

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

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT HELD BY LYNCLIF FARMS, WATER RIGHT NO. 36-07875 <hr style="width:45%; margin-left:0;"/>))))))	Docket No. CM-DC-2003-001 ORDER DESIGNATING THE CITY OF POCATELLO AS A RESPONDENT
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On July 11, 2014, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) received the *City of Pocatello’s Petition to Be Designated a Respondent or Alternatively to Intervene* (“Petition”) in this matter before the Department. The Petition requests that the Director designate the city of Pocatello (“Pocatello”) as a respondent pursuant to the Department’s Rules of Procedure, IDAPA 37.01.01 *et seq.*, in response to LynClif Farms’ letter regarding water right no. 36-7875, received by the Department May 28, 2014 (“Delivery Call”).¹ Alternatively, Pocatello requests to intervene.

A status conference was held on July 22, 2014, wherein Lynn Babington and Clifton Jensen, representatives for LynClif Farms, stated they do not oppose Pocatello’s Petition.

A respondent is defined as: “Persons against whom complaints are filed or about whom investigations are initiated” IDAPA 37.01.01.154. Under the Department’s *Rules for Conjunctive Management of Surface and Ground Water Resources*, IDAPA 37.03.11 *et seq.*, the Director is authorized to curtail junior ground water rights for the benefit of senior surface or ground water rights.

The Delivery Call asserts crops of sturgeon have been stocked in ponds at the LynClif Farms facility at forty percent capacity in the last ten years due to diminished water available to water right no. 36-7875, which has a priority date of October 24, 1979. The Delivery Call asserts material injury to water right no 36-7875 due to junior ground water pumping up gradient from springs supplying Billingsley Creek.

Pocatello diverts its municipal water supply from wells in the Eastern Snake Plain Aquifer and owns and operates associated surface water rights. Some of Pocatello’s rights are among those which LynClif asserts are causing it injury. Accordingly, Pocatello meets the

¹ On December 18, 2003, LynClif Farms sent a letter to the Department requesting delivery of water by administration of water right no. 36-7875. The Department assigned the delivery call docket no. CM-DC-2003-001. The letter received by the Department on May 28, 2014, requested reactivation of the 2003 delivery call.

definition of a respondent and shall be designated and permitted to participate as such in this matter.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the City of Pocatello is designated as a respondent in the above-captioned proceeding.

Dated this 23rd day of July, 2014.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of July, 2014, a true and correct copy of the above and foregoing document described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Designating the City of Pocatello as a Respondent

LYNCLIF FARMS
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Deborah Gibson

Admin. Assistant for the Director