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DEPARTMENT OF WATER RESOURCES

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Attorneys for Protestants City of Star,  
City of Middleton and Star Water & Sewer District and Participant City of Eagle

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

IN THE MATTER OF	)	
INTEGRATED MUNICIPAL	)	
APPLICATION PACKAGE	)	
("IMAP") OF UNITED WATER	)	PROTESTANT CITY OF STAR, CITY OF
IDAHO, INC. BEING A	)	MIDDLETON AND STAR WATER &
COLLECTION OF INDIVIDUAL	)	SEWER DISTRICT AND PARTICIPANT
APPLICATIONS FOR	)	CITY OF EAGLE JOINT INITIAL
TRANSFERS OF WATER RIGHTS	)	STATEMENT
AND APPLICATIONS FOR	)	
AMENDMENT OF PERMITS.	)	
_____	)	

COME NOW, Protestant City of Star, City of Middleton and Star Water & Sewer District and Participant City of Eagle and here by submit their Joint Initial Statement.

1. **DOCUMENTS PRODUCED.** The parties have no response to the documents submitted. They speak for themselves. They have clarified some but not all issues.

2. **SCOPE OF HEARING.** The scope of the hearing is not clear because of questions regarding the Municipal Act, the IDWR's interpretation of the Act, and pending legislative changes to the Act. One major issue is the applicability of the information in the applications –which were filed in 2003. It will have been ten years since the filings and some of

the water rights have gone through significant changes at the SRBA. It is questionable whether the current filings are applicable, appropriate, or would comply with due process for those who are not parties. It would seem most reasonable to have updated applications submitted to give parties, the IDWR, and the public fair notice of the applications.

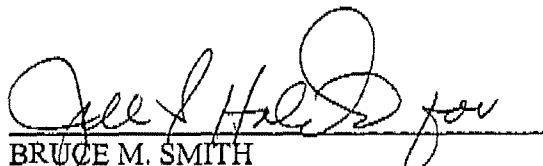
3. **RESPONSIBILITIES OF PARTIES.** Parties' responsibilities are as set forth in Idaho Code.

4. **DISCOVERY.** Discovery should be limited as much as possible and could be substantially less with updated, amended, or new applications.

5. **TIMETABLE.** The timetable depends on the scope of the hearing but it is unlikely a hearing could be accomplished before the fall 2013. The M3 hearing took about two and a half weeks and it involved matters much less complicated than IMAP.

Respectfully submitted this 14<sup>th</sup> day of November, 2012.

MOORE SMITH BUXTON & TURCKE, CHTD.



BRUCE M. SMITH  
Attorneys for Protestants City of Star, City  
of Middleton and Star Water & Sewer  
District and Participant City of Eagle

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of November 2012, a true and correct copy of the foregoing document was served upon the following by the method indicated below:

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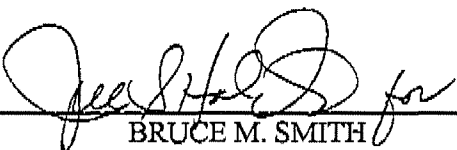
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\* Also admitted in Oregon  
‡ Also admitted in South Dakota  
~ Also admitted in Utah  
† Also admitted in Washington

November 14, 2012

*Via Facsimile: (208) 287-6700*

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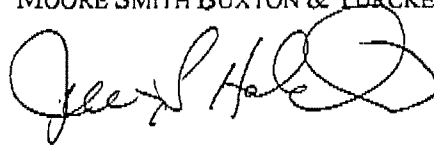
RE: In the Matter of Integrated Municipal Application Package ("IMAP") of United Water Idaho, Inc.

Dear Sir or Madam:

Enclosed please find the Joint Initial Statement of Star, Middleton, Star Water & Sewer District and Eagle which has been slightly modified based on counsel's discussions with counsel for United Water to clarify the caption to correctly identify the parties.

Sincerely,

MOORE SMITH BUXTON & TURCKE, CHTD.



Jill S. Holinka

JSH:kd  
Encl.

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## FACSIMILE COVER SHEET

DATE: November 14, 2012 RECIPIENT'S FAX: 208-287-6700  
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 FROM: Bruce M. Smith/Kat

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