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BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

)	Docket No. P-WRA-2017-002
)	
IN THE MATTER OF THE PETITION)	FREMONT MADISON
REGARDING STORAGE RESET IN WATER)	IRRIGATION DISTRICT; NORTH
DISTRICT 01 FILED BY MILNER IRRIGATION)	FORK RESERVOIR COMPANY;
DISTRICT)	IDAHO IRRIGATION DISTRICT
)	AND NEW SWEDEN
)	IRRIGATION DISTRICT
)	PETITION TO INTERVENE
)	

Fremont Madison Irrigation District (FMID), North Fork Reservoir Company (NFRCO), Idaho Irrigation District (IID) and New Sweden Irrigation District (NSID), acting for and on behalf of their members (hereinafter collectively referred to as "Upper Valley Storage Holders"), hereby petition to intervene in this matter pursuant to Idaho department of water resources (IDWR) Rules of procedures 350 through 354.

BACKGROUND

On August 18, 2017, Milner Irrigation District ("Milner") submitted a letter to IDWR asserting the "fall storage 'reset' for purposes of water right administration" in Water District 01 "is not authorized in the current storage water right partial decrees, including the Lake Walcott

storage right (1-219)” and “has in effect curtailed Milner’s natural flow water right 1-17 (November 14, 1916 priority date) in recent years.” Milner requests “the Water District and Director ensure Milner receives the appropriate natural flow as required by Idaho law.”

On October 5, 2017, the Director issued a Notice of Pre-Hearing Conference; Order setting Deadline for Petitions to Intervene scheduling the pre-hearing conference for November 13, 2017 and requiring all who wish to participate file a Petition to Intervene by November 12, 2017.

ANALYSIS

1. FMID, NFRCO, IID and NSID (Upper Valley Storage Holders) Petition to intervene is timely.

Because the Director’s order required all Petitions to Intervene be made by November 12, 2017, and this Petition to Intervene is being filed prior to said pre-hearing conference, it is thus timely.

2. Upper Valley Storage Holders claim a direct and substantial interest in the subject of Milner’s Demand.

Upper Valley Storage Holders and their respective members (or “electors” as the case may be) include storage water users who irrigate several thousands of acres from diversions in the upper reaches of the Snake River and Eastern Snake Plain Aquifer (ESPA). Upper Valley Storage Holders and their members’ water rights will be significantly impacted by the outcome of the current Milner demands. As such Upper Valley Storage Holders have a direct and substantial interest in the reset date of the reservoirs of WD01, including but not limited to the

issues asserted by Milner.

3. This Petition does not unduly broaden the issues.

Upper Valley Storage Holders seek to intervene to advance factual and legal argument related to the issue raised by Milner. Therefore, this Petition does not unduly broaden the issues.

4. Upper Valley Storage Holders interests are not adequately represented by existing parties.

No matter what other entities shall petition to intervene in this matter, because the Upper Valley Storage Holders hold not only storage rights in similar storage facilities as other petitioners but also hold storage rights in storage facilities where no other petitioners hold storage rights in the WD01 basin, they each have their unique set of facts and potential impacts from any modification in the present water accounting system as to reset dates of any reservoir in the basin, thus qualifying each individual entity to be at the table when changes to any water accounting/reset date is modified.

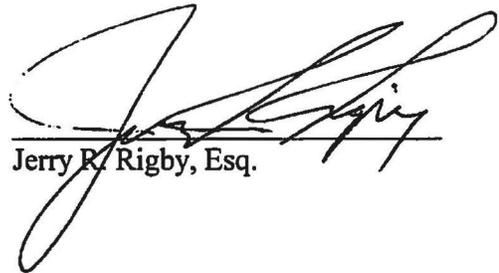
CONCLUSION

Based on the foregoing, FMID, NFRCO, IID and NSID respectfully request that this petition to intervene be granted.

Dated this 27th day of October, 2017.

RIGBY, ANDRUS & RIGBY LAW, PLLC

By:



Jerry R. Rigby, Esq.

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mailing, hand delivery or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 27th day of October, 2017.

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