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Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE DISTRIBUTION OF WATER TO WATER RIGHT HELD BY ARK FISHERIES, INC., WATER RIGHT NO. 36-07278	Docket No. CM-DC-2014-002
And IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHTS HELD BY DAN LEE AND DADHRI LEE, WATER RIGHT NOS. 36-00124A AND 36-07315	Docket No. CM-DC-2014-003 IGWA’S Petition To Intervene

Idaho Ground Water Appropriators, Inc. (IGWA), acting for and on behalf of its members, hereby petitions to intervene in this matter pursuant to Idaho Department of Water Resources (IDWR) Rules of Procedure 156 and 350 through 354.¹

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

¹ IDAPA 37.01.01 *et seq.* (For ease of citation, IDAPA 37.01.01 will be omitted and citation to the Department’s Rules of Procedure will simply be by “Rule”).


ing 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.” A petition to intervene shall be granted if the petition “shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, . . . unless the applicant’s interest is adequately represented by existing parties.”²

On May 28, 2014, ARK Fisheries, Inc., filed a Petition for Delivery Call (“Petition”) before the Department alleging that ARK Fisheries, Inc.’s decreed water rights have suffered and will continue to suffer material injury as a result of junior-priority ground water rights in the Eastern Snake Plain Aquifer Area. The Petition asks the Director to order curtailment of diversions under water rights junior to ARK Fisheries, Inc.’s water right no. 36-07278.

On June 19, 2014, Dan Lee and Dadhri Lee, filed a Petition for Delivery Call (“Petition”) before the Department alleging that Dan Lee and Dadhri Lee’s decreed water rights have suffered and will continue to suffer material injury as a result of junior-priority ground water rights in the Eastern Snake Plain Aquifer Area. The Petition asks the Director to order curtailment of diversions under water rights junior to Dan Lee and Dadhri Lee’s water right no. 36-00124A and 36-07315.

IGWA represents Ground Water Districts whose members include hundreds of irrigators, municipalities, and commercial and industrial entities who own water rights that divert from the Eastern Snake Plain Aquifer (ESPA) that are exposed to curtailment under the Petition. As such, IGWA and its members have a direct and substantial interest the Petition. Therefore, IGWA requests an order granting it intervention in this matter.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED

By: 
Randall C. Budge
T.J. Budge
Attorneys for IGWA

July 17, 2014
Date

² Rule 353.

CERTIFICATE OF MAILING

I certify that on this 17th day of July, 2014, the foregoing document was served on the following persons in the manner indicated.


Signature of person mailing form

Director, Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Deborah.Gibson@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Garrick Baxter Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Lynn Babington ARK Fisheries, Inc. 2825 South 1050 East Hagerman, Idaho 83332	<input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
Dan and Dadhri Lee 1148 East 2900 South Hagerman, Idaho 83332	<input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail