

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

IN THE MATTER OF ADMINISTRATION)	ORDER GRANTING
AND ACCOUNTING OF ROTATION)	PETITIONS TO INTERVENE
NATURAL FLOW WATER INTO)	
MACKAY RESERVOIR FOR STORAGE)	
_____)	

BACKGROUND

On July 18, 2016, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued a *Final Order Regarding Instructions to Water District 34 Watermaster* in the above-captioned matter. On July 29, 2016, Nelson Mackay Ranch, LLC, filed a *Petition for Reconsideration; and/or Request for Hearing*.

On August 18, 2016, the Director issued an *Order Granting Request for Hearing*. On December 2, 2016, the Director issued a *Notice of Hearing; Order Authorizing Discovery; Scheduling Order* (“Scheduling Order”) scheduling a hearing on April 11, 2017; authorizing discovery; and adopting a schedule including a December 13, 2016, deadline for water users to submit to the Department petitions to intervene pursuant to the Department’s Rules of Procedure 350-52. *Scheduling Order* at 2.

On December 7, 2016, the Big Lost River Irrigation District (“BLRID”) timely filed *BLRID’s Petition to Intervene*. On December 8, 2016, Mitchell D. Sorensen (“Sorensen”) timely filed a *Motion to Intervene, and Statement of Position*. On December 12, 2016, Young Harvey Walker (“Walker”) timely filed a *Motion to Intervene and Statement of Position*. No opposition was filed to these petitions to intervene.

ANALYSIS

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 Director concludes that BLRID, Sorensen, and Walker all have a direct and substantial interest in this matter and will not unduly broaden the issues. The Director further concludes that the interests of BLRID, Sorensen, and Walker are not adequately represented by existing parties.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the petitions to intervene filed by BLRID, Sorensen, and Walker are GRANTED.

Dated this 22nd day of December 2016.

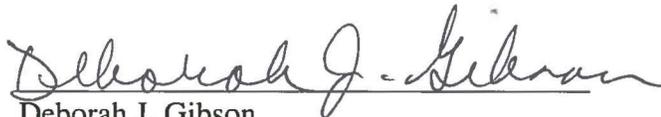


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of December 2016, I served a true and correct copy of the foregoing document on the following by the method indicated below:

Fritz X. Haemmerle Haemmerle Law, PLLC P.O. Box 1800 Hailey, Idaho 83333 fxh@haemlaw.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
W. Kent Fletcher Fletcher Law Offices P.O. Box 248 Burley, Idaho 83318 wkf@pmt.org	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Mitchell D. Sorensen 3871 W. 2500 N. Moore, Idaho 83255 soremd@gmail.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Young Harvey Walker 2338 N. 2930 W. Arco, Idaho 83213 why@atcnet.net	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email



Deborah J. Gibson
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 Idaho Department of Water Resources