

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

IN THE MATTER OF DISTRIBUTION OF)	CM-DC-2011-004
WATER TO WATER RIGHT NOS. 36-02551)	
AND 36-07694)	ORDER GRANTING IGWA'S
)	PETITION TO INTERVENE
(RANGEN, INC.))	
_____)	

On December 13, 2011, the Idaho Department of Water Resources (“Department”) received a petition from Rangen, Inc. (“Rangen”), alleging that they are being materially injured by diversions of water by junior priority ground water rights. Rangen’s petition constitutes a delivery call pursuant to Rule 10.04 of the Department’s conjunctive management rules (IDAPA 37.03.11.010.04). On January 4, 2012, Idaho Ground Water Appropriators, Inc. (“IGWA”), filed *IGWA’s Petition to be Designated as Respondent or Alternatively to Intervene* with the Department pursuant to Rules 154, 156, 350 through 354. (IDAPA 37.01.01 *et seq.*)

The Petition asserts:

IGWA represents Ground Water Districts whose members consist of hundreds of irrigators, municipalities, and commercial and industrial entities operating with the State of Idaho. They are all owners of water rights that divert from the Eastern Snake Plain Aquifer that have hydraulic connections (to varying degrees) with the source for Water Right Nos. 36-2551 and 36-7694. IGWA, for and on behalf of its members, has a substantial interest in future water use and development of hydraulically-connected reaches of the Snake River and ESPA. Further, IGWA is in the best position to represent the interest of the junior groundwater users and to know and understand the specific impacts upon their water rights and the claims made by Rangen, Inc.

Rule 154 of the Department’s rules of procedure defines respondents as “[p]ersons against whom complaints are filed or about whom investigations are initiated” IDAPA 37.01.01.154. Because IGWA is not a person against whom a complaint has been filed or about

whom an investigation has been initiated, IGWA's petition will be treated as a petition to intervene.

IGWA's petition to intervene was timely filed as it was filed before the prehearing conference (IDAPA 37.01.01.352) and no motion opposing intervention was received within seven days (IDAPA 37.01.01.354).

IGWA's petition shows a direct and substantial interest in the subject matter of the proceeding as IGWA represents hundreds of irrigators, municipalities, and commercial and industrial entities operating within Idaho. IGWA's members are all owners of water rights that divert from the Eastern Snake Plain Aquifer that have hydraulic connections with the source for Water Right Nos. 36-2551 and 36-7694 and many of its members are junior ground water users that Rangen alleges have caused material injury to Water Right Nos. 36-2551 and 36-7694. IGWA's participation does not unduly broaden the issues and IGWA's interest is not adequately represented by existing parties.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that IGWA's petition to intervene is GRANTED.

Dated this 13th day of January, 2012.



Gary Spackman
Interim Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of January, 2012, the above and foregoing document was served by the method indicated:

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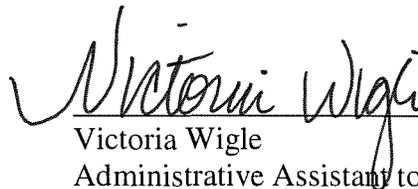
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