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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Warm Springs Creek Ranch, LLC, Big Lost Ranch, LLC and 6X Ranch, LLC

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

**IN THE MATTER OF WHETHER TO
DESIGNATE THE BIG LOST RIVER
BASIN A CRITICAL GROUND WATER
AREA OR A GROUND WATER
MANAGEMENT AREA**

) Docket No. P-CGWA-2016-001
)
) PETITION TO INTERVENE BY
) WARM SPRINGS CREEK RANCH,
) LLC, BIG LOST RANCH, LLC AND
) 6X RANCH, LLC
)

Warm Springs Creek Ranch, LLC, Big Lost Ranch, LLC and 6X Ranch, LLC (the "Ranches"), by and through their attorneys, Speck & Aanestad, A Professional Corporation, and pursuant to the Department's Rules of Procedure 350 - 354 (IDAPA 37.01.01), hereby petitions to intervene in the above-captioned matter.

FACTS

On September 19, 2016, Rose Bernal, Butte County Commissioner, submitted a letter to the Director ("Director") of the Idaho Department of Water Resources ("Department"), including a petition requesting that the Director "designate a critical ground water area in the Big Lost River Basin." The petition was signed by numerous water users in support of the request.

**PETITION TO INTERVENE BY WARM SPRINGS CREEK
RANCH, LLC, BIG LOST RANCH, LLC AND 6X RANCH, LLC - 1**

On January 9, 2017, the Director received a letter from Moj Broadie, Chairman of the Big Lost River Ground Water District ("BLRGWD"), opposing the petition to designate the Big Lost River Basin as a critical ground water area and requesting the Director "allow the BLRGWD to have broad participation" in the consideration of designating the Big Lost River Basin a critical ground water area or ground water management area. On January 23, 2017, the Director received another letter from Moj Broadie, asking the Director to consider designating the Big Lost River Basin a ground water management area "with due process procedures that would enable all interested parties to participate"

The Director is treating the above-described letters as "petitions" as defined by the Department's Rule of Procedure 230. IDAPA 37.01.01.230, and will conduct formal proceedings to address the petitions in accordance with the Department's Rule of Procedure 104. IDAPA 37.01.01.104. For that purpose, the Director has designated a contested case as Docket No. P-CGWA-2016-001.

The Director has formally noticed a prehearing conference to be held on May 3, 2017 in Arco, Idaho. In a letter to water users in the Big Lost River Basin, dated March 23, 2017 notifying the water users of the prehearing conference (the "Letter"), the Director set May 3, 2017 as the deadline for filing petitions to intervene in this matter.

STANDARD OF REVIEW

The Department's Rules of Procedure provide:

Petitions to intervene must comply with Rules 200, 300, and 301. The petition must set forth the name and address of the potential intervenor and must state the direct and substantial interest of the potential intervenor in the proceeding. If affirmative relief is sought, the petition must state the relief sought and the basis for granting it.

Rule 351.

Petitions to intervene must be filed at least 14 days before the date set for the formal hearing, or by the date of the prehearing conference. *See* Rule 352.

ARGUMENT

I. This Petition to Intervene Is Timely.

No hearing has been set in this matter. The prehearing conference is scheduled for May 3, 2017. Under Rule 352 and the Letter, this petition to intervene is timely.

II. Interest in This Proceeding.

Big Lost Ranch LLC is the owner of Water Right 34-13621 to divert ground water for irrigation purposes. Warm Springs Creek Ranch LLC is the owner of Water Right 34-7245A to divert ground water for irrigation purposes. 6X Ranch LLC is the owner of Water Rights 34-13763, 34-2320 and 34-7155 to divert ground water for irrigation purposes. Therefore, the Ranches have direct interests in the outcome of these proceedings.

III. This Petition Does Not Broaden the Issues.

The Ranches merely seek to protect their interests as ground water irrigators in the Big Lost River Basin and their participation in these proceedings will not raise any issues relating to potential creation of either a critical ground water area or a ground water management area for all or certain portions of the Basin that would not otherwise be a part of parts of these proceedings.

IV. The Ranches Are Not Adequately Represented by Existing Parties.


There are presently no other parties to this proceeding. The Ranches have a right to intervene to insure their interests are adequately protected and represented.

CONCLUSION

The Ranches' petition is timely, demonstrates a direct and substantial interest, does not broaden the issues, and demonstrates that no existing party adequately represents their interests. Therefore, the Ranches request an order from the Director granting intervention in this proceeding.

Dated this 27 day of April, 2017.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck
Attorneys for Warm Springs Creek Ranch, LLC,
Big Lost Ranch, LLC and 6X Ranch, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of April, 2017, I served a true and correct copy of the foregoing Petition to Intervene on the following by the method indicated:

Director Gary Spackman
c/o Deborah Gibson
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***service by US and electronic mail

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