

On July 16, 2010, the Idaho Ground Water Appropriators, Inc. ("IGWA"), the North Snake Ground Water District and the Magic Valley Ground Water District filed a *Notice of Appearance* in the above-captioned matter. On October 4, 2010, Clear Springs Foods, Inc. filed a *Notice of Appearance* in the above-captioned matter. Although these entities were parties to the underlying administrative proceeding, they were not made named parties in the *Petition for Judicial Review* filed by the Petitioners in this matter. After reviewing the applicable Idaho Rules of Civil Procedure and Idaho Appellate Rules, this Court will treat the *Notices of Appearance* as *Motions to Intervene* in the above-captioned matter, and will treat the above-mentioned entities as Intervenors.¹

This Court finds, following a review of the file, that IGWA, the North Snake Ground Water District, the Magic Valley Ground Water District, and Clear Springs Foods, Inc. are real parties in interest to this proceeding, that the same were parties to the underlying administrative proceeding from which judicial review is being requested, and that the same have interests that could be affected by the outcome of this proceeding in the form of water rights. This Court further finds that no party has objected to these entities participating in this proceeding. Therefore, in exercising its discretion, this Court finds that IGWA, the North Snake Ground Water District, the Magic Valley Ground Water District, and Clear Springs Foods, Inc. are entitled to leave to intervene as a party to this proceeding.

In order to correct this procedural irregularity in future cases the Court has amended its standard scheduling order to include the following:

Appearances by persons or entities who were a party to the underlying administrative proceeding but who were not made a named party in the *Petition for Judicial Review*: Where a person or entity who was a party to the underlying administrative proceeding is not made a named party in the *Petition for Judicial Review*, and is not otherwise a Petitioner, such person or entity may file a *Notice of Appearance* in this matter within fourteen (14) days from the date the person or entity is served with a copy of the *Petition for Judicial Review*. This Court will treat the *Notice of Appearance* as a *Motion to Intervene* and will treat the party filing the *Notice of Appearance* as an Intervenor.

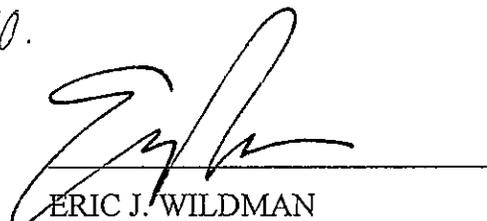
¹ The parties should note that in this instance the Court is treating the *Notice of Appearance* as a *Motion to Intervene* for housekeeping purposes. In doing so, it is the Court's intent to have the record in this matter clearly reflect which persons and/or entities are participants in this action. It is also the Court's intent to have the caption of this matter properly reflect all those parties who are participating in this action and to identify in what capacity those parties are participating (i.e., Petitioner, Respondent, or Intervenor).

Under such circumstances, the Court will automatically issue an order granting the *Motion to Intervene* unless one or more parties to the action files an opposition to the *Motion* within 10 days of the filing of the *Notice of Appearance*. A person or entity not a party to the underlying administrative proceeding who desires to participate in this action, and is not otherwise a Petitioner, must proceed in accordance with Idaho Appellate Rule 7.1.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

1. The *Motions to Intervene* filed by IGWA, the North Snake Ground Water District, the Magic Valley Ground Water District, and Clear Springs Foods, Inc. in the above-captioned proceeding is hereby granted.
2. All further captions used in this proceeding shall include IGWA, The North Snake Ground Water District, the Magic Valley Ground Water District, and Clear Springs Foods, Inc. as Intervenors as shown above.

Dated November 23, 2010.


ERIC J. WILDMAN
District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TREATING APPEARANCE AS MOTION TO INTERVENE AND GRANTING SAME was mailed on November 23, 2010, with sufficient first-class postage to the following:

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