

APR 20 2020

DEPARTMENT OF
WATER RESOURCES

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Attorney for Hayden Area Regional Sewer Board

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

IN THE MATTER OF RIVERSIDE'S)	Docket No. P-DR-2020-01
PETITION FOR DECLARATORY RULING)	
REGARDING NEED FOR A WATER)	PETITION TO INTERVENE
RIGHT UNDER REUSE PERMIT NO.)	
M-255-01)	
_____)	

Hayden Area Regional Sewer Board (HARSB), by and through its legal counsel of record hereby submits this Petition to Intervene in response to the *Petition for Declaratory Ruling Regarding Need for Water right to Divert Water Under Reuse Permit No. M-255-01* ("*Riverside Petition*") filed by Riverside Irrigation District ("*Riverside*") in the above-captioned matter.

This *Petition to Intervene* is submitted pursuant to the rules of the Idaho Department of Water Resources ("IDWR") IDAPA 37.01.001.350 to 37.01.01.354.

HARSB is a joint power separate legal entity created through a joint power agreement ("Agreement") pursuant to Idaho Code §67-2328 executed by the city of Hayden, Kootenai County and Hayden Lake Sewer District. The Agreement was entered into for the purpose of collecting and treating wastewater generated by the parties to the Agreement. HARSB discharges the treated effluent into the Spokane River during the time of year it isn't practical to land apply or to use the effluent for some other endeavor that is not seasonal. The remainder of the year the treated effluent is applied to land owned by HARSB on which farm crops and trees are grown. HARSB makes a concerted effort to avoid wasting the treated effluent and to find opportunities to use the treated effluent in ways that would be beneficial to its users and reduce its costs. The outflow line from the HARSB treatment facility located at 10789 N Atlas Road, Hayden, Idaho to the point of discharge into the Spokane River is approximately six miles. The point of discharge is located on the west side of the city of Coeur d'Alene. It is more cost effective for HARSB to recapture and use its treated effluent rather than discharging it into the river whenever it is feasible and practical. HARSB currently delivers the treated effluent to the

farmland and to the stands of trees via a closed conveyance system owned and maintained by HARSB.

HARSB is a regional public entity operating a publicly owned treatment works. Idaho Code §42-201(8) exempts such an entity from having to obtain a water right for the “collection, treatment, storage or disposal of effluent” from the public owned treatment works. A decision that requires mitigation for downstream users or requires HARSB to continue sending its treated effluent to the Spokane River during certain times of the year or requires a water right for a regional public entity operating a publicly owned treatment works to use the treated effluent it generates would be detrimental to the interests of HARSB and its users, would be wasteful, would put an undue financial burden on HARSB and would be contrary Idaho Code §42-4201(8).

HARSB interests are not directly represented by either Riverside or the city of Nampa. HARSB’s intervention in this matter and will not unduly broaden the issues, nor will it cause delay or prejudice to Riverside.

HARSB respectfully submits this Petition on the 17th day of April 2020 and requests that HARSB be granted intervention to become a party in this matter.

MASON & STRICKLIN LLP


Nancy Stricklin

*Attorney for
Hayden Area Regional Sewer Board*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of April, 2020, the foregoing was filed, served, and copied via U. S. Mail as shown below.

DOCUMENT FILED:

IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
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Idaho Department of Water Resources Receipt

Receipt ID: C108632

Payment Amount	\$25.00	Date Received	4/20/2020	Region	STATE
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Payment Type	Check	Check Number	18070
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Payer HARSB - HATDEN AREA REGIONAL SEWER BOARD

Comments PETITION TO INTERVENE FOR RIVERSIDE IRRIGATION DISTRICT PETITION
NEED FOR WATER RIGHT TO DIVERT WATER UNDER REUSE PERMIT NO. M-255-01
DOCKET NO. P-DR-2020-01

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS	56103	0229	21		1155



Signature Line (Department Representative)

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