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RECEIVED  
APR 21 2020  
DEPARTMENT OF  
WATER RESOURCES

Attorney for Prospective Intervenor  
City of Meridian and City of Caldwell

BEFORE THE DEPARTMENT OF WATER RESOURCES OF  
THE STATE OF IDAHO

_____	)	
IN THE MATTER OF RIVERSIDE	)	
IRRIGATION DISTRICT'S PETITION FOR	)	JOINT PETITION TO INTERVENE
DECLARATORY RULING REGARDING	)	
NEED FOR A WATER RIGHT TO DIVERT	)	
WATER UNDER REUSE PERMIT NO.	)	
M-255-01	)	
_____	)	

COMES NOW, Petitioners City of Meridian and City of Caldwell (hereinafter collectively "Petitioners") by and through their counsel Honsinger Law, PLLC and, in conformance with and pursuant to IDAPA 37.01.01.350, hereby petition for intervention as parties in the Matter of Riverside Irrigation District's Petition for Declaratory Ruling Regarding Need for a Water Right to Divert Water Under Reuse Permit No. M-255-01 (hereinafter "Petition for Declaratory Ruling").

**SUMMARY**

The Idaho Department of Environmental Quality issued reuse permit no. M-255-01 to the City of Nampa on January 21, 2020. Riverside Irrigation District filed its Petition for

JOINT PETITION TO INTERVENE IN MATTER OF RIVERSIDE IRRIGATION  
DISTRICT'S PETITION FOR DECLARATORY RULING REGARDING NEED FOR A  
WATER RIGHT TO DIVERT WATER UNDER REUSE PERMIT NO. M-255-01- Page 1

Declaratory Ruling on February 24, 2020. The Petition for Declaratory Ruling alleges that under reuse permit no. M-255-01, the City will deliver reuse water to Pioneer Irrigation District and that Pioneer Irrigation District intends to deliver such reuse water to lands within its boundaries. 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”; and (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 for Declaratory Ruling at 3.

### **STANDARDS**

Entities not applicants or protestants in a proceeding before the Idaho Department of Water Resources (“IDWR”) who claim a “direct and substantial interest may petition for an order from the presiding officer granting intervention to become a party.” IDAPA 37.01.01.350. A petition to intervene showing “a direct and substantial interest in any part of the subject matter of a proceeding” that “does not unduly broaden the issues” is generally granted by the presiding officer “unless the applicant’s interest is adequately represented by existing parties.” IDAPA 37.01.01.353. The Idaho Department of Water Resources has required that Petitions to Intervene in this matter be filed on or before April 23, 2020.

### **DISCUSSION**

Petitioners have a direct and substantial interest in this proceeding. They both own municipal water rights that they use to deliver water to their municipal customers. Both cities treat the wastewater generated by those customers. Petitioners assert that they have the right to

use the wastewater generated under their water rights so long as such use is within the ambit of those water rights' elements. Petitioners similarly assert that they cannot be forced to release their wastewater by downstream users. Petitioners also assert that they have the right to discharge their wastewater without seeking a water right to do so under the provisions of I.C. §42-201(8). The Petition for Declaratory Ruling apparently seeks to negate or otherwise contest these rights as applied to the City of Nampa. The analysis and legal ruling resulting from the Petition for Declaratory Ruling may affect not only the City of Nampa's rights with respect to its wastewater, but also those of Petitioners. Accordingly, Petitioners have a direct and substantial interest in this proceeding.

Petitioners do not seek to in any way broaden the issues in this proceeding - they are concerned with the same issues raised by Riverside Irrigation District, and by the City of Nampa (although the City of Nampa has not yet been accorded intervenor status - or any status - in this proceeding). Accordingly, Petitioners do not seek to broaden the scope of the proceeding beyond these issues in which they are substantially interested.


No currently named party in these proceedings is able to adequately represent the Petitioners' interests because currently there is no party to this matter other than Riverside Irrigation District.

This Petition to Intervene is submitted prior to the April 23, 2020 deadline set by IDWR. Accordingly it is timely.

There appears to be no reason to deny this Petition for Intervention. Accordingly, Petitioners respectfully requests that IDWR issue an order granting it intervention in this matter.

Dated this 16<sup>th</sup> day of April, 2020.

HONSINGER LAW, PLLC



Charles L. Honsinger

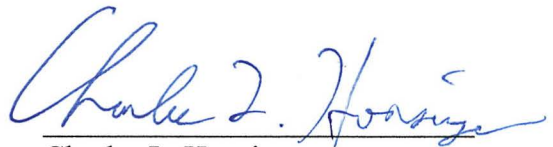
Attorney for Cities of Meridian and Caldwell

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on April 16, 2020, he caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following:

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Charles L. Honsinger



# Idaho Department of Water Resources Receipt

## Receipt ID: C108641

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Payment Amount	\$50.00	Date Received	4/21/2020	Region	STATE
Payment Type	Check	Check Number	1445		
Payer	HONSINGER LAW, PLLC				

Comments      JOINT PETITION TO INTERVENE FOR  
CITY OF MERIDIAN AND CITY OF CALDWELL  
IN THE MATTER OF RIVERSIDE IRRIGATION DISTRICT'S PETITION  
FOR DECLARATORY RULING REGARDING NEED FOR A WATER RIGHT  
TO DIVERT WATER UNDER REUSE PERMIT NO. M-255-01

### Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	PROTESTS	56103	0229	21		1155

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Signature Line (Department Representative)