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 prehearing conference for January 12, 2017.3

At the prehearing conference, the parties and Director agreed that the prehearing conference should be continued to March 22, 2017. The parties and Director also agreed that proceedings in this matter should be stayed until March 22, 2017, except that the Director would extend the time for filing petitions to intervene to March 22, 2017, and would accept and potentially address such petitions during the stay. Consistent with these agreements, the Director

1 The cities participating as the Coalition of Cities in this matter are Bliss, Buhl, Burley, Carey, Declo, Dietrich, Gooding, Hazleton, 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 Pocatello and the Coalition of Cities.

3 Timely petitions to intervene were filed by the Idaho Ground Water Appropriators, Inc.; the Surface Water Coalition; Pocatello; the Coalition of Cities; McCain Foods USA, Inc.; the Basin 33 Water Users; the South Valley Ground Water District, the City of Hailey, the Big Wood and Little Wood Water Users Association, and the Water District 37-B Ground Water Association. The Director issued orders granting these petitions to intervene.

On February 28, 2017, the Department received the Clear Springs Foods, Inc.’s Petition to Intervene and the Idaho Power Company’s Petition to Intervene (collectively, “Petitions”). The Department received no objections to the Petitions.

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 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 Clear Springs Foods, Inc., and Idaho Power Company have a direct and substantial interest in this matter and will not unduly broaden the issues. The Director further concludes that the interests of Clear Springs Foods, Inc., and Idaho Power Company are not adequately represented by existing parties. Accordingly, the Director will grant the Petitions.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the petition to intervene filed by Clear Springs Foods, Inc., is GRANTED.

IT IS FURTHER ORDERED that the petition to intervene filed by Idaho Power Company is GRANTED.

DATED this 9th day of March 2017.

GARY SPACKMAN
Director
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ___ day of March 2017, the above and foregoing was served on the following by the method(s) indicated below:

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