

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

IN THE MATTER OF THE PETITION
REGARDING STORAGE RESET IN
WATER DISTRICT 01 FILED BY MILNER
IRRIGATION DISTRICT

Docket No. P-WRA-2017-002

**ORDER GRANTING PETITIONS TO
INTERVENE**

BACKGROUND

On August 18, 2017, Milner Irrigation District (“Milner”) submitted a letter to the Idaho Department of Water Resources (“Department”) 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 Prehearing Conference; Order Setting Deadline for Petitions to Intervene* explaining that Milner’s letter is a petition as defined by the Department’s Rule of Procedure 230 (*see* IDAPA 37.01.01.230); scheduling a prehearing conference for November 13, 2017; and ordering petitions to intervene be filed by November 12, 2017.

Petitions to intervene were timely filed by the Shoshone-Bannock Tribes; the Coalition of Cities (i.e. Bliss, Buhl, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, and Wendell); the Upper Valley Storage Holders (i.e. Fremont Madison Irrigation District, North Fork Reservoir Company; Idaho Irrigation District and New Sweden Irrigation District); the City of Pocatello; the Surface Water Coalition (i.e. A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company); Idaho Power Company; Aberdeen-Springfield Canal Company; the City of Idaho Falls; Palisades Water Users, Inc.; and the U.S. Bureau of Indian Affairs. No objections were filed to the petitions to intervene.

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 above-described petitions to intervene demonstrate the petitioners have a direct and substantial interest in this matter and will not unduly broaden the issues. The interests of those petitioning to intervene are not adequately represented by existing parties. The Director will grant the petitions to intervene.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the petitions to intervene filed by the Shoshone-Bannock Tribes; the Coalition of Cities; the Upper Valley Storage Holders; the City of Pocatello; the Surface Water Coalition; Idaho Power Company; Aberdeen-Springfield Canal Company; the City of Idaho Falls; Palisades Water Users, Inc.; and the U.S. Bureau of Indian Affairs are GRANTED.

DATED this 21st day of November 2017.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of November 2017, I served a true and correct copy of the foregoing document by U.S. mail, postage prepaid to the following:

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