

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

IN THE MATTER OF DISTRIBUTION OF)	Docket No. CM-DC-2014-001
WATER TO WATER RIGHTS HELD BY)	
AQUARIUS AQUACULTURE, WATER)	ORDER GRANTING PETITION
RIGHT NOS. 36-07092B, 36-07159, AND)	TO INTERVENE
36-07160)	
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On July 17, 2014, the Idaho Ground Water Appropriators, Inc. (“IGWA”) timely filed *IGWA’s Petition to Intervene* (“Petition”). The Petition requests that the Director grant IGWA’s request to intervene in the above-referenced matter before the Department pursuant to the Department’s Rules of Procedure 156 and 350 through 354 and in response to Aquarius Aquaculture’s letter regarding delivery of water to water right nos. 36-07092B, 36-07159, and 36-07160, received by the Department February 14, 2014 (“Delivery Call”).

A status conference was held on July 22, 2014, wherein David Huff, Vice President of Aquarius Aquaculture, stated that Aquarius Aquaculture does not oppose IGWA’s Petition.

The Delivery Call asserts Aquarius Aquaculture is receiving less than fifty percent of the water it is entitled to from Hidden Springs for fish propagation pursuant to water right nos. 36-07092B, 36-07159, and 36-07160. The Delivery Call demands that the watermaster administer water rights according to Idaho Code § 42-607 in order to supply these rights.

Rule 156 defines “Intervenors” as “[p]ersons, not applicants or claimants or appellants, complainants, respondents, or protestants to a proceeding, who are permitted to participate as parties pursuant to Rules 350 through 354. . . .” IDAPA 37.01.01.156. Rule 350 states:

Persons not applicants or claimants or appellants, petitioners, complainants, protestants, or respondents to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the presiding officer granting intervention to become a party, if a formal hearing is required by statute to be held in the proceeding.

IDAPA 37.01.01.350. Rule 353 provides:

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.

IGWA represents Ground Water Districts whose members include irrigators, municipalities, and commercial and industrial entities who own water rights that divert from the Eastern Snake Plain Aquifer that may be subject to curtailment should the Delivery Call be successful. The Director concludes IGWA has a direct and substantial interest in the above-referenced matter that is not adequately represented by existing parties and the Petition does not unduly broaden the issues.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that *IGWA's Petition to Intervene* is GRANTED.

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 Granting Petition to Intervene

AQUARIUS AQUACULTURE
ATTN DAVID HUFF
2674 NORWOOD RD.
HAGERMAN, IDAHO 83332
ozzie@q.com

U.S. Mail, Postage Prepaid
 Hand Delivery
 E-mail

SARAH KLAHN
MITRA PEMBERTON
WHITE & JANKOWSKI
511 16TH ST., STE. 500
DENVER, CO 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com


U.S. Mail, Postage Prepaid
 Hand Delivery
 E-mail

A. DEAN TRANMER
CITY OF POCA TELLO
P.O. BOX 4169
POCA TELLO, ID 83205
dtranmer@pocatello.us

U.S. Mail, Postage Prepaid
 Hand Delivery
 E-mail

RANDY BUDGE
TJ BUDGE
RACINE OLSON
P.O. BOX 1391
POCA TELLO, ID 83204-1391
rcb@racinelaw.net
tjb@racinelaw.net

U.S. Mail, Postage Prepaid
 Hand Delivery
 E-mail


Deborah Gibson
Admin. Assistant for the Director