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DEPARTMENT OF  
WATER RESOURCES

*Attorneys for South Valley Ground Water District*

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

IN THE MATTER OF PETITION FOR  
ADMINISTRATION BY BIG WOOD &  
LITTLE WOOD WATER USERS  
ASSOCIATIONS

)  
) **Docket No. CM-DC-2017-001**  
)  
) **SOUTH VALLEY GROUND**  
) **WATER DISTRICT'S PETITION TO**  
) **INTERVENE**  
)  
)

COMES NOW, South Valley Ground Water District ("South Valley GWD"), by and through counsel of record, and pursuant to the Department's Rules of Procedure 350-354 (IDAPA 37.01.01), hereby petitions to intervene in the above-captioned matter.

**FACTS**

South Valley Ground Water District was formed in 2015 by the Blaine County Board of Commissioners to represent the interests of ground water users located primarily in the Triangle area. Under Idaho law, a ground water district is authorized to be a party to suits, actions and proceedings. Ground water districts routinely appear in proceedings before the Department, including delivery calls, to protect the interests of their ground water users. This proceeding

involves a call for administration aimed at the water users of the South Valley GWD, among others.

### **STANDARD OF REVIEW**

The Department's Rules of Procedure provides:

Petitions to intervene must comply with Rules 200, 300, and 301. The petition must set forth the name and address of the potential intervenor and must state the direct and substantial interest of the potential intervenor in the proceeding. If affirmative relief is sought, the petition must state the relief sought and the basis for granting it.

Rule 351.

Petitions to intervene must be filed at least 14 days before the date set for the formal hearing, or by the date of the pre-hearing conference. *See* Rule 352.

### **ARGUMENT**

#### **I. South Valley GWD's Petition is Timely.**

The first status conference is set for May 11, 2017. Under Rule 352, South Valley GWD's petition is timely.

#### **II. Interest in Proceeding.**

South Valley GWD has a direct and immediate interest in this proceeding because its members are all within the portion of the aquifer that the Associations have asserted as subject to administration. The regulation or administration requested by the Associations would have a material adverse effect on the ground water users who are members of the South Valley GWD. Yet, any losses that the Associations complain of are not caused by the actions of South Valley GWD's members.

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**III. South Valley GWD's Petition Does Not Broaden the Issues.**

South Valley GWD only seeks to appear to protect the interests of its members who are subject to the Association's claims.

**IV. South Valley GWD is Not Adequately Represented by Existing Parties**

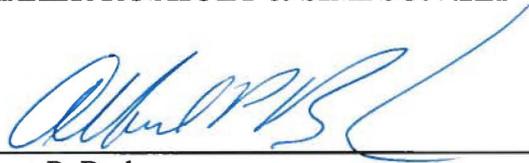
South Valley GWD seeks to represent the interests of a broad spectrum of its ground water users, whose direct participation in this proceeding will not be necessary if intervention is granted. None of the individual ground water users, parties to this proceeding, represent the entire broad spectrum of Triangle area users.

**CONCLUSION**

South Valley GWD's petition is timely, demonstrates a direct and substantial interest, does not broaden the issues, and demonstrates that no existing party adequately represents its interests. Therefore, South Valley GWD requests an order from the Director granting intervention in this proceeding.

DATED this 13 day of April, 2017

**BARKER ROSHOLT & SIMPSON LLP**



Albert P. Barker

*Attorneys for South Valley Ground Water District*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 13<sup>th</sup> day of April, 2017, I served true and correct copies of the foregoing upon the following by the method indicated:

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