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DEPARTMENT OF
WATER RESOURCES

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Attorney for Clear Springs Foods, Inc.

**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

**CLEAR SPRINGS FOODS, INC.'S
PETITION TO INTERVENE**

COME NOW, Clear Springs Foods, Inc., by and through its counsel of record, and pursuant to the Department's Rules of Procedure 350 – 354 (IDAPA 37.01.01), hereby petitions to intervene in the above-captioned matter.

FACTS

On November 2, 2016, the Director issued his *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area* ("Final Order"). Thereafter, Sun Valley Company, the City of Pocatello, and the Coalition of Cities all filed petitions for reconsideration. Sun Valley Company also filed a petition requesting a hearing. The Idaho Ground Water Appropriators, Inc. (IGWA) filed a petition to intervene.

STANDARD FOR INTERVENTION

The Department's Rules of Procedure provide the following for persons seeking to intervene in a proceeding:

Petitions to intervene must comply with Rules 200, 300, and 301. The petition must set forth the name and address of the potential intervenor and must state the direct and substantial interest of the potential intervenor in the proceeding. If affirmative relief is sought, the petition must state the relief sought and the basis for granting it.

Rule 351.

ARGUMENT

I. Name and address of potential intervenor (Rule 350).

The name of the potential intervenor is Clear Springs Foods, Inc. ("Clear Springs"). The address is:

Clear Springs Foods, Inc.
P.O. Box 712
Buhl, Idaho 83316

II. Statement of "direct and substantial interest of the potential intervenor" (Rule 350).

Clear Springs Foods, Inc. is a vertically integrated, employee-owned food company headquartered in Buhl, Idaho. Clear Springs is the world's largest producer of aqua-cultured rainbow trout, said rearing occurring primarily at one of four owned facilities (Box Canyon, Clear Lake, Crystal and Snake River) or two (Briggs West and Briggs East) farms. Clear Springs Foods, Inc. has a direct and substantial interest in this proceeding because it owns water rights that are diverted from springs fed by the Eastern Snake Plain Aquifer into these facilities. Clear Springs Foods, Inc. is frequently involved in water right application proceedings for diversion from the ESPA, seeking to protect their water rights and water supply generally.

III. Timeliness (Rule 352).

Rule 352 requires that a Petition to Intervene be filed "at least fourteen (14) days before the

date set for formal hearing, or by the date of the prehearing conference, whichever is earlier, unless a different time is provided by order or notice.” In his January 17, 2017 *Notice of Continued Pre-hearing Conference; Order Staying Proceedings Except Intervention*, the Director extended the time for filing petitions to intervene to March, 22, 2017. Pursuant to this order and the Director’s inquiry of Sun Valley Company regarding its position regarding intervention, Clear Springs did contact counsel for Sun Valley Company. Counsel indicated that Sun Valley Company would not oppose the intervention of Clear Springs in these proceedings.

IV. Intervention “does not unduly broaden the issues” (Rule 353).

Clear Springs Foods, Inc. has reviewed the list of issues identified in the Petitions to Intervene filed by the Surface Water Coalition, Idaho Ground Water Appropriators, Inc., Big Wood and Little Wood Water Users Association, Water District 37-B Ground Water Association, Basin 33 Water Users, City of Hailey, South Valley Ground Water District, McCain Foods USA Inc., and the Coalition of Cities. No other party has interests similar to the spring rights of Clear Springs or utilizes the water for aqua culture use. Clear Springs’ interests in the viability and sustainability of the ESPA water supply are similar to other water right holders in the Thousand Springs reach of the Snake River. Clear Springs’ intervention will “not unduly broaden the issues” but will instead allow for a complete briefing and argument relative to the issues brought before the Director.

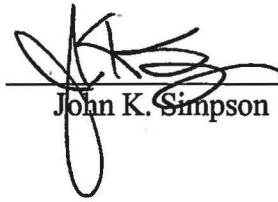
CONCLUSION

Clear Springs Foods, Inc.’s petition is timely, demonstrates a direct and substantial interest, does not unduly broaden the issues, and further demonstrates that no existing party adequately represents its interests. Therefore, Clear Springs Foods, Inc. requests an order from the Director granting intervention this proceeding. *See* Rule 354.

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DATED this 28th day of February, 2017.

BARKER ROSHOLT & SIMPSON LLP



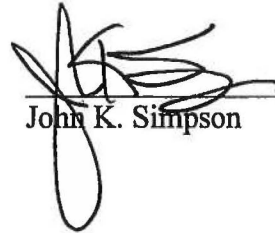
John K. Simpson

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February, 2017, I served a true and correct copy of the foregoing **CLEAR SPRINGS FOODS, INC.'S PETITION TO INTERVENE** on the following by the method indicated:

<p>Director Gary Spackman c/o Kimi White Idaho Dept. of Water Resources 322 E Front St Boise, Idaho 83720-0098 *** service by U.S. and electronic mail</p> <p>gary.spackman@idwr.idaho.gov kimi.white@idwr.idaho.gov garrick.baxter@idwr.idaho.gov</p>	<p>Scott Campbell Campbell Law, Chtd. P.O. Box 170538 Boise, Idaho 83717 *** service by electronic mail only</p> <p>scott@slclehx2o.com</p>	<p>Matt McGee Sarah McCormack Moffatt Thomas, Chtd. P.O. Box 829 Boise, Idaho 83701 *** service by electronic mail only</p> <p>mjm@moffatt.com sam@moffatt.com</p>
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