

**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 PETITION
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. 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 prehearing conference for January 12, 2017.²

At the prehearing conference, the parties and Director agreed that the prehearing 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 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, 2017.³

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 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.; the Basin 33 Water Users; the South Valley Ground Water District, the City of Hailey, the Big Wood and Little Wood Water Users Association, and the Water District 37-B Ground Water Association. The Director issued orders granting these petitions to intervene.

³ Clear Springs Foods, Inc. and Idaho Power Company filed timely petitions to intervene on February 28, 2017. The Director issued an order granting these petitions to intervene.

On March 20, 2017, SVC filed a *Notice of Withdrawal of Request for Hearing*.

On March 22, 2017, the Director held the continued prehearing conference. All parties were present except SVC. For reasons stated on the record at the continued prehearing conference, the parties and the Director agreed that the prehearing conference should be continued to April 20, 2017. The Director also agreed to extend the time for filing petitions to intervene to April 20, 2017.

On March 23, 2017, the Department received the *Fremont Madison Irrigation District, Madison Ground Water District and Idaho Irrigation District's Petition to Intervene* ("Petition"). The Department received no objection to the Petition.

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 Fremont Madison Irrigation District, Madison Ground Water District, and Idaho Irrigation District have a direct and substantial interest in this matter and will not unduly broaden the issues. The Director further concludes that the interests of Fremont Madison Irrigation District, Madison Ground Water District and Idaho Irrigation District are not adequately represented by existing parties. 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 Fremont Madison Irrigation District, Madison Ground Water District, and Idaho Irrigation District is GRANTED.

DATED this 6th day of April 2017.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 6th day of April 2017, the above and foregoing was served on the following by the method(s) indicated below:

Candice McHugh
Chris M. Bromley
McHugh Bromley, PLLC
380 S. 4th Street, Ste. 103
Boise, ID 83702
cbromley@mchughbromley.com
cmchugh@mchughbromley.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Robert E. Williams
Williams, Merservy & Lothspeich, LLP
153 East Main Street
P.O. Box 168
Jerome, Idaho 83338
rewilliams@wmlattys.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

A. Dean Tranmer
City of Pocatello
P.O. Box 4169
Pocatello, ID 83201
dtranmer@pocatello.us

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Sarah A. Klahn
Mitra M. Pemberton
White & Jankowski, LLP
511 Sixteenth Street, Ste. 500
Denver, CO 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Randall C. Budge
Thomas J. Budge
Racine Olson Nye Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, ID 83204-1391
rcb@racinelaw.net
tjb@racinelaw.net

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

John K. Simpson
Travis L. Thompson
Paul L. Arrington
Barker Rosholt & Simpson, LLP
163 South Avenue West
P.O. Box 63
Twin Falls, ID 83303-0063
jks@idahowaters.com
tlt@idahowaters.com
pla@idahowaters.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

W. Kent Fletcher
Fletcher Law Office
P.O. Box 248
Burley, ID 83318
wkf@pmt.org

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Albert P. Barker
John K. Simpson
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, Idaho 83701-2139
apb@idahowaters.com
jks@idahowaters.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Robert L. Harris
D. Andrew Rawlings
Holden Kidwell
P.O. Box 50130
Idaho Falls, ID 83405
rharris@holdenlegal.com
arawlings@holdenlegal.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Michael C. Creamer
Givens Pursley LLP
601 West Bannock Street
P. O. Box 2720
Boise, ID 83701-2720
mcc@givenspursley.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Joseph F. James
Brown & James
130 Fourth Avenue West
Gooding, ID 83330
joe@brownjameslaw.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Dylan B. Lawrence
J. Will Varin
Varin Wardwell LLC
242 N. 8th Street, Ste. 220
P.O. Box 1676
Boise, Idaho 83701-1676
dylanlawrence@varinwardwell.com
willvarin@varinwardwell.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Jerry R. Rigby
Rigby, Andrus & Rigby Law, PLLC
25 North Second East
Rexburg, Idaho 83440
jrigby@rex-law.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Courtesy Copies to:

Scott L. Campbell
Campbell Law, Chartered
P.O. Box 170538
Boise, ID 83717
scott@slclexh20.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Matthew J. McGee
Moffatt, Thomas, Chartered
P.O. Box 829
Boise, ID 83701
mjm@moffatt.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email



Kimi White