

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

IN THE MATTER OF DISTRIBUTION OF)	Docket No. CM-DC-2014-003
WATER TO WATER RIGHTS HELD BY)	
DAN LEE AND DADHRI LEE, WATER RIGHT)	ORDER GRANTING PETITION
NOS. 36-00124A AND 36-07315)	TO INTERVENE
)	
_____)	

On July 17, 2014, the Idaho Ground Water Appropriators, Inc. (“IGWA”) timely filed *IGWA’s Petition to Intervene* (“Petition”). The Petition requests that the Director grant IGWA’s request to intervene in the above-referenced matter before the Department pursuant to the Department’s Rules of Procedure 156 and 350 through 354 and in response to Dan Lee and Dadhri Lee’s letter regarding delivery of water right nos. 36-00124A and 36-07315, received by the Department June 19, 2014 (“Delivery Call”).

A status conference was held on July 22, 2014, wherein Dadhri Lee, representing both herself and Dan Lee, stated the Lees do not oppose IGWA’s Petition.

The Delivery Call asserts the facility using water right nos. 36-00124A and 36-07315 is receiving less than fifty percent of the water entitled to these rights from Spring Creek and demands that the watermaster administer the water rights according to Idaho Code § 42-607.

Rule 156 defines “Intervenors” as “[p]ersons, not applicants or claimants or appellants, complainants, respondents, or protestants to a proceeding, who are permitted to participate as parties pursuant to Rules 350 through 354. . . .” IDAPA 37.01.01.156. Rule 350 states:

Persons not applicants or claimants or appellants, petitioners, complainants, protestants, or respondents to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the presiding officer granting intervention to become a party, if a formal hearing is required by statute to be held in the proceeding.

IDAPA 37.01.01.350. Rule 353 provides:

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.

IGWA represents Ground Water Districts whose members include irrigators, municipalities, and commercial and industrial entities who own water rights that divert from the Eastern Snake Plain Aquifer that may be subject to curtailment should the Delivery Call be successful. The Director concludes IGWA has a direct and substantial interest in the above-referenced matter that is not adequately represented by existing parties and the Petition does not unduly broaden the issues.

ORDER

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

Dated this 23^d day of July, 2014.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of July, 2014, a true and correct copy of the above and foregoing document described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Granting Petition to Intervene

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Deborah Gibson
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