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.

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 INITIAL STATEMENT**

TABLE OF CONTENTS

INTRODUCTION

This is *United Water's Initial Statement* ("*Initial Statement*") submitted by Applicant United Water Idaho Inc. ("United Water," "UWID," or the "Company") in compliance with the Hearing Officer's instruction to the parties to submit initial statements "setting out their position on a number of preliminary issues that will need to be addressed for the contested case to proceed forward." *Order Setting Schedule for Parties to Respond and Propose Timetables for Discovery and Hearing* at 1 (Oct. 19, 2012) ("*Initial Statement Order*").

Since the order lifting the stay in this matter,[1] United Water has submitted several filings addressing the preliminary issues described in the *Initial Statement Order*.[2] This *Initial Statement* supplements those submissions.

DISCUSSION

I. MATTERS RAISED AT THE STATUS CONFERENCE AND IN PARTIES' SUBMISSIONS

A. Previously identified issues

In its prior submissions, United Water addressed a number of matters at issue in this proceeding, including the following:

1. Is United Water entitled to a 50-year planning horizon with an appropriate reopener provision?

---

[1] On June 6, 2012, the Hearing Officer issued an order lifting the stay ordered by former Director Karl Dreher on December 18, 2003. The resumed IMAP proceeding is referred to informally as the IMAP "Relaunch."

[2] United Water's previous submissions include the following:

- Memorandum from Scott Rhead, Chris Meyer, and Mike Lawrence to IDWR and IMAP parties (Apr. 13, 2012), which was distributed to those in attendance at the April 13, 2012, status conference and was formally submitted for the record on July 25, 2012.
- *United Water's Statement of Issues for July 24 Status Conference* (July 20, 2012).
- Memorandum from Christopher H. Meyer to Parties (July 24, 2012), which was distributed to those in attendance at the status conference on July 24, 2012 and was formally submitted for the record on July 25, 2012.
- *United Water's Statement Updating and Explaining the IMAP Relaunch* (Aug. 14, 2012).

This *Initial Statement* uses the same defined terms, such as "APOD," that have been employed in its prior submissions.

2. Does the Department have authority to impose a reopener condition with United Water's consent?

3. What is the appropriate planning area for purposes of quantifying RAFN?

4. What quantity of water is required to meet United Water's RAFN for service to customers within the planning area during the planning horizon?

5. Does United Water's request to conform the place of use for all water rights covered by the IMAP raise any injury issues?

6. Does United Water's request to conform the nature of use for all water rights covered by the IMAP raise any injury issues?

7. Does United Water's request to eliminate the annual diversion rate on certain water rights raise any injury issues that are not adequately addressed by the downward adjustment to the diversion rate for such rights?

8. Does United Water's request to secure a consistent year-round season of use for all water rights covered by the IMAP raise any injury issues that are not adequately addressed by the downward adjustment to the diversion rate for such rights?

9. Does United Water's request for uniform APODs raise any injury issues that are not adequately addressed by the very condition that the Department recommended for United Water's SRBA claims (and those of most other municipal providers) and which the Department determined adequately addressed injury in the context of accomplished transfers?

United Water incorporates by reference the discussion of these issues set forth in its prior filings noted in footnote 2 at page 3.

B. Additional issues

The following items have been touched on in prior filings by United Water and were discussed again at the last status conference. They are set out in this separate section because they merit a more detailed discussion.

United Water has previously responded to a handful of other issues raised in the October 15, 2012 filings by Pioneer and the Boise Project Parties at the last status conference. We assume those issues have been put to rest. To the extent they are raised again in the filings due today, United Water will address them in its response briefing.

(1) Whether this proceeding should be bifurcated.

United Water first raised the issue of bifurcation (also known as sequencing, segmentation, or division of issues) in its memorandum of April 13, 2012 at page 7. United Water requests that the Hearing Officer bifurcate the hearing and associated discovery into two phases.

