

FEB 18 2016

DEPARTMENT OF  
WATER RESOURCES

Randall C. Budge (ISB# 1949)  
Thomas J. Budge (ISB# 7465)  
RACINE OLSON NYE BUDGE  
& BAILEY, CHARTERED  
201 E. Center St. / P.O. Box 1391  
Pocatello, Idaho 83204  
(208) 232-6101 – phone  
(208) 232-6109 – fax  
rcb@racinelaw.net  
tjb@racinelaw.net

*Attorneys for Idaho Ground Water Appropriators, Inc.*

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

IN THE MATTER OF THE MITIGATION PLAN FILED BY THE CITY OF POCATELLO	<b>CM-MP-2015-001; CM-MP- 2015-004; CM-MP-2015-005</b>
IN THE MATTER OF THE COALITION OF CITIES MITIGATION PLAN FOR DIRECT DELIVERY AND MANAGED RECHARGE	<b>IGWA's Petition to Intervene</b>
IN THE MATTER OF THE CITY OF IDAHO FALLS MITIGATION PLAN FOR THE SURFACE WATER COALITION	

Idaho Ground Water Appropriators, Inc. (IGWA), acting for and on behalf of its members, hereby petitions the Director under Rules 350 through 354 of the Rules of Procedure of the Idaho Department of Water Resources (IDWR) to intervene in the above captioned matters.

Rule 351 allows intervention by any person who “claim[s] a directive substantial interest in the proceeding.”<sup>1</sup> A petition is timely if it is filed “at least fourteen (14) days before the date set for formal hearing, or by the date of the prehearing conference, whichever is earlier.”<sup>2</sup> “If a timely filed petition to intervene shows direct and substantial interest in any part of the

<sup>1</sup> IDAPA 37.01.01.350.

<sup>2</sup> IDAPA 37.01.01.352.

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.”<sup>3</sup> As explained below, IGWA should be granted intervention under this standard.

**1. This petition is timely.**

The pleadings posted to the IDWR website in these matters indicate that a date has not been set for a formal hearing or prehearing conference. Therefore, this petition is timely filed.

**2. IGWA has a direct and substantial interest in these matters.**

The mitigation plans filed by the City of Pocatello, Coalition of Cities, and City of Idaho Falls all aim to provide mitigation to the Surface Water Coalition (SWC). IGWA has two existing approved mitigation plans to the SWC (IDWR Docket Nos. CM-MP-2009-006 and CM-MP-2009-007) and will soon be filing a mitigation plan based on the *Settlement Agreement entered into June 30, 2015 between participating members of the Surface Water Coalition and participating members of the Idaho Ground Water Appropriators, Inc.*, of which the Director is aware. Further, IGWA is a party to the SWC delivery call case (Docket No. CM-DC-2010-001) which the cities' mitigation plans seek to provide mitigation under.

While IGWA has not protested the Cities' mitigation plans, and does not anticipate doing so. The mitigation activities conducted by the cities may have direct or indirect impacts on the mitigation activities conducted by IGWA and its members. Further, mitigation provided to the SWC by the cities or others could potentially affect the mitigation provided to the SWC by IGWA.

As such, IGWA has a direct and substantial interest in the subject matter of the cities' mitigation plans.

**3. IGWA's participation will not unduly broaden the issues.**

IGWA presently seeks intervention in these matters to enable IGWA to effectively monitor these matters and participate as needed. IGWA does not anticipate inserting new issues into these matters, nor broadening the

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<sup>3</sup> IDAPA 37.01.01.353.

issues that exist by rule under CM Rule 43. IGWA's interests in this matter are fairly encompassed by issues that are part of this proceeding under CM Rule 43.03.

**4. IGWA's interests are not adequately represented by existing parties.**

IGWA represents the majority of the ground water users on the Snake River Plain, the bulk of who are ground water irrigators. None of the existing parties to these matters represent ground water users generally, and groundwater irrigators in particular.

For the foregoing reasons, IGWA respectfully requests intervention in these matters.

DATED this 18<sup>th</sup> day of February, 2016.



Randall C. Budge

Thomas J. Budge

RACINE OLSON NYE BUDGE &

BAILEY, CHARTERED

*Attorneys for Idaho Ground Water*

*Appropriators, Inc.*

## CERTIFICATE OF MAILING

I certify that on this 18<sup>th</sup> day of January, 2016, the foregoing document was served on the following persons in the manner indicated.

  
Signature of person mailing form

<b>Original:</b> Director, Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Attn: Deborah Gibson <a href="mailto:Deborah.Gibson@idwr.idaho.gov">Deborah.Gibson@idwr.idaho.gov</a>	<input checked="" 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 L. Baxter Deputy Attorney General Idaho Department of Water Resources PO Box 83720 Boise, Idaho 83720-0098 <a href="mailto:Kimi.White@idwr.idaho.gov">Kimi.White@idwr.idaho.gov</a> <a href="mailto:Garrick.Baxter@idwr.idaho.gov">Garrick.Baxter@idwr.idaho.gov</a>	<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
Travis L. Thompson Paul L. Arrington Barker Rosholt & Simpson 195 River Vista Place, Ste. 204 Twin Falls, Idaho 83301-3029 <a href="mailto:tlr@idahowaters.com">tlr@idahowaters.com</a> <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a>	<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
W. Kent Fletcher Fletcher Law Office PO Box 248 Burley, Idaho 83318 <a href="mailto:wkf@pmt.org">wkf@pmt.org</a>	<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
Robert E. Williams Williams, Meservy & Lothspeich, LLP PO Box 168 Jerome, Idaho 83338 <a href="mailto:rewilliams@cableone.net">rewilliams@cableone.net</a>	<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

Robert L. Harris Holden Kidwell, Hahn & Crapo, PLLC PO Box 50130 Idaho Falls, Idaho 83405 <a href="mailto:rharris@holdenlegal.com">rharris@holdenlegal.com</a>	<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
Sarah A. Klahn Mitra M. Pemberton White & Jankowski, LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a> <a href="mailto:mitrap@white-jankowski.com">mitrap@white-jankowski.com</a>	<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
Michael A. Kirkham Assistant City Attorney City of Idaho Falls P.O. Box 50220 Idaho Falls, Idaho 83405 <a href="mailto:mkirkham@idahofallsidaho.gov">mkirkham@idahofallsidaho.gov</a>	<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
A Dean Tranmer City of Pocatello PO Box 4169 Pocatello, Idaho 83201 <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a>	<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
New Sweden Irrigation District 2350 West 1700 South Idaho Falls, Idaho 83402	<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
Chris M. Bromley McHugh Bromley, PLLC 380 S. 4 <sup>th</sup> St., Ste. 103 Boise, Idaho 83702 <a href="mailto:cbromley@mchughbromley.com">cbromley@mchughbromley.com</a>	<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