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South Valley Ground Water District

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF BIG WOOD RIVER
 GROUND WATER MANAGEMENT AREA

**SOUTH VALLEY GROUND
 WATER DISTRICT'S
 PETITION TO INTERVENE**

COMES NOW, the South Valley Ground Water District (“SVGWD” or “District”), by and through counsel of record, Barker Rosholt & Simpson, LLP, pursuant to the Idaho Department of Water Resources’ Rules of Procedure 350-354 (IDAPA 37.01.01.350-354), and hereby petitions to intervene in the above-captioned matter.

FACTS

The District was formed in 2015 by the Blaine County Board of Commissioners to represent the interests of ground water users located primarily in the Bellevue Triangle area. Under Idaho law, a ground water district is authorized to be a party to suits, actions and proceedings. Ground water districts routinely appear in proceedings before the Idaho Department of Water Resources (the “Department”), including in delivery call cases, to protect the interests of their members. This proceeding addresses the Department’s May 17, 2022 moratorium order on all applications to

appropriate water in the Big Wood River Groundwater Management Area (“BWRGMA”). The District has an interest in this proceeding.

STANDARD OF REVIEW

The Department's Rules of Procedure provides:

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.

IDAPA 37.01.01.351.

Petitions to intervene must be filed at least 14 days before the date set for the formal hearing, or by the date of the pre-hearing conference. *See* IDAPA 37.01.01.352.

ARGUMENT

I. SVGWD’s Petition is Timely.

The Department issued its *Order Establishing Moratorium* (“Moratorium Order”) on May 17, 2022. On May 31, 2022, the City of Bellevue timely filed its *Motion for Clarification and Reconsideration and Request for Hearing*. On June 21, 2022, the Department issued its *Order Denying Request for Clarification and Reconsideration; Order Granting Request for Hearing*. The Department gave notice at that time that a prehearing conference will be held on August 15, 2022. Thus, SVGWD’s Petition is timely as it was filed on July 21, 2022, at least 14 days before the prehearing conference.

II. SVGWD’s Interest in the Proceeding.

SVGWD has a direct and immediate interest in this proceeding because its members hold ground water rights that are all located within the BWRGMA, which is impacted by the Moratorium Order. The BWRGMA has a limited amount of water, and the scope of the Moratorium Order will likely impact the District’s members, among others. Further, SVGWD members will be subject to

any potential administrative actions that result from the scope of the Moratorium Order.

III. SVGWD’s Petition does not Broaden the Issues.

SVGWD only seeks to appear to protect the interests of its members who will be impacted by the Moratorium Order.

IV. SVGWD is not Adequately Represented by Existing Parties

SVGWD seeks to represent the interests of a broad spectrum of its ground water users, whose direct participation in this proceeding will not be necessary if intervention is granted. None of the individual ground water users, parties to this proceeding, represent the entire broad spectrum of BWRGMA’s ground water users.

CONCLUSION

SVGWD’s Petition is timely, demonstrates a direct and substantial interest, does not broaden the issues, and demonstrates that no existing party adequately represents its interests. Therefore, SVGWD requests and order from the Director granting intervention in this proceeding.

DATED this 22nd day of July, 2022.

BARKER ROSHOLT & SIMPSON LLP

/s/ ALBERT P. BARKER

Albert P. Barker
*Attorneys for South Valley Ground
Water District*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of July 2022, the above and foregoing, was served by the method indicated below, and addressed to the following:

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Mat Weaver – Acting Director
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