervenors, and interested parties is as shown in Section I.C ("Service list") (subject to any corrections hereinafter provided to the Hearing Officer by those parties).

D. Motion regarding electronic service

Suez moves for an order confirming that the practice described under Section I.D ("Electronic service") above remains in effect and that parties may satisfy service requirements,

if they choose, by email service coupled with submission of the pleading or other document to the Department for posting on the Department's IMAP webpage.

Respectfully submitted this 6th day of March, 2017.

GIVENS PURSLEY LLP

By 
Christopher H. Meyer

By 
Michael P. Lawrence

Attorneys for Suez Water Idaho Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March, 2017, the foregoing was filed, served, and copied as shown below. United Water Idaho Inc. requests that the Idaho Department of Water Resources place this document on its website for the IMAP.

DOCUMENT FILED:

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Hand delivery or overnight mail:	<input type="checkbox"/>	Facsimile
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