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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 PANCHERI CO., INC.

Docket No. CM-MP-2025-001

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 Pancheri Co., Inc.*.

Rule 351 allows intervention by any person who “claim[s] a directive substantial interest in the proceeding.”¹ 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.”² “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

¹ IDAPA 37.01.01.350.

² IDAPA 37.01.01.352.

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

1. This petition is timely.

The pleadings posted to the IDWR website indicate that IDWR has not yet published notice of the mitigation plan filed by Pancheri Co., Inc. (Pancheri), nor has a date 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 Pancheri plan proposes to provide mitigation to the Surface Water Coalition (SWC) in the 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 the mitigation approved in Docket No. CM-MP-2024-003 (2024 Plan). The mitigation activities conducted by Pancheri may have direct or indirect impacts on the mitigation activities conducted by IGWA and its members under the 2024 Plan. 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. In addition, the 2024 Plan anticipates that other groundwater irrigators will join the 2024 Plan and contribute toward the storage water obligation set forth in section 6 of the 2024 Plan.

The Pancheri mitigation plan proposes to mitigate on terms similar to those of Jefferson-Clark Ground Water District under the 2024 Plan. However, unlike Jefferson-Clark Ground Water District, Pancheri does not offer storage water to mitigate material injury to the SWC. In addition, unlike the 2024 Plan, the SWC has not stipulated to the Pancheri mitigation plan. If Pancheri wishes to mitigate on the same terms as Jefferson-Clark Ground Water District, Pancheri should petition to annex its property into Jefferson-Clark Ground Water District or form a new ground water district with other irrigators in the Little Lost River Basin and request to join the 2024 Plan as a group.

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.


To IGWA's knowledge, no other parties have petitioned to intervene in this matter; thus, no other parties to this matter adequately represent the interests of IGWA's members.

³ IDAPA 37.01.01.353.

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

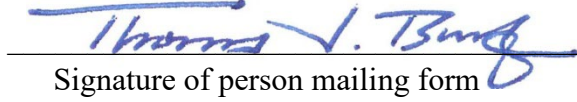
DATED this 25th day of April, 2025.

RACINE OLSON, PLLP

By: 
Thomas J. Budge
Attorneys for IGWA

CERTIFICATE OF MAILING

I certify that on this 25th 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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