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RECEIVED

OCT 17 2014

DEPARTMENT OF
WATER RESOURCES

Attorneys for Ditch Companies

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF
ACCOUNTING FOR
DISTRIBUTION OF WATER
TO THE FEDERAL ON-
STREAM RESERVOIRS IN
WATER DISTRICT 63

**NOTICE OF INTENT TO PARTICIPATE
SUBMITTED BY THE DITCH COMPANIES**

COMES NOW, Ballentyne Ditch Company, Boise Valley Irrigation Ditch Company, Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch Company, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., Nampa & Meridian Irrigation District, New Dry Creek Ditch Company, Pioneer Ditch Company, Settlers Irrigation District, South Boise Water Company, and Thurman Mill Ditch Company (hereinafter collectively known as "Ditch Companies"), by and through their counsel, Sawtooth Law Offices, PLLC, and submit this *Notice of Intent to Participate* in the above-titled matter. This *Notice of Intent to Participate* is submitted pursuant to the *Scheduling Order; Notice of Hearing; Order Authorizing*

ORIGINAL

Discovery issued on October 14, 2014. While said *Scheduling Order* did not provide any requirements to participate in this matter, the Ditch Companies have already participated in this matter and previously filed a *Statement* following the initiation of the Contested Case in December 2013. The Ditch Companies' interest in this matter was explained in said *Statement* which provided, in part, the following concerning the Ditch Companies' interest.

1. The Ditch Companies consist of irrigation districts and canal companies located in Basin 63. The irrigation districts deliver water to lands to which they have apportioned their water rights pursuant to Title 43 of the Idaho Code. The canal or ditch companies deliver water to land owners who hold shares issued by the companies. The Ditch Companies own natural flow water rights that they divert from the Boise River or other tributaries in Basin 63 and deliver through their canal systems. To ensure that the lands served by Ditch Companies have adequate water supplies as the natural flows of the Boise River decline, they have rights to divert and deliver portions of the waters stored in one or more of the three Boise River reservoirs; Lucky Peak, Arrowrock and Anderson Ranch.

2. These same Ditch Companies were also parties to the *U.S. v. Pioneer Irrigation District*, 144 Idaho 106, 157 P.3d 600 (2007) in which the Idaho Supreme Court recognized the important role of the irrigation entities and their landowners/shareholders in diverting the stored water and putting the water to beneficial use. The Idaho Supreme Court held that the Ditch Companies and their landowners/shareholders have a beneficial ownership interest in the storage water rights and a remark recognizing such ownership has been placed on the water rights which have been partially decreed for the Lucky Peak, Arrowrock and Anderson Ranch Reservoirs.

3. These same Ditch Companies have also been engaged and are parties to the *Basin*

Wide Issue No. 17, and which is referenced in the Director's *Notice of Contested Case*. The Ditch Companies' position in *Basin Wide Issue No. 17* has been extensively briefed and argued before the District Court for the Snake River Basin Adjudication and the Idaho Supreme Court. The Ditch Companies will not restate those arguments herein but the briefs and arguments are hereby incorporated herein as is necessary or appropriate at this stage in this *Contested Case*.

Accordingly, the Ditch Companies desire to participate in this matter and have a right and interest in this matter. To the extent an Order allowing said participation is necessary or required then the Ditch Companies respectfully request the issuance of such an Order.

DATED this 17th day of October, 2014.

SAWTOOTH LAW OFFICES, PLLC

By: 
S. Bryce Farris

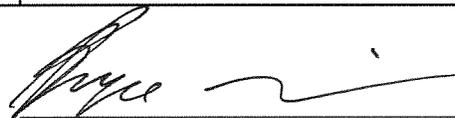
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October, 2014, I served the foregoing to the following and by the method indicated below:

Erika E. Malmen PERKINS COIE LLP 111 West Jefferson St., Ste. 500 Boise, ID 83702-5391 emalmen@perkinscoie.com	<input 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
Peter R. Anderson TROUT UNLIMITED 910 W. Main St., Ste. 342 Boise, ID 83702 panderson@tu.org	<input 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

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<p>Ron Shurtleff Watermaster Water District 65 102 N. Main St. Payette, ID 83661</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email</p>
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S. Bryce Farris