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

IN THE MATTER OF BIG WOOD RIVER
GROUND WATER MANAGEMENT AREA

**BIG WOOD & LITTLE WOOD WATER
USERS ASSOCIATION'S
PETITION TO INTERVENE**

COMES NOW, the BIG WOOD & LITTLE WOOD WATER USERS ASSOCIATION, as the representative of its individual parties to the above-entitled matter, by and through its attorneys of record, Jerry R. Rigby and Chase T Hendricks of RIGBY, ANDRUS & RIGBY LAW, PLLC, 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 Big Wood & Little Wood Water Users Association ("BWLWWUA") is organized as a group of senior surface water users that are individual parties represented collectively as an association. In September 2020, the Galena Groundwater District ("GGWD") and South Valley Groundwater District ("SVGWD") submitted a draft Big Wood Regional Groundwater Management Area ("BWRGWMA") ground water management plan to IDWR. In October 2020, the BWLWWUA and

Big Wood Canal Company (“BWCC”) submitted a draft agreement proposing elements of, and a road map to, the development of a conjunctive management plan for ground water and surface water rights in the BWRGWMA. In response to the two proposals, IDWR Director Gary Spackman (“Director”) formed an advisory committee to draft a new management plan for the BWRGWMA. From the fall of 2020 through the spring of 2021 the advisory committee met approximately biweekly to learn from experts about the hydrology and hydrogeology of the Wood River Basin and to evaluate management plan options for the BWRGWMA.

Furthermore, a Management Policy for the Big Wood River Ground Water Management Area issued on June 28, 1991, (“1991 Policy”) in connection with the Idaho Department of Water Resources’ (“IDWR” or “Department”) order designating the Big Wood River Ground Water Management Area (“Management Area Order”). The 1991 Policy limits the development of ground water for new consumptive uses within the BWRGWMA. The Big Wood Management Plan anticipated IDWR may replace the 1991 Policy with a moratorium order. This proceeding addresses the Department’s May 17, 2022 moratorium order on all applications appropriate water in the Big Wood River Groundwater Management Area (“BWRGMA”).

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. BWLWWUA'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 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, BWLWWUA's Petition is timely as it will be filed on July 28, 2022, at least 14 days before the prehearing conference.

II. BWLWWUA's Interest in the Proceeding.

BWLWWUA has a direct and immediate interest in this proceeding because each of its members individually hold senior surface water rights that are at risk of material injury because of the groundwater pumping that occurs within the BWRGMA, and which is impacted by the Moratorium Order. The BWRGMA has a limited amount of water, and the scope of the Moratorium Order will certainly impact the BWLWWUA's members, among other senior surface water users.

III. BWLWWUA's Petition does not Broaden the Issues.

BWLWWUA only seeks to appear to protect the interests of its members who will be impacted by the Moratorium Order. Furthermore, BWLWWUA was a party in the original petition to the Department for the Moratorium Order.

IV. BWLWWUA is not Adequately Represented by Existing Parties

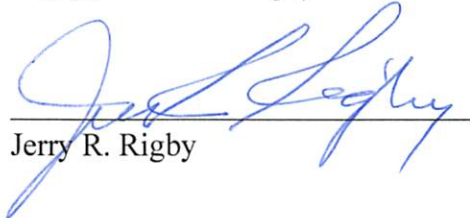
Unless this petition to intervene is granted, BWLWWUA does not have adequate representation of those senior surface water rights or users and those directly harmed and affected by the removal or reduction of the Moratorium Order. Therefore, BWLWWUA would request to intervene to represent those interests.

CONCLUSION

BWLWWUA'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, BWLWWUA requests and order from the Director granting intervention in this proceeding.

DATED this 28th day of July, 2022.

Rigby, Andrus & Rigby Law, PLLC



Jerry R. Rigby



Chase T Hendricks
*Attorneys for Big Wood & Little Wood
Water Users Association, an Idaho
Nonprofit Unincorporated Association*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th 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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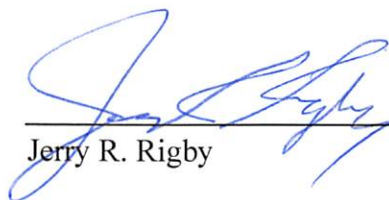
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