

**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  
**ORDER GRANTING PETITIONS  
TO INTERVENE**

**BACKGROUND**

On November 4, 2016, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued an *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area* (“ESPA GWMA Order”). On November 16, 2016, the City of Pocatello (“Pocatello”), the Coalition of Cities,<sup>1</sup> and Sun Valley Company (“SVC”) each filed petitions for reconsideration of the ESPA GWMA Order.<sup>2</sup> SVC also filed a *Petition Requesting a Hearing on Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area*.

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 Idaho Ground Water Appropriators, Inc.; the Surface Water Coalition; Pocatello; the Coalition of Cities; and McCain Foods USA, Inc. No opposition was filed to these petitions to intervene. 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* and the *City of Hailey’s Petition to Intervene* (collectively, “Petitions”).

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<sup>1</sup> The cities participating as the Coalition of Cities in this matter are Bliss, Buhl, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, and Wendell.

<sup>2</sup> On November 23, 2016, SVC filed an amended petition for reconsideration and a joinder in the petitions for reconsideration filed by Pocatello and the Coalition of Cities.

## 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 and the City of Hailey 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 and the City of Hailey 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 Petitions. Accordingly, the Director will grant the Petitions.

## 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.

IT IS FURTHER ORDERED that the petition to intervene filed by the City of Hailey is GRANTED.

DATED this 12<sup>th</sup> day of January 2017.



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Gary Spackman  
Director

**CERTIFICATE OF SERVICE**

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

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