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**DEPARTMENT OF  
WATER RESOURCES**

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**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

**IN THE MATTERS OF THE PETITION  
FOR ADMINISTRATION FILED BY THE  
BIG WOOD & LITTLE WOOD WATER  
USERS ASSOCIATION**

**Docket No. CM-DC-2017-001**

**JOINDER IN MOTION TO DISMISS  
OR IN THE ALTERNATIVE  
MOTION TO STAY**

COMES NOW the City of Bellevue (“Bellevue”), by and through McHugh Bromley, PLLC, and hereby joins the South Valley Ground Water District (“SVGWD”) *Motion to Dismiss or in the Alternative Motion to Stay* (May 8, 2017).

Bellevue originally became involved in the 2015 conjunctive management delivery call filed by the Big Wood & Little Wood Water Users Association (“Association”), then in related matters before the Idaho Department of Water Resources (“IDWR” or “Director”), and the district court on judicial review, resulting in dismissal of the Association’s 2015 delivery call.

On March 3, 2017, the Association filed its second delivery call. Shortly thereafter, the Sun Valley Company (“SVC”) moved IDWR to open discovery. IDWR later opened discovery, with SVC submitting requests to the Association. Because Bellevue’s ground water rights were targeted by the Association for curtailment, Bellevue noticed its appearance in this proceeding.

In this 2017 delivery call – and as was seen by IDWR in the 2015 delivery call – the Association is willing to take the steps necessary to file a delivery call, yet refuses to provide any information to support its position of material injury. *See Petitioner's Motion for Protective Order* (May 3, 2017).

Throughout the history of conjunctive management, it has been repeatedly established by the Idaho Supreme Court that senior water users must support their delivery calls with more than claimed reductions to their IDWR licenses or Snake River Basin Adjudication partial decrees. *See e.g. In re Distribution of Water to Various Water Rights Held By or For Ben. of A&B Irrig. Dist.*, 155 Idaho 640, 315 P.3d 828 (2013); *American Falls Res. Dist. No. 2 v. Idaho Dept. of Water Res.*, 143 Idaho 862, 154 P.3d 433 (2007).

Simply stated, and consistent with Idaho Supreme Court precedent since 2007, if the Association chooses to move IDWR for a protective order, the Association's delivery call is not supported by sufficient information and cannot legally proceed. As such, Bellevue joins with SVGWD in moving the Director to either dismiss the Association's delivery call, or stay the proceedings until the Association complies with discovery.

DATED this 9<sup>th</sup> day of May, 2017.



CHRIS M. BROMLEY  
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Attorneys for City of Bellevue

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 9<sup>th</sup> day of May 2017, I served a true and correct copy of the above and foregoing document by placing a copy of the same in the United States mail, postage prepaid, as well as by electronic mail, to the following:

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