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DEPARTMENT OF
WATER RESOURCES

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BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

SUN VALLEY COMPANY,)	Docket No. P-DR-2016-001
)	
Petitioner,)	FREMONT MADISON
vs.)	IRRIGATION DISTRICT,
)	MADISON GROUND WATER
GARY SPACKMAN, Director of the Idaho)	DISTRICT AND IDAHO
Department of Water Resources,)	IRRIGATION DISTRICT'S
)	PETITION TO INTERVENE
Respondent.)	
)	
)	

Fremont Madison Irrigation District (FMID), Madison Ground Water District (MGWD) and Idaho Irrigation District (IID), acting for and on behalf of its members, hereby petitions to intervene in this matter pursuant to Idaho department of water resources (IDWR) Rules of procedures 350 through 354.

BACKGROUND

On November 16, 2016, Sun Valley Company ("Sun Valley") filed a petitions to the Director of IDWR requesting hearings on the recent ESPA GWMA Order and the Declaratory Ruling Order. On December 2, 2016, the Director issued orders granting Sun Valley Company's

Fremont Madison Irrigation District, Madison Ground Water District, and Idaho Irrigation District's Petition to Intervene - Page - 1

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requests for hearing and scheduled pre-hearing conferences for January 12, 2017.

On December 6, 2016, the Idaho Department of water resources (“Department”) sent a letter providing notice that if an interested Party wished to participate in the proceedings regarding the recently issued ESPA GWMA Order or the Declaratory Ruling Order, including the pre-hearing conferences on January 12, 2017, the interested Party must file a Petition to Intervene in accordance with the Department’s Rules of Procedure. FMID, MGWD and IID received the letter and hereby petition to intervene in this matter.

LEGAL STANDARDS

Rule 350 of the Department’s Rules of procedure states: “Persons not applicants or claimants or appellants, petitioners, complainants, Protestants, or respondents to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the presiding officer granting intervention to become a party, if a formal hearing is required by statute to be held in the proceeding.” Rule 353 states that a petition to intervene shall be granted if the petition “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.”

ANALYSIS

1. FMID, MGWD and IID’s Petition to intervene is timely.

“Petitions to intervene must be filed at least fourteen (14) days before the date set for formal hearing, or by the prehearing conference, whichever is earlier, unless a different time is

provided by order or notice.” Rule 352. A prehearing conference is now scheduled for January 12, 2017. Thus, this petition is timely.

2. FMID, MGWD and IID’s claims a direct and substantial interest in the subject of the Petition.

FMID, MGWD and IID and their respective members (or “electors” as the case may be) include surface and ground water users who irrigate several thousands of acres from diversions in the upper reaches of the Snake River and Eastern Snake Plain Aquifer (ESPA). FMID, MGWD and IID’s and their members’ water rights will be significantly impacted by the outcome of the current Petitions and the ESPA GWMA Order. Furthermore, they each are involved with the significant effort and resources to mitigate injury to senior surface water rights and stabilize the ESPA, including providing surface water used for recharge as mitigation. As such FMID, MGWD and IID have a direct and substantial interest in the ESPA Ground Water Management Area, including but not limited to the issues asserted in the Petitions.

3. This Petition does not unduly broaden the issues.

FMID, MGWD and IID seek to intervene to advance legal argument related to the issue raised in the Petitions. Therefore, this Petition does not unduly broaden the issues.

4. FMID, MGWD and IID’s interests are not adequately represented by existing parties.

The parties to this matter presently consist of SVC and Camas Group, neither of whom represent the interests of Petitioners FMID, MGWD and IID or their members. Furthermore, no other Petitioners, including IGWA and SWC, have the identical issues and impacts due to the

unique characteristics of FMID's, MGWD's and IID's members, including the unique area covered by the newly ordered GWMA which includes areas not previously deemed included in the ESPA and also including the surface to ground water connections and associations entered into between these three Petitioners.

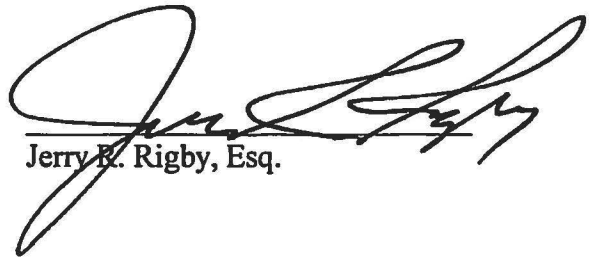
CONCLUSION

Based on the foregoing, FMID, MGWD and IID respectfully request that this petition to intervene be granted.

Dated this 16th day of December, 2016.

RIGBY, ANDRUS & RIGBY LAW, PLLC

By:

A handwritten signature in black ink, appearing to read "Jerry R. Rigby", written over a horizontal line.

