

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DESIGNATING THE
EASTERN SNAKE PLAIN AQUIFER
GROUND WATER MANAGEMENT AREA

Docket No. AA-GWMA-2016-001

**ORDER GRANTING PETITIONS
TO INTERVENE**

BACKGROUND

On November 4, 2016, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued an *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area* (“ESPA GWMA Order”). On November 16, 2016, the City of Pocatello (“Pocatello”), the Coalition of Cities,¹ and Sun Valley Company (“SVC”) each filed petitions for reconsideration of the ESPA GWMA Order.² SVC also filed a *Petition Requesting a Hearing on Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area*.

On December 2, 2016, the Director issued an *Order Granting Request for Hearing; Notice of Pre-Hearing Conference*, granting SVC’s request for hearing and scheduling a pre-hearing conference for January 12, 2017. Timely petitions to intervene were filed by the Idaho Ground Water Appropriators, Inc. (“IGWA”); the Surface Water Coalition (“SWC”)³; Pocatello; the Coalition of Cities; McCain Foods USA, Inc (“McCain”); and South Valley Ground Water District (“SV GWD”). 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

¹ The cities participating as the Coalition of Cities in this matter are Bliss, Buhl, Burley, Carey, Delco, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, and Wendell.

² On November 23, 2016, SVC filed an amended petition for reconsideration and a joinder in the petitions for reconsideration filed by the City of Pocatello and the Coalition of Cities.

³ The SWC is comprised 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.

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 IGWA, the SWC, Pocatello, the Coalition of Cities, McCain, and SV GWD 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 IGWA, the SWC, Pocatello, the Coalition of Cities, McCain, and SV GWD are not adequately represented by existing parties.

ORDER

Based on and consistent with the foregoing, IT IS HEREBY ORDERED that the petitions to intervene filed by IGWA, the SWC, Pocatello, the Coalition of Cities, McCain , and SV GWD are GRANTED.

DATED this 27th day of December 2016.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of December 2016, the above and foregoing was served on the following by the method(s) indicated below:

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