Bifurcation would enable the Department and the parties to focus all of their attention in Phase I on the most significant issue presented by the IMAP—the quantification of RAFN in accordance with the 1996 Act. Other issues, including APODs, would be postponed until Phase II.

During Phase I, discovery and the presentation of evidence at the hearing would be limited to the delineation of the planning area, the duration of the planning horizon, reopener provisions, and quantification of RAFN. The parties would not be permitted to delve into the issue of injury during Phase I. Phase I would conclude with a ruling by the Hearing Officer on United Water's planning horizon, its reasonably anticipated future needs, and the scope of protection afforded United Water's portfolio under the 1996 Act.

Phase II would begin following the Hearing Officer's Phase I ruling. During Phase II, discovery and the presentation of evidence at the hearing would focus on the criteria in Idaho Code § 42-222, including the issue of injury and the application of the APOD condition.

Bifurcation should not result in any additional time or expense to the parties or the Department. To the contrary, sequencing of the proceeding is likely to save substantial time and expense by allowing discovery and the presentation of evidence to proceed in a more logical and efficient manner.

Given the vigorous discussion at the last status conference, it is apparent that there is substantial disagreement over the nature and effect of the APOD condition language. United

Water is adamantly of the view that injury in an accomplished transfer is the same as injury in a formal transfer, and that the Department's APOD language has the same effect in both. Given the apparent disagreement on this side issue, it makes sense to move it to the back burner. If the parties are required to address the APOD/injury issue up front, doing so will require extensive briefing and argument, at a minimum, and extensive discovery followed by the development of expert testimony on complex technical hydrogeologic matters at worst. None of this has any bearing on the central questions presented by the IMAP—the duration of the planning horizon and the quantification of RAFN.

Once these central issues are decided, the APOD/injury issues are far more likely to be resolved by settlement among the parties. If United Water is able to protect its portfolio and ensure that it will be able to continue to meet the needs of the communities it serves, the applicant and the protestants will be in a better position to make reasonable concessions and accommodations with respect to APODs. It is conceivable that the APOD dispute will go away entirely. Even if it does not, it will be no more difficult for the parties and the Department to address it in a subsequent phase.

In short, it appears that there is a substantial upside, and no downside, to bifurcation.

(2) Whether United Water's planning horizon and RAFN quantification may be limited to existing rights, thereby justifying a longer planning horizon. (Phase I issue)

At the most recent status conference, the Hearing Officer expressed his discomfort with long term planning for municipal water supply, but suggested that a longer planning horizon might be appropriate in a case where, as here, the applicant seeks only to bring existing water rights under the 1996 Act. This is an important distinction.

United Water believes that planning horizons of up to 50 years can be justified for both existing rights and new appropriations so long as sufficient evidence is provided. Indeed, long

term future needs water rights based on rigorous statutory criteria tested in the crucible of contested cases are essential if Idaho is to defend its need for water against out-of-state challenges. Most western states have recognized the need for long term planning by municipal providers. Fifty years and up is the norm. None has found that long term municipal water rights are inconsistent with the prior appropriation doctrine. If Idaho fails to allow its municipal providers to identify long term needs and secure water rights to meet those needs, Idaho will forfeit its position to states that have shown greater foresight. We do not believe this is what the Legislature intended when it enacted the 1996 Act nor when it mandated the Treasure Valley CAMP which embraced a 50-year planning horizon.

But there is no need to have this debate in this proceeding. All that United Water seeks in the IMAP is protection of its existing portfolio of rights and any other existing water rights it might acquire from willing sellers or lessors. Based on current projections and the evidence it is preparing to present in this proceeding, United Water's portfolio of ground water rights should be sufficient to meet its customers' needs for most, if not all, of the next 50 years. If additional water is required, it is most likely to come in the form of surface rights, and they will be acquired by purchase, lease, rental, and similar arrangements. United Water does not anticipate any substantial new appropriations of water during the 50-year planning horizon it seeks.

