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RECEIVED

Apr 25, 2025

DEPARTMENT OF  
WATER RESOURCES

**STATE OF IDAHO**

**DEPARTMENT OF WATER RESOURCES**

IN THE MATTER OF THE MITIGATION  
PLAN OF FALLS WATER CO., INC.

Docket No. CM-MP-2024-004

IN THE MATTER OF DISTRIBUTION OF  
WATER TO VARIOUS WATER RIGHTS  
HELD BY OR FOR THE BENEFIT OF  
A&B IRRIGATION DISTRICT,  
AMERICAN FALLS RESERVOIR  
DISTRICT #2, BURLEY IRRIGATION  
DISTRICT, MILNER IRRIGATION  
DISTRICT, MINIDOKA IRRIGATION  
DISTRICT, NORTH SIDE CANAL  
COMPANY, AND TWIN FALLS CANAL  
COMPANY

**IGWA’S PETITION TO INTERVENE**

Idaho Ground Water Appropriators, Inc. (IGWA), acting for and on behalf of its members, hereby petitions the Director under Rules 350 through 354 of the Rules of Procedure of the Idaho Department of Water Resources (IDWR) to intervene in *In the Matter of the Mitigation Plan of Falls Water Co.*

Rule 351 allows intervention by any person who “claim[s] a directive substantial interest in the proceeding.”<sup>1</sup> A petition is timely if it is filed “at least fourteen (14) days before the date set for formal hearing, or by the date of the prehearing conference, whichever is earlier.”<sup>2</sup> “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

<sup>1</sup> IDAPA 37.01.01.350.

<sup>2</sup> IDAPA 37.01.01.352.

intervention, subject to reasonable conditions, unless the applicant's interest is adequately represented by existing parties.”<sup>3</sup> As explained below, IGWA should be granted intervention under this standard.

**1. This petition is timely.**

The pleadings posted to the IDWR website in these matters indicate that a date has not been set for a formal hearing or prehearing conference. Therefore, this petition is timely filed.

**2. IGWA has a direct and substantial interest in these matters.**

The mitigation plan filed by Falls Water Co., Inc. (Falls Water) proposes to provide mitigation in the Surface Water Coalition (SWC) delivery call case, Docket No. CM-DC-2010-001. IGWA is a party to the SWC delivery call case, and its member ground water districts currently provide mitigation to the SWC under Docket No. CM-MP-2024-003 (2024 Plan). The mitigation activities conducted by Falls Water may have direct or indirect impacts on the mitigation activities conducted by IGWA and its members. For example, if mitigation activities do not sustain or increase gains to the Near Blackfoot-Minidoka reach of the Snake River, IGWA's mitigation obligations under the 2024 Plan.

The Falls Water mitigation plan proposes to mitigate on the same terms as the Coalition of Cities' mitigation plan approved in Docket No. CM-MP-2019-001. However, unlike the Coalition of Cities' mitigation plan, the Falls Water mitigation plan has not been stipulated to by the SWC. The Coalition of Cities mitigation plan anticipates that other cities wishing to mitigate injury to the SWC would participate in its plan. Further, the Methodology Order has changed since the Coalition of Cities mitigation plan was approved. If Falls Water wishes to mitigate on the same terms as the Coalition of Cities, it should join the Coalition of Cities plan.

**3. IGWA's participation will not unduly broaden the issues.**

IGWA presently seeks intervention in these matters to enable IGWA to effectively monitor these matters and participate as needed. IGWA does not anticipate inserting new issues into these matters, nor broadening the issues that exist by rule under CM Rule 43. IGWA's interests in this matter are fairly encompassed by issues that are part of this proceeding under CM Rule 43.03.

**4. IGWA's interests are not adequately represented by existing parties.**

One of IGWA's member ground water districts, Bonneville-Jefferson Ground Water District, has filed a petition to intervene in this proceeding. Bonneville-Jefferson Ground Water District does not represent the interests of all of IGWA's member districts, however. Therefore, IGWA's interests are not adequately represented by existing parties.


For the foregoing reasons, IGWA respectfully requests intervention in this case.

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<sup>3</sup> IDAPA 37.01.01.353.

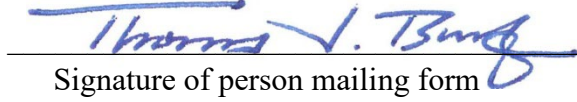
DATED this 25<sup>th</sup> day of April, 2025.

RACINE OLSON, PLLP

By:   
Thomas J. Budge  
*Attorneys for IGWA*

## CERTIFICATE OF MAILING

I certify that on this 25<sup>th</sup> day of April, 2025, the foregoing document was served on the following persons in the manner indicated.

  
Signature of person mailing form

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