



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

Paul Arrington  
Idaho Water Users Association  
1010 W Jefferson St.  
Suite 101  
Boise, ID 83702

April 2, 2020

Mr. Arrington,

**The Idaho Department of Water Resources is providing this notice to you as your groups may have members that are interested in this issue. We would appreciate your assistance in notifying your members of this matter and notifying them of the opportunity to intervene in the proceeding identified below.**

On February 24, 2020, Riverside Irrigation District (“Riverside”) submitted a *Petition for Declaratory Ruling Regarding Need for a Water Right to Divert Water Under Reuse Permit No. M-255-01* (“Petition”) to the Idaho Department of Water Resources (“Department”). Riverside petitions the Department for a declaratory ruling as to the applicability of Idaho Code § 42-201(2) to Reuse Permit No. M-255-01 (“Permit”). *Petition* at 3. The Idaho Department of Environmental Quality issued the Permit to the City of Nampa (“City”) on January 21, 2020. The Petition alleges that under the Permit, the City intends to deliver reuse water to Pioneer Irrigation District (“Pioneer”) and that Pioneer intends to supply the reuse water to its patrons. *Id.* at 2. Riverside seeks a declaratory ruling that:

- 1) Pioneer cannot divert or accept reuse water from the City or apply the City’s reuse water to land in the Pioneer boundaries under the reuse Permit without first obtaining a water right.
- 2) Any attempt by Pioneer or the City to divert water under the Permit to Pioneer without first applying for a water right is in contravention to Idaho law.  
*Petition* at 3.

The Petition may be viewed at any IDWR office or online at: <https://idwr.idaho.gov/legal-actions/administrative-actions/M-255-01-Nampa.html>

The Department’s Rule of Procedure 400 states that any person may petition the Department “for a declaratory ruling on the applicability of a statute, rule or order administered by the agency.” IDAPA 37.01.01.400. The Department’s Rule of Procedure 401 requires the Department issue notice of the Petition “in a matter designed to call its attention to persons likely to be interested in the subject matter of the petition.” IDAPA 37.01.01.401. The Department is in the process of publishing notice in the Times News, Post Register, Lewiston Tribune, and the Idaho Press Tribune.

The Director will address Riverside’s Petition through a formal contested case proceeding. The deadline to file petitions to intervene is April 23, 2020. A copy of the notice is attached. Thank you for your assistance in this matter.

Sincerely,

Gary Spackman