This distinction between RAFN protection for existing versus new appropriations is an appropriate issue for this proceeding. United Water is open to the idea of the Department limiting any approval of the IMAP to provide that the planning horizon and quantification of RAFN approved here is solely for purposes of existing water rights, and that should United Water ever seek additional appropriations, they would not be justified or authorized on the basis of this planning horizon and RAFN quantification.

(3) Whether the court's decision in *Pocatello* upheld or eviscerated the APOD condition. (Phase II issue)

Pioneer Irrigation District ("Pioneer") and the Boise Project Parties[3] asserted at the last status conference and in their October 15, 2012 filings that the APOD condition developed by the Department and approved by the Special Master, the SRBA Court, and the Idaho Supreme Court in *City of Pocatello v. Idaho*, 152 Idaho 830, 275 P.3d 845 (2012) precludes municipal providers from using APODs to "(1) better the priority date of any given well through the diversion of more senior priority water from any interconnected well location; or (2) increase the quantity (or volume) of water that can be diverted from any given well beyond the quantity of the original (underlying) water right giving rise to the well historically." *Pioneer Irrigation District's Statement of Issues Re United Water's IMAP Application* at 8 (Oct. 15, 2012); see also *Boise Project Board of Control, Big Bend Irrigation District, Wilder Irrigation District and Boise-Kuna Irrigation District's Statement of Issues and Request for Clarification* at 5 (Oct. 15, 2012).

United Water recognizes that there is some ambiguous language in the court's decision (though none in the SRBA Court's decision affirmed by the Idaho Supreme Court). But the interpretation offered by Pioneer and the Boise Project Parties would render the APOD authorization meaningless and destroy the very thing that was sought to be accomplished by the APOD provision.

The whole point of APODs is that they allow the water right holder to divert a water right from a point of diversion not originally authorized under the right. An authorized APOD does not "enlarge" an existing water right (as alleged by Pioneer and the Boise Project Parties).

[3] The "Boise Project Parties" include the Boise Project Board of Control, and Big Bend Irrigation District, Wilder Irrigation District, and Boise-Kuna Irrigation District, whose protests were consolidated under the Boise Project Board of Control.

Rather, it allows an existing water right to be diverted from a point of diversion that was not authorized under the original water right. It is, frankly, no different from any other change in point of diversion. Indeed, APODs are not unique to municipal providers. If the position urged by Pioneer and the Boise Project Parties were to prevail, APODs would prove just as unworkable for irrigators, commercial water users, or anyone else.

To protect other water users from injury in an accomplished transfer recognizing APODs, the Department recommended the APOD condition that ties each well to its original water right for purposes of administration. The APOD condition was necessary because accomplished transfers cannot be recommended or approved if they result in enlargement or injury. The APOD condition was adopted by the SRBA Court and approved by the Idaho Supreme Court in the *City of Pocatello* case. The Department did not lose that case. It won.

As we have explained repeatedly before, this provides flexibility to the municipal water provider both in times of no administration and in times of administration of a broad geographic area (*e.g.*, a conjunctive management call) where it makes no difference to any other water user from which wells the municipal water provider pumps its water rights. But the condition ensures that no injury will occur to other water rights where there is administration based on well interference or geographic restrictions narrower than the provider's service area (*i.e.*, any time where it matters to other water users which well is used).

Pioneer's and the Boise Project Parties' interpretation of the *City of Pocatello* case would eviscerate the APOD authorization. There would be no point in seeking APODs for a water right if doing so did not allow exercise of that priority date and quantity at the new points of diversion. The Idaho Supreme Court could not have intended such a meaningless result. And the

Department certainly would not have expended the substantial resources it did to successfully defend its APOD condition language if the language was self-defeating.

(4) Whether injury means one thing for formal transfers and another thing for accomplished transfers. (Phase II issue)

At the last status conference, the suggestion was made that the APOD condition approved in the *City of Pocatello* case, which involved accomplished transfers under Idaho Code § 42-1425, does not resolve the question of injury in the context of a formal transfer under Idaho Code § 42-222. United Water respectfully but adamantly disagrees. Injury is the oldest, most fundamental, and best understood principle in the prior appropriation doctrine. It cannot mean one thing here and another thing there. Both statutes require injury analysis. If the APOD condition resolves the injury question in an accomplished transfer, then it must also resolve the injury question in a formal transfer.

