

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

IN THE MATTER OF THE MITIGATION
PLAN FILED BY THE UPPER BIG LOST
RIVER GROUND WATER ASSOCIATION

Docket No. CM-MP-2017-001

**ORDER GRANTING PETITION
TO INTERVENE**

BACKGROUND

On October 13, 2017, the Upper Big Lost River Ground Water Association (“UBLR-GWA”) filed with the Idaho Department of Water Resources (“Department”) a *Mitigation and Aquifer Enhancement Plan of and for the Upper Big Lost River Ground Water Association Users* (“Mitigation Plan”) pursuant to Rule 50.04 of the Department’s Water Distribution Rules for Water District 34 (IDAPA 37.03.12.050.04) and the Department’s Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.01.11).

The Department published notice of the Mitigation Plan in the Arco Advertiser, Challis Messenger, and Post Register on November 16th and 23rd, 2017.

Big Lost River Ground Water District; Idaho Ground Water Appropriator’s, Inc.; Big Lost River Irrigation District; and Joel S. Andersen filed protests to the Mitigation Plan.

On December 8, 2017, the Director issued a *Notice of Prehearing Conference* scheduling a prehearing conference for March 22, 2018.

On December 14, 2017, the Director issued an *Amended Notice of Prehearing Conference* rescheduling the prehearing conference to March 15, 2018.

On January 17, 2018, the Director issued a *Second Amended Notice of Prehearing Conference* rescheduling the prehearing conference to March 29, 2018.

On March 16, 2018, the Department received a timely petition to intervene filed by Harvey Walker.

ANALYSIS

The Department's Rule of Procedure 353 states:

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.

The Director concludes that the Petitioner Harvey Walker has a direct and substantial interest in this matter and will not unduly broaden the issues. The Director further concludes that the interests of Harvey Walker are not adequately represented by existing parties. The Director will grant the petition to intervene.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the petition to intervene filed by Harvey Walker is GRANTED.

DATED this 27th day of March 2018.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March 2018, I served a true and correct copy of the foregoing document by U.S. mail, postage prepaid to the following:

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