

**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

**ORDER GRANTING PETITIONS
TO INTERVENE**

BACKGROUND

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 the Director “designate a critical ground water area in the Big Lost River Basin.” The petition was signed by over 200 water users in support of the request.

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 above-described letters are petitions as defined by the Department’s Rule of Procedure 230. IDAPA 37.01.01.230. On March 23, 2017, the Director issued a *Notice of Prehearing Conference* scheduling a prehearing conference regarding the petitions on May 3, 2017. The Director also sent a letter to people holding or having an interest in a water right the Department identified may be impacted by a critical ground water area or ground water management area designation, informing them of the prehearing conference and a May 3, 2017, deadline for filing petitions to intervene.

On May 3, 2017, the Director held the prehearing conference and agreed to extend the deadline for filing petitions to intervene. On May 9, 2017, the Director issued an order extending the deadline to file petitions to intervene to May 24, 2017.

The Department received twelve¹ timely petitions to intervene from:

- USDA Forest Service
- Bruce Blackmer
- Warm Springs Creek Ranch, LLC, Big Lost Ranch, LLC, and 6X Ranch, LLC
- Upper Big Lost River Ground Water Association
- Big Lost River Irrigation District
- Nelson Mackay Ranch LLC, Notch Butte Farms, LLC, Last Ranch, LLC, John Lezamiz Family Partnership, and Loy Pehrson
- Val and Heather Carter
- Melvin Marx Hintze
- Lyn F. Hintze
- Nancy McCaslin and Rick Mauthe
- Rick E. Reynolds
- James Rindfleisch

No objections were filed to these petitions to intervene.

ANALYSIS

The Department's Rule of Procedure 353 states:

If a timely-filed petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the presiding officer will grant intervention, subject to reasonable conditions, unless the applicant's interest is adequately represented by existing parties. If it appears that an intervenor has no direct or substantial interest in the proceeding, the presiding officer may dismiss the intervenor from the proceeding.

IDAPA 37.01.01.353.

The Director concludes the individuals who filed petitions to intervene listed above have a direct and substantial interest in this matter and will not unduly broaden the issues. The Director further concludes the interests of the individuals who filed petitions to intervene are not adequately represented by existing parties. Accordingly, the Director will grant the petitions.

¹ Mike and Candice Ancho also filed a timely petition to intervene, but withdrew their petition by letter submitted to the Department on June 2, 2017.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the petitions to intervene filed in this matter by the following are GRANTED:

- USDA Forest Service
- Bruce Blackmer
- Warm Springs Creek Ranch, LLC, Big Lost Ranch, LLC, and 6X Ranch, LLC
- Upper Big Lost River Ground Water Association
- Big Lost River Irrigation District
- Nelson Mackay Ranch LLC, Notch Butte Farms, LLC, Last Ranch, LLC, John Lezamiz Family Partnership, and Loy Pehrson
- Val and Heather Carter
- Melvin Marx Hintze
- Lyn F. Hintze
- Nancy McCaslin and Rick Mauthe
- Rick E. Reynolds
- James Rindfleisch

DATED this 5th day of June 2017.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 5th day of June 2017, the above and foregoing document was served on the following by the method(s) indicated below:

ROSE BERNAL
PO BOX 116
ARCO ID 83213-0016
bcc.bernal@hotmail.com

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

MOJ BROADIE
BIG LOST RIVER GWD
PO BOX 721
ARCO ID 83213
blrgwd@atcnet.net

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

BRUCE BLACKMER
3265 W 2900 N
MOORE, ID 83255
blackmer.bruce@gmail.com

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

MELVIN MARX HINTZE
4372 W HOUSTON ROAD
MACKAY ID 83251-4507
marxhintze@hintze.net

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

COLE ERB
UPPER BIG LOST RIVER GWA
PO BOX 122
MACKAY ID 83251
ublrghwa@gmail.com

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

VAL C AND HEATHER I CARTER
1025 S 1500 W
PINGREE ID 83262
cartercattle@gmail.com

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

KENT FLETCHER
FLETCHER LAW OFFICE
PO BOX 248
BURLEY ID 83318-0248
wkf@pmt.org

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

JIM SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340
jim@speckandaanestad.com

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

FRITZ X HAEMMERLE
HAEMMERLE LAW PLLC
PO BOX 102
HAILEY ID 83333
fxh@haemlaw.com

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

KATHRYN J CONANT
JAMIE GOUGH
USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 84401
jgough@fs.fed.us

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

LIN F HINTZE
PO BOX 125
MACKAY ID 83251
lin.hintze@gmail.com

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

NANCY MCCASLIN
RICK MAUTHE
PO BOX 9
MACKAY ID 83251

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

RICK REYNOLDS
3253 W 2800 N
ARCO ID 83213
rick.reynolds@icp.doe.gov

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

JAMES RINDFLEISCH
3258 N 3350 W
MOORE ID 83255

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email



Kimi White