(5) Whether the Department has the duty and ability to enforce the APOD language. (Phase II issue)

During the last status conference, the Hearing Officer expressed concern over whether the Department can effectively protect the rights of other water users in well interference cases, and that its inability to do so might render the APOD condition inadequately protective of other rights. The Department has effectively and efficiently resolved well interference cases for over a century. Doing so is central to its constitutional and statutory responsibilities. Obviously, the Department did not feel that it was not up to the task when it recommended the APOD condition on hundreds of water rights throughout the state of Idaho, and when it stood before the Idaho Supreme Court and defended the effectiveness and appropriateness of the condition.

II. SCOPE OF THE HEARING

As discussed, it makes sense to divide the hearing into two parts. The Phase I hearing would concern planning horizon, reopener, and RAFN issues. The Phase II hearing would

concern the criteria set forth in Idaho Code § 42-222, including issues involving injury, the APOD condition, hydraulic connection / aquifer issues, and any other issues.

If the proceeding is not bifurcated, a single hearing will have to address all of these issues.

The protestants should be held to the issues they have identified in their filings.

United Water reserves the right to object to any action (including discovery) by Pioneer and Settlers Irrigation Districts that is inconsistent with their 30(b)(6) depositions.

The next conference in this matter should be designated as a pre-hearing conference rather than a status conference. This will trigger the deadline for timely petitions for intervention under the Department's rule of procedure 352 (IDAPA 37.01.01.352). This is not intended to preclude the setting of additional status conferences prior to the hearing as the Hearing Officer may deem appropriate.

III. SCOPE OF RESPONSIBILITIES OF THE PARTIES

In his *Initial Statement Order*, the Hearing Officer instructed the parties to address the "Scope of Responsibilities of the Parties." We presume that the Hearing Officer was referring to the burden of proof borne by the parties.

The parties' responsibilities are the same regardless of whether the proceeding is divided into Phases.

The *Idaho Water Law Handbook* includes the following discussion on burden of proof in water right transfers:

> Idaho's water code does not address the burden of proof in either transfers or new appropriations. The Department has adopted regulations allocating the burden of proof in new appropriations,[4] but there are no regulations governing water

[4] IDAPA 37.03.08.040.04.

transfers. Nor does IDWR's *Transfer Processing Policies & Procedures* (Transfer Processing No. 24) (revised Dec. 21, 2009) address the subject.

In *Barron v. IDWR*, the Idaho Supreme Court placed the burden of proof on the applicant for a water transfer to prove non-injury and non-enlargement.[5] The court noted that this is the case even where there are no protestants to the application.[6] This is consistent with informal guidance issued by the Department on protested transfer applications.[7] This is also consistent with the general law of burden of proof in civil litigation.[8]

Even where the burden of proof rests with the applicant, however, it does not follow that protestants should be allowed to "put the applicant to its proof" for purposes of strategic delay or expense.[9]

The court has twice addressed the burden of proof issue in the context of a public interest challenge to a new water right appropriation.[10] In the case of the local public interest, a special

---

[5] *Barron v. IDWR*, 135 Idaho 414, 418, 18 P.3d 219, 223 (2001).

[6] *Barron v. IDWR*, 135 Idaho 414, 421, 18 P.3d 219, 226 (2001).

[7] IDWR's "Conference and Hearing Procedures."

[8] A. Lynne Krogh-Hampe, *Injury and Enlargement in Idaho Water Right Transfers*, 27 Idaho L. Rev. 249, 253 (1990) (the author is now a Magistrate Judge in the Third Judicial District).

