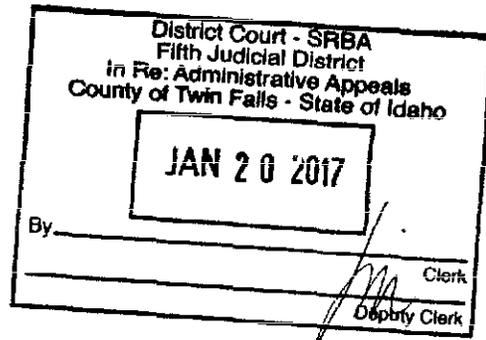


Scott L. Campbell, ISB No. 2251
 CAMPBELL LAW, CHARTERED
 Post Office Box 170538
 Boise, Idaho 83717
 Telephone (208) 949-0599
 scott@slclexh2o.com

Matthew J. McGee, ISB No. 7979
 MOFFATT, THOMAS, BARRETT, ROCK &
 FIELDS, CHARTERED
 101 S. Capitol Blvd., 10th Floor
 Post Office Box 829
 Boise, Idaho 83701
 Telephone (208) 345-2000
 Facsimile (208) 385-5384
 mjm@moffatt.com
 16845.0030

Attorneys for Sun Valley Company



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

MCCAIN FOODS USA, INC.,

Petitioner,

vs.

GARY R. SPACKMAN in his capacity as
 Director of the Idaho Department of Water
 Resources, and the IDAHO DEPARTMENT
 OF WATER RESOURCES,

Respondents.

Case No. CV01-16-21480

PETITION TO INTERVENE

Sun Valley Company (the "Company"), by and through undersigned counsel, and pursuant to Rule 24, Idaho Rules of Civil Procedure, moves the Court for an order granting intervention in this case.

ARGUMENT

Upon timely motion, a person should be allowed to intervene in an action who "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest." I.R.C.P. 24(a). Intervention should also be permitted, in the Court's discretion, if a party's claim or defense is based on a statute or order and the intervention will not delay or prejudice the adjudication. I.R.C.P. 24(b).

A. Neither the Parties, nor the Proceeding, Will be Prejudiced by the Company's Intervention.

No prejudice will accrue to the parties as a result of the Company's intervention. The Appellant has filed a Notice of Appeal and Petition for Judicial Review of Agency Action, the parties thereafter filed a joint motion to stay the proceeding, and an order so staying the proceeding was entered. No further filings or proceedings have occurred. The Company's involvement will not cause any delay.

B. The Company Claims an Interest in this Action

McCain's appeal challenges the Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area, dated November 2, 2016 (the "GWMA Order"). The GWMA Order purports to designate a ground water management area in the Eastern Snake Plain Aquifer (the "ESPA"), and certain tributary basins. The GWMA Order also identifies rules and standards relating to how the Director will make determinations that are not within the plain language of Idaho Code Section 42-233b about the scope of, and his authority to administer,

GWMA generally. The Court's decision in this appeal may affect not only the designation of the ESPA GWMA, and its future expansion and administration, but also may more generally affect the scope of the Director's authority to administer water rights under Section 42-233b. The Company's water rights are not presently within the boundaries of the designated ESPA GWMA, but the possibility of their inclusion in the future, as well as the wholly new and undefined standards and procedures under which the Director and Department are proceeding with designation and eventual administration under Idaho Code Section 42-233b, threatens the Company's valuable property rights.

C. The Company's Interests Are not Adequately Represented.

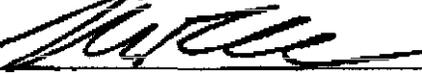
Neither McCain nor the Department adequately represents the Company's interests. McCain is a water user within the designated ESPA GWMA, with practical concerns about present or near-immediate impacts on its water rights. The Company seeks to participate to represent its interests in the Department's admitted efforts to change the water administration paradigm in Idaho, notwithstanding the fact it has, for now, been excluded from the ESPA GWMA.

CONCLUSION

For the foregoing reasons, the Company respectfully requests an order allowing its intervention in the above-captioned matter, upon expiration of the stay that was ordered December 7, 2016.

DATED this 20 day of January, 2017.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 

Matthew J. McGee – Of the Firm
Attorneys for Sun Valley Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20 day of January, 2017, I caused a true and correct copy of the foregoing **PETITION TO INTERVENE** to be served by the method indicated below, and addressed to the following:

Gary Spackman
 Director
 IDAHO DEPARTMENT OF WATER RESOURCES
 322 E. Front St.
 P.O. Box 83720
 Boise, ID 83720-0098
 gary.spackman@idwr.idaho.gov
 kimi.white@idwr.idaho.gov
 emmi.blades@idwr.idaho.gov
 deborah.gibson@idwr.idaho.gov

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile
 E-Mail
 iCourt

Garrick Baxter
 IDAHO DEPARTMENT OF WATER RESOURCES
 322 E. Front St.
 P.O. Box 83720
 Boise, ID 83720-0098
 Facsimile (208) 287-6700
 garrick.baxter@idwr.idaho.gov

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile
 E-Mail
 iCourt

Candice M. McHugh
 MCHUGH BROMLEY, PLLC
 380 S. 4th St., Suite 103
 Boise, ID 83702
 Facsimile (208) 287-0864
 cmchugh@mchughbromley.com
Attorneys for McCain Foods USA, Inc.

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail
 iCourt


 Matthew J. McGee