

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,¹ and Sun Valley Company (“SVC”) each filed petitions for reconsideration of the ESPA GWMA Order.² 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, 2017.³

On January 12, 2017, the day of the pre-hearing conference, the Department timely received the *Big Wood and Little Wood Water Users Association’s Petition to Intervene*. See IDAPA 37.01.01.352.

At the pre-hearing conference, the parties and Director agreed that the pre-hearing conference should be continued to March 22, 2017. The parties and Director also agreed that proceedings in this matter should be stayed until March 22, 2017, except that the Director would extend the time for filing petitions to intervene to March 22, 2017, and would accept and

¹ 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.

² 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.

³ Timely petitions to intervene were filed by the Idaho Ground Water Appropriators, Inc.; the Surface Water Coalition; Pocatello; the Coalition of Cities; McCain Foods USA, Inc.; South Valley Ground Water District; the Basin 33 Water Users; and the City of Hailey. The Director issued orders granting these petitions to intervene.

potentially address such petitions during the stay. Consistent with these agreements, the Director issued a *Notice of Continued Pre-Hearing Conference; Order Staying Proceedings Except Intervention* on January 17, 2017.

On January 17, 2017, the Department timely received the Water District 37-B Ground Water Association's *Petition to Intervene*.

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 Big Wood and Little Wood Water Users Association and the Water District 37-B Ground Water Association 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 Big Wood and Little Wood Water Users Association and the Water District 37-B Ground Water Association are not adequately represented by existing parties. No parties oppose intervention of the Big Wood and Little Wood Water Users Association and the Water District 37-B Ground Water Association. Accordingly, the Director will grant the petitions to intervene filed by the Big Wood and Little Wood Water Users Association and the Water District 37-B Ground Water Association.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the petition to intervene filed by the Big Wood and Little Wood Water Users Association is GRANTED.

IT IS FURTHER ORDERED that the petition to intervene filed by the Water District 37-B Ground Water Association is GRANTED.

DATED this 27th day of January 2017.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January 2017, the above and foregoing was served on the following by the method(s) indicated below:

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