

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

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHTS HELD BY
MEMBERS OF THE BIG WOOD & LITTLE
WOOD WATER USERS ASSOCIATION
DIVERTING FROM THE LITTLE WOOD
RIVER

Docket No. CM-DC-2015-002

**ORDER GRANTING LATE REQUEST
TO PARTICIPATE**

BACKGROUND

On February 24, 2015, the Director ("Director") of the Idaho Department of Water Resources ("Department") received two conjunctive management water delivery call letters from counsel for members of the Big Wood & Little Wood Water Users Association. The letters allege senior surface water users on the Big Wood and Little Wood Rivers are being injured by water users diverting ground water hydraulically connected to the Big Wood and Little Wood Rivers. The letters request the Director regulate junior ground water users consistent with the prior appropriation doctrine.

The Director initiated new contested case proceedings and assigned each delivery call letter its own docket number. The Big Wood Delivery Call was assigned docket no. CM-DC-2015-001. The Little Wood Delivery Call was assigned docket no. CM-DC-2015-002.

On March 20, 2015, the Department sent letters to ground water users the Department identified as potentially affected by one or both of the above-described delivery calls. The purpose of the letters was to inform the water users of the delivery calls and notify them of a planned status conference.

On May 13, 2015, the Director issued an *Order Governing Participation* ("Order") stating:

Holders of ground water rights that may be affected by one or both of the above-described delivery calls **that have not filed a notice of intent to participate but wish to actively participate in the contested case proceedings** must file with the Department a written notice of intent to participate in CM-DC-2015-001 or CM-DC-2015-002 or both cases, **by May 27, 2015.**

Order at 2 (emphasis in original).

On April 22, 2015, the Department received a letter from the Water District 37-B Groundwater Group notifying the Department “of its intent to participate in the contested case proceedings related to Docket #CM-DC-2015-001 (Big Wood River delivery call).” The letter stated: “Twenty seven groundwater users from Water District 37-B have signed into this association. They also reserved the right to participate individually.” Several of the Water District 37-B Groundwater Group members timely filed notices of intent to participate in both the Big Wood and Little Wood Delivery Calls.

On July 10, 2015, counsel for the Water District 37-B Groundwater Group filed a notice of appearance on behalf of the Group in both the Big Wood and Little Wood Delivery Calls. However, because the Water District 37-B Groundwater Group only timely filed a notice of intent to participate in the Big Wood Delivery Call, members within the Group that also filed a timely notice of intent to participate in the Little Wood Delivery Call still receive filings in the Little Wood proceeding.


On August 31, 2015, counsel for the Water District 37-B Groundwater Group filed a *Motion to Grant Late Request to Participate as Respondent/Petition to Intervene* (“Motion”) requesting the Director allow the Water District 37-B Groundwater Group to participate in the Little Wood Delivery Call. Counsel represents that, individual members of the Group who timely filed notices of intent to participate in the Little Wood Delivery Call and continue to receive filings in that proceeding, intend “such documents to be served on counsel for the Group.” *Motion* at 2.

The Director’s March 20, 2015, letter identified members of the Water District 37-B Groundwater Group as ground water users potentially affected by one or both of the above-described delivery calls. As explained above, the Water District 37-B Groundwater Group timely filed a notice of intent to participate in the Big Wood Delivery Call. The Department received no response in opposition to the Motion to allow the Group to participate in the Little Wood Delivery Call. Granting the Motion will not result in prejudice to other parties. The Director will grant the Motion.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the Water District 37-B Groundwater Group’s Motion is GRANTED.

DATED this 21st day of September 2015.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 21st day of September 2015, I served a true and correct copy of the foregoing document to all parties listed on the LW Certificate of Service List posted on the Department's website at <http://idwr.idaho.gov/legal-actions/delivery-call-actions/little-wood-river.html> updated the 19th day of August 2015, by the following method:

- ☐ Placing a copy of the document in the United States mail, postage prepaid and properly addressed.
- ☒ Emailing only to parties who have consented to service by email as indicated on the above-described Certificate of Service List; placing a copy of the document in the United States mail, postage prepaid and properly addressed, to parties who have not consented to service by email; and emailing to parties who provided e-mail addresses to the Department but have not consented to service by email.



Person mailing document