

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF SUN VALLEY
COMPANY'S PETITION FOR DECLARATORY
RULING REGARDING CREATION OF ESPA
GROUND WATER MANAGEMENT AREA

Docket No. P-DR-2016-001

**ORDER GRANTING PETITION
TO INTERVENE**

BACKGROUND

On July 25, 2016, Sun Valley Company ("SVC") filed with the Idaho Department of Water Resources ("Department") a *Petition for Declaratory Ruling Regarding Creation of ESPA Ground Water Management Area*.¹

On November 4, 2016, the Director ("Director") of Department issued an *Order Denying Petition for Declaratory Ruling*.

On November 16, 2016, SVC filed *Sun Valley Company's Petition for Reconsideration of Final Order Denying Petition for Declaratory Ruling* and a *Petition Requesting a Hearing on Order Denying Petition for Declaratory Ruling*. On December 2, 2016, the Director issued an *Order Granting Request for Hearing; Notice of Pre-Hearing Conference*, granting SVC's request for hearing and scheduling a pre-hearing conference for January 12, 2017.

Timely petitions to intervene were filed by the Water District 37-B Ground Water Association; the Idaho Ground Water Appropriators, Inc.; the City of Pocatello; the City of Hailey; the Big Wood and Little Wood Water Users Association; the City of Bellevue; the Surface Water Coalition; Fremont Madison Irrigation District; Madison Ground Water District; Idaho Irrigation District; and South Valley Ground Water District. The Director issued an order granting these petitions to intervene on December 27, 2016.

On January 6, 2017, the Department received the *Basin 33 Water Users' Petition to Intervene* ("Petition").

¹ On July 29, 2016, SVC filed an *Amended Petition for Declaratory Ruling Regarding Creation of ESPA Ground Water Management Area*. On October 19, 2016, SVC filed a *Second Amended Petition for Declaratory Ruling Regarding Creation of ESPA Ground Water Management Area*.

ANALYSIS

Rule of Procedure 353 states:

If a timely-filed petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the presiding officer will grant intervention, subject to reasonable conditions, unless the applicant's interest is adequately represented by existing parties. If it appears that an intervenor has no direct or substantial interest in the proceeding, the presiding officer may dismiss the intervenor from the proceeding.

IDAPA 37.01.01.353.

The Director concludes that the Basin 33 Water Users have a direct and substantial interest in this matter and will not unduly broaden the issues. The Director further concludes that the interests of the Basin 33 Water Users are not adequately represented by existing parties. Further, at the January 12, 2017, pre-hearing conference, all parties were present represented by counsel. Upon inquiry by the Director, the parties did not object to the Petition. Accordingly, the Director will grant the Petition.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the petition to intervene filed by the Basin 33 Water Users is GRANTED.

DATED this 12th day of January 2017.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of January 2017, the above and foregoing was served on the following by the method(s) indicated below:

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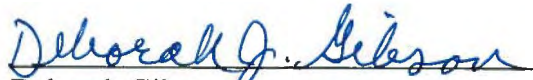
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