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DEPARTMENT OF
WATER RESOURCES

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Attorneys for City of Hailey

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

IN THE MATTER OF DESIGNATING THE
EASTERN SNAKE PLAIN AQUIFER GROUND
WATER MANAGEMENT AREA

Docket No. AA-GWMA-2016-001

**CITY OF HAILEY'S
PETITION TO INTERVENE**

City of Hailey (“City”), through its counsel Givens Pursley LLP, files this Petition to Intervene (“*Petition*”) in the above-captioned matter pursuant to IDAPA 37.01.01.350 to .354.

On November 2, 2016 the Director issued an *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area* (“*Order*”). Among other things, the *Order* establishes a boundary for the Eastern Snake Plain Aquifer Ground Water Management Area (“ESPA GWMA”) that encompasses areas greater than are currently included within the ESPA Area of Common Ground Water Supply as established by Rule 50 of the Department’s Conjunctive Management Rules, IDAPA 37.03.11.050, and includes findings to the effect that water use in “tributary basins,” including the Big Wood River Basin, affect ground water levels in the ESPA GWMA and that aquifers within the ESPA GWMA and such tributary basins constitute an “aquifer system.”

The City holds ground water and surface water rights for municipal, irrigation and other purposes within the Big Wood River Basin.

The *Order* has been challenged on various procedural and substantive grounds by the City of Pocatello, the Coalition of Cities, and Sun Valley Company. The City of Pocatello and the members of the Coalition of Cities hold ground water rights with points of diversion within the newly-designated ESPA GWMA. Like the City, Sun Valley Company holds water rights within the Big Wood River Basin. Challenges are proceeding simultaneously under the above-captioned docket and IDWR docket no. P-DR-2016-001. Pre-hearing conferences have been set in each docket for January 12, 2017. The two dockets involve similar and interrelated issues of law and fact concerning among other things: 1) the procedural propriety of the Department's establishment of the ESPA GWMA; and 2) the potential administration of ground water rights both inside the new ESPA GWMA boundary and in those so-called "tributary basins" such as the Big Wood that have been excluded from the ESPA GWMA. The City is an intervenor in IDWR docket no. P-DR-2016-001.

As a water right holder in the Big Wood River Basin, the City has a direct and substantial interest in the issues raised in, and potential outcomes of, the above-captioned docket and IDWR docket no. P-DR-2016-001, which interest is not and cannot be represented adequately by Sun Valley Company, the City of Pocatello, the Coalition of Cities, or any other party. This *Petition* is filed prior to the date set for the pre-hearing conference and, therefore, is timely pursuant to IDAPA 37.01.01.352. Given the early stage of this proceeding the City's participation will not unduly broaden the issues before the Department. IDAPA 37.01.01.353. The foregoing notwithstanding, the City seeks intervention with intent to participate as a full party and to assert its interests as they may arise during the course of proceedings, including introducing evidence, calling, examining and cross-examining witnesses, and participation in argument.

Copies of all pleadings, production requests and/or responses, notices, orders, correspondence and other documents should be provided to Michael C. Creamer and Michael P. Lawrence at the above address.

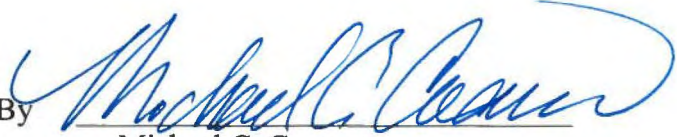
For the foregoing reasons, the City respectfully requests that the Director grant its *Petition* to intervene in these proceedings and allow the City to appear and participate fully in all matters that may arise.

DATED this 6th day of January, 2017.

Respectfully submitted,

GIVENS PURSLEY LLP

By


Michael C. Creamer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of January 2017, the foregoing was filed, served, and copied as follows:

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