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Attorneys for the City of Bellevue

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APR 23 2020

WATER RESOURCES
WESTERN REGION

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

IN THE MATTER OF RIVERSIDE'S
PETITION FOR DECLARATORY RULING
REGARDING NEED FOR A WATER
RIGHT UNDER REUSE PERMIT NO.
M-255-01

Docket No. P-DR-2020-01

PETITION TO INTERVENE

Fee Category: Exempt (I.C. § 67-2301)

COMES NOW the City of Bellevue ("Bellevue"), by and through its counsel of record
McHugh Bromley, PLLC, and pursuant to IDAPA 37.01.01.350 *et seq.*, hereby files this *Petition*
to Intervene in the above-captioned matter.

I. BACKGROUND

On February 24, 2020, Riverside Irrigation District ("Riverside") filed a *Petition for Declaratory Ruling Regarding Need for a Water Right to Divert Water Under Reuse Permit No. M-255-01* ("Petition") with the Director of the Idaho Department of Water Resources ("Director" or "IDWR"). The Petition was filed in response to a water reuse permit issued by the Idaho Department of Environmental Quality ("DEQ") authorizing the City of Nampa ("Nampa") to discharge some amount of treated waste water into Pioneer Irrigation District's ("Pioneer")

Phyllis Canal, as opposed to Indian Creek. Riverside alleges the discharge of treated waste water into Indian Creek must continue unless Nampa and/or Pioneer obtain a water right from IDWR. *Petition at 3.*

IDWR issued a notice with a statement that petitions to intervene must be filed by April 23, 2020. *Notice of Prehearing Conference; Order Setting Deadline for Petitions to Intervene* (March 16, 2020). A prehearing conference is scheduled to occur on April 30, 2020.

II. ARGUMENT

In order to grant a petition to intervene, the moving party must demonstrate it is “timely” filed, IDAPA 37.01.01.352, and that it has a “direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues” IDAPA 37.01.01.353. Bellevue meets these requirements.

First, Bellevue’s petition to intervene is timely. The Director set a deadline to intervene scheduled for April 23, 2020 with a pre-hearing conference for April 30, 2020. *Notice of Prehearing Conference; Order Setting Deadline for Petitions to Intervene*. Because Bellevue is petitioning the Director to intervene in the above-captioned proceeding prior to the April 23, 2020 deadline, Bellevue’s petition to intervene is timely, and intervention should be granted. See too, IDAPA 37.01.01.352.

Second, Bellevue has a direct and substantial interest in the outcome of this matter. Bellevue is located in the Wood River Valley and uses surface water and groundwater to meet the needs of the City. Bellevue’s groundwater pumping is located within the Big Wood River Ground Water Management Area and Bellevue’s groundwater pumping has been included in delivery calls from downstream senior users in the past few years. The City also land-applies treated municipal wastewater on lands south of the City. The City’s use of its treated municipal

wastewater is critical to its operations and will likely only increase in importance when environmental concerns increase or if groundwater levels decline. Thus, the City has a direct and substantial interest in the issues raised in Riverside's Petition.

III. CONCLUSION

Bellevue's petition to intervene is timely. Bellevue's direct and substantial interest in the outcome of this matter concerns its use of treated municipal wastewater. Therefore, based on the foregoing, Bellevue's petition to intervene should be granted.

DATED this 23rd day of April, 2020.



Candice McHugh
McHugh Bromley, PLLC
Attorneys for City of Bellevue

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of April 2020, I served a true and correct copy of the foregoing document on the person(s) whose names and addresses appear below by the method indicated:

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