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DEPARTMENT OF
WATER RESOURCES

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**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

AA-GWMA-2016-001

**MCCAIN FOODS USA, INC.'S NOTICE
OF WITHDRAWAL OF OPPOSITION
TO THE ORDER DESIGNATING THE
EASTERN SNAKE PLAIN AQUIFER
GWMA AND REQUEST TO REMAIN AS
INTERVENOR**

COMES NOW McCain Foods USA, Inc. ("McCain") by and through its counsel and hereby files this *Notice of Withdrawal of Opposition to the Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area and Request to Remain as Intervenor* ("Notice"). Counsel for McCain has conferred with counsel for all parties to the above captioned matter and there is no objection to this Notice.

I. BACKGROUND and ARUMENT

On November 2, 2016, the Director of the Department of Water Resources ("Department") issued an *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area*, ("Order"). On or about December 16, 2016, McCain filed a timely *Petition for Intervention* ("Petition") contesting the Order. McCain's Petition was granted by the Department on December 27, 2016. McCain has attended and participated in the status conferences and prehearing conference since that time.

MCCAIN FOODS USA, INC.'S NOTICE OF WITHDRAWAL OF OPPOSITION -1

On July 11, 2019, the Director held a prehearing conference at which time McCain was still in opposition to the creation of the Eastern Snake Plain Aquifer Ground Water Management Area as set forth in the Order. Since the pre-hearing conference, McCain has consulted with various parties in the matter and has reviewed additional information and requests to withdraw its opposition to the Order; however, given the fact that McCain owns water rights that fall within the area to be designated as a Ground Water Management Area, is not a member of a Ground Water District and still has concerns on whether or not mitigation for its own water use and rights will be allowed if the ground water management area is designated, McCain requests that it be allowed to remain as an intervenor in this matter. Allowing McCain to remain as an intervenor will not prejudice any party to the matter.

Also at the July 11, 2019, prehearing conference, the Director issued an order setting forth August 1, 2019 as the “[d]eadline for a party to submit ... a statement of issues that the party believes the Director should address at the hearing in this contested case....” Because McCain is now withdrawing its opposition to the creation of the GWMA, it will not be submitting any statement of issues, but would reserve the right to respond to any statement of issues submitted by parties that provide statements.

II. CONCLUSION

Based on the foregoing, McCain requests that it be allowed to withdraw its opposition but remain as an Intervenor, especially in light of the fact that no party objects to the relief sought herein.

DATED this 30th day of July, 2019.



Candice M. McHugh
McHugh Bromley, PLLC
Attorneys for McCain Foods USA, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2019, I served a true and correct copy of the foregoing document on the person(s) whose names and addresses appear below by the method indicated:

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