

FAX COVER SHEET

November 1, 2012

TO: IDWR / I MAP  
FAX: 287-6700  
FROM: Jo Beeman  
RE: I MAP

Pocatello's Initial Statement, dated October 31, 2012 with AMENDED CERTIFICATE OF SERVICE, dated November 1, 2012

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Attorneys for City of Pocatello

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

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 )  
\_\_\_\_\_ )

**CITY OF POCATELLO'S INITIAL  
STATEMENT**

The City of Pocatello (Pocatello), by and through its attorneys, Beeman & Associates, P.C., submits this *Initial Statement* pursuant to the October 19, 2012 *IDWR Order Setting Schedule for Parties to Respond and Propose Timetable for Discovery and Hearing*. Attached to the *Initial Statement* are two documents which Pocatello is providing from the record in *City of Pocatello v. State of Idaho*, 152 Idaho 830, 275 P.3d 845 (2012):

*Brief of United Water Idaho, City of Nampa, and City of Blackfoot Addressing Alternative Points of Diversion Condition*, filed April 10, 2010 in In Re SRBA Case No. 39576, Subcase Nos. 29-00271, in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls.(UWI amicus brief).

*Stipulation and Agreement between Pocatello and the Surface Water Coalition in Pocatello's SRBA Subcases 29-271 et seq.* dated February 26, 2007. (Pocatello-SWC Stipulation)

According to the IDWR Order, the following matters are to be addressed in the parties' initial statements:

**1) Matters raised at Status Conference including recent documents submitted by the parties;**

Pocatello believes certain injury issues (as discussed in the *Pioneer Irrigation District's Statement of Issues Re United Water Idaho's IMAP Application*, October 15, 2012, and as discussed in the *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*, October 15, 2012) need to be addressed. Specifically:

- If the APOD remark allows United Water Idaho (UWI) to increase the historic rate of diversion (well capacity) of a well, following approval of the IMAP, does the burden of proof and burden of persuasion of "no injury" still reside with United Water Idaho, as to injury associated with this future increase in well capacity?
- Should the historic rate of diversion of wells which operate as APODs be included in the conditions of approval of the IMAP?
- Should future increases of historic rates of diversion for UWI wells in the IMAP be subject to separate transfer proceedings?

**2) Scope of the Hearing;**

Pocatello respectfully defers to IDWR and the parties on this issue.

**3) Scope of Responsibilities of the Parties;**

Pocatello respectfully defers to IDWR and the parties on this issue, except as to the factual issues associated with documenting the existing rates of diversion for the UWI wells in the IMAP.

**4) Scope of Discovery;**

Pocatello respectfully defers to IDWR and the parties on this issue.

**5) Timetable for Discovery and Hearing.**

Pocatello respectfully defers to IDWR and the parties on this issue.

Dated this 31<sup>st</sup> day of October, 2012.

BEEMAN & ASSOCIATES, P.C.  
Attorneys for City of Pocatello

By Josephine P. Beeman  
Josephine P. Beeman

CERTIFICATE OF SERVICE

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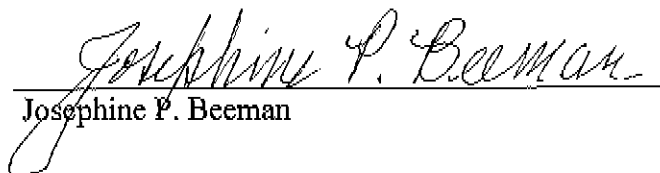
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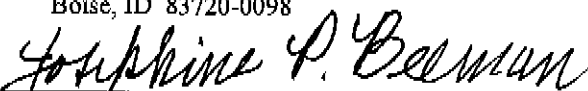
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