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DEPARTMENT OF WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES

SUN VALLEY COMPANY,)	Docket No. P-DR-2016-001
Petitioner,)	
)	
vs.)	BIG WOOD & LITTLE WOOD WATER USERS
)	ASSOCIATION'S PETITION TO INTERVENE
)	(IDAPA. 37.01.01.351)
)	
GARY SPACKMAN, Director of the Idaho)	
Department of Water Resources,)	
Respondent.)	
_____)	

COMES NOW, the Big Wood & Little Wood Water Users Association, by and through its attorney, Joseph F. James, of Brown & James, and hereby petitions Gary Spackman, the Director of the Idaho Department of Water Resources, for his order allowing Petitioner to intervene in the above captioned matter pursuant to the Idaho Department of Water Resources' Rules of Procedure, IDAPA 37.01.01.350 through 354. Further Petitioner states as follows:

1. The Big Wood & Little Wood Water Users Association (BWLWWUA) is an Idaho non-profit association with the capacity to institute, defend, intervene or participate in judicial and administrative proceedings.
2. The members of the BWLWWUA hold surface water rights for irrigation and other purposes, and are entitled to delivery of water from the Big Wood River and/or Little Wood River.
3. The BWLWWUA has previously instituted, and anticipates instituting in the future, water delivery calls before the Director of the Idaho Department of Water Resources
4. The water rights held by members of the BWLWWUA are all located within Water District 37, and are hydrologically connected to ground water rights in the Big Wood River Basin (Basin 37).

5. Basin 37 is a tributary basin to the Eastern Snake Plain Aquifer ("ESPA").
6. The Idaho Department of Water Resources ("Department") has proposed the establishment of a ground water management area encompassing the ESPA, and potentially Basin 37.
7. The Sun Valley Company ("Sun Valley") has petitioned the Director of the Department, in the above captioned mater, for a declaratory ruling in this matter addressing numerous issues.
8. One issue raised by Sun Valley is whether any action by the Director of the Department expanding the boundaries of the ESPA area of common ground water supply to include Basin 37, outside of formal rulemaking or contested case proceeding, is a contravention of existing statute, rules and/or common law.
9. Another issue raised by Sun Valley is whether any action by the Director of the Department designating an ESPA ground water management area which includes Water District 37 is contrary to the prior decisions of the Director of the Department.
10. The BWLWWUA has a direct and substantial interest in the subject matter of the above captioned proceedings and granting the BWLWWUA's Petition to Intervene will not unduly broaden the issues before the Director.
11. The BWLWWUA's interests are not adequately represented by existing parties.
12. The BWLWWUA's Petition to Intervene is timely.

WHEREFORE PETITIONER REQUESTS THAT:

1. The Director grant the BWLWWUA's Petition to Intervene in the above captioned matter and allow the BWLWWUA to appear and participate fully in all matters that may arise.

DATED this 27th day of September, 2016.

BROWN & JAMES


Joseph F. James

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September, 2016, the foregoing document was served on the following persons in the manner indicated:

Gary Spackman, Director	<u>X</u>	United States Mail, Postage Prepaid
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