

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT & LICENSE NO. 01-07011)
)
APPLICANT:)
TWIN FALLS CANAL CO. &)
NORTH SIDE CANAL CO.)
_____)

**ORDER GRANTING
PETITIONS FOR
INTERVENTION**

The Petition to Intervene of Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Clark-Jefferson Ground Water District, Madison Ground Water District, and Aberdeen-Springfield Canal Company is GRANTED.

The Petition to Intervene of Mud Lake Water Users, Independent Water Users, Jefferson Canal Company, Montevieu Canal Company, Producer's Canal Company, and Fremont-Madison Irrigation District (who may be collectively referred to as the "Upper Snake Water Users"), is GRANTED.

The Petition to Intervene of the Idaho Water Resource Board (TWRB) is GRANTED, limited to matters arising out of the second issue identified on page 3 of the North Side Canal Company and Twin Falls Canal Company's Response in Opposition to the Grounds on Which the Idaho Water Resource Board Moves for Intervention.

The second matter appealed relates to license condition which includes the state's newly included subordination to groundwater recharge. It states:

The diversion and use of water for hydropower purposes under this water right shall be subordinated to all subsequent upstream beneficial depletionary uses, other than hydropower, within the Snake River Basin of the state of Idaho that are initiated later in time than the priority of this water right and shall not give rise to any right or claim against any junior-priority rights for the depletionary or consumptive beneficial use of water, other than hydropower, within the Snake River Basin of the state of Idaho initiated later in time than the priority of water right no. 01-7011.

Dated this 27 day of March, 2009.


GERALD SCHROEDER
HEARING OFFICER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2009, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

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