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DEPARTMENT OF
WATER RESOURCES

Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

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

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-
02551 & 36-07694

(RANGEN, INC.)

Docket No. CM-DC-2011-004

**IGWA'S MEMO IN OPPOSITION TO
BUCKEYE'S PETITION FOR LIMITED
INTERVENTION**

Idaho Ground Water Appropriators, Inc., ("IGWA"), acting for and on behalf of its members, respectfully submits this memorandum pursuant to Procedure Rule 354 in opposition to *Buckeye Farms, Inc. 's Petition for Limited Intervention* ("Petition") filed August 14, 2012. The Petition should be denied for the reasons that follow.

The Rules of Procedure of the Idaho Department of Water Resources ("Department") allow a person to intervene only if the petition "shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, subject to reasonable conditions, unless the applicant's interest is adequately represented by existing parties." (Procedure Rule 353.) Buckeye Farms, Inc. ("Buckeye") should not be permitted to intervene for the simple reason that its interest is adequately represented by Rangen, Inc. ("Rangen") and the Surface Water Coalition ("SWC"). Buckeye itself admits that its water rights come from the same springs that supply Rangen's water rights. (Petition 1.) Buckeye claims merely a generalized interest in this case since the Director's application of the ESPAM 2.0 will "likely become precedent for future administrative proceedings throughout the Snake River Plain." Of course, this interest is no different than the interests of Rangen or the SWC. Further, Buckeye's attorneys are

already participating in this proceeding on behalf of the SWC.

Buckeye's participation in the proceeding will do nothing more than "pile on" the arguments made by Rangen and the SWC. Because Rangen and the SWC are well able to put on expert opinions and testimony that will adequately represent Buckeye's interest in this proceeding, Buckeye's petition to intervene should be denied.

RESPECTFULLY SUBMITTED this 21st day of August, 2012.

RACINE, OLSON, NYE, BUDGE &
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By:



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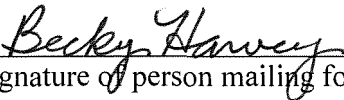
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CERTIFICATE OF MAILING

I hereby certify that on this 21st day of August, 2012, the foregoing document was served by U.S. Mail postage prepaid to the persons below in the manner indicated:


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