[9] In the authors' opinion, the Department should use the prehearing conference, and discovery if necessary, to determine whether the applicant is prepared to present a *prima facie* case and, if so, whether the protestant has any meaningful and relevant rebuttal. If the applicant is prepared to go forward, but the protestant has not shown that it will be capable of presenting a relevant rebuttal case, then, on the applicant's motion, the protest should be dismissed prior to hearing. In such a case, the applicant should not be subjected to the costs of "fishing-expedition-type" discovery nor the costs of retaining experts and presenting a formal case on the public interest.

If the protestant is allowed to proceed, the Department should specify with reasonable clarity the bounds of allowable issues and evidence, so that both protestant and applicant may effectively and efficiently prepare for hearing.

If the Department summarily denies a protest or excludes an issue area, the protestant should be allowed to make a brief record of the nature of the evidence which would have been sought or produced. But neither the protestant nor the applicant should be put to the expense of fully developing evidence on that issue unless and until a reviewing court overrules the Department and remands for further proceedings.

[10] In *Shokal v. Dunn*, 109 Idaho 330, 707 P.2d 441 (1985), the Court quoted District Judge Schroeder, who now sits on the Idaho Supreme Court in this extended, but lucid, discussion of the burdens of production and persuasion:

> As Judge Schroeder correctly noted below, this burden of production lies with the party that has knowledge peculiar to himself. For example, the designer of a fish facility has particularized knowledge of the safeguards or their lack concerning the numbers of fish that may escape and the amount of fecal material that will be discharged into the river. As to such information the applicant should have the burden of going forward and ultimately the burden of proof on the impact on the local public interest. On the other hand, a protestant who claims a harm peculiar to himself should have the burden of going forward to establish that harm.

> rule applies: The applicant bears the initial burden of coming forward with evidence for the evaluation of the local public interest criterion as to any factor of which he is knowledgeable or reasonably can be expected to be knowledgeable. The protestant bears the initial burden of coming forward with evidence relevant to any factor for which the protestant can reasonably be expected to be more cognizant than the applicant. The applicant then bears the ultimate burden of persuasion.

Fereday, Meyer & Creamer, *Idaho Water Law Handbook* at 84-85 (October 18, 2012).

IV. SCOPE OF DISCOVERY

As discussed, it also makes sense to segment discovery in this proceeding. Discovery during Phase I would be limited to Phase I issues—primarily projected water demand over the planning horizon. Discovery concerning the criteria in Idaho Code § 42-222, including injury and the APOD condition, would commence following the Hearing Officer's ruling on the Phase I issues.

In both phases, any party seeking to put an expert on the stand must be required to file an expert report. Testimony at the hearings will be limited to the reports.

V. TIMETABLE FOR DISCOVERY AND HEARING

Bifurcating the proceeding as proposed would not substantially alter the length of the proceeding, but it would allow the matter to proceed in a more structured manner. Of course, if

---

> However, the burden of proof [that is, the ultimate burden of persuasion] in all cases as to where the public interest lies, as Judge Schroeder also correctly noted, rests with the applicant:
>
> > [I]t is not [the] protestant's burden of proof to establish that the project is not in the local public interest. The burden of proof is upon the applicant to show that the project is either in the local public interest or that there are factors that overweigh the local public interest in favor of the project.

Shokal, 109 Idaho at 339, 707 P.2d at 450 (referring to District Judge Schroeder, now on the Supreme Court) (quoted again in *Collins Bros. Corp. v. Dunn*, 114 Idaho 600, 607, 759 P.2d 891, 898 (1988).

The only other Idaho case to address burden of proof in the context of the local public interest was *Collins Bros.* That case merely recited that "the applicants had not met their burden of proof" and quoted from the Shokal case regarding burden of proof." *Collins Bros.*, 114 Idaho at 606, 759 P.2d at 897.

Note that different burden of proof rules apply to the special public interest tests applicable to appropriations of "trust water" pursuant to the Swan Falls Agreement. Idaho Code § 42-203C; IDAPA 37.03.08.040.04.

the parties settle or otherwise reach agreement on limiting the scope of Phase II in a bifurcated proceeding (as we believe is likely), Phase II could be shortened or eliminated. Indeed, laying out a timetable for Phase II is merely illustrative at this point.

Proposed timetables for bifurcated and non-bifurcated proceedings are set forth below.

A. Bifurcated proceeding schedule

Phase I (Planning Horizon and RAFN issues)			
When	**Cumulative time**	**Who**	**What**
Day 0	0	Hearing Officer	Scheduling Order / Pre-hearing Order on Phase I issues
Day 0	0	All parties	Discovery commencement
+2 months	2 months	United Water	Identify experts File expert reports
+1 month	3 months	All other parties and staff	Identify experts File expert reports
+1 month	4 months	United Water	Identify rebuttal experts File and/or update expert reports
+ 1 month	5 months	All parties	Close of discovery
+ ½ month	5½ months	All parties	Motion deadline Exchange all remaining exhibits
+ ½ month	6 months	All parties	Status conference
+ ½ month	6½ months	All parties	Hearing
+1 month	7½ months	Hearing Officer	Order on planning horizon, reopener, and RAFN issues (Phase I Order)
Phase II (Idaho Code § 42-222 criteria)			
+ ½ month	8 months	All parties	Status conference
+ ½ month	8 ½ months	Hearing Officer	Scheduling Order / Pre-hearing Order on Phase II issues
+ 0 months	8 ½ months	All parties	Discovery commencement
+1 month	9 ½ months	United Water	Identify experts File expert reports
+1 month	10 ½ months	All other parties and staff	Identify experts File expert reports
+1 month	11 ½ months	United Water	Identify rebuttal experts File and/or update expert reports
+1 month	12 ½ months	All parties	Close of discovery
+½ month	13 months	All parties	Motion deadline Exchange all remaining exhibits
+½ month	13 ½ months	All parties	Status conference
+½ month	14 months	All parties	Hearing
+1 month	15 months	Hearing Officer	Final Order

B. Non-bifurcated proceeding schedule

Because all issues would be dealt with at once, more time will be necessary for discovery disclosures and filing motions in a non-bifurcated proceeding, as set forth in the following table.

When	Cumulative time	Who	What
Day 0	0	Hearing Officer	Issues Scheduling / Pre-hearing Order
Day 0	0	All parties	Discovery commencement
+3 months	3 months	United Water	Identify experts File expert reports
+2 months	5 months	All other parties and staff	Identify experts File expert reports
+1 month	6 months	United Water	Identify rebuttal experts File and/or update expert reports
+3 months	9 months	All parties	Close of discovery
+1 month	10 months	All parties	Motion deadline Exchange all remaining exhibits
+1 month	11 months	All parties	Status conference
+1 month	12 months	All parties	Hearing
+1 ½ month	13 ½ months	Hearing Officer	Final Order

Respectfully submitted this 31st day of October, 2012.

GIVENS PURSLEY LLP

By _____
Christopher H. Meyer

By _____
Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of October, 2012, the foregoing was filed, served, and copied as follows:

DOCUMENT FILED:

Idaho Department of Water Resources 322 East Front Street P.O. Box 83720 Boise, ID 83720-0098	☐ ☒ ☐ ☐ ☐	U. S. Mail Hand Delivered Overnight Mail Facsimile E-mail

SERVICE COPIES TO:

Albert P. Barker, Esq. Shelley M. Davis, Esq. Barker, Rosholt & Simpson, LLP 1010 W. Jefferson, Suite 102 P.O. Box 2139 Boise, ID 83701-2139 apb@idahowaters.com smd@idahowaters.com	☐ ☐ ☐ ☐ ☒ ☒	U. S. Mail Hand Delivered Overnight Mail Facsimile E-mail IDWR Website
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 Delivered Overnight Mail Facsimile E-mail IDWR Website
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 Delivered Overnight Mail Facsimile E-mail 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 & Turcke, 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 mhow emcgarry@pn.usbr.gov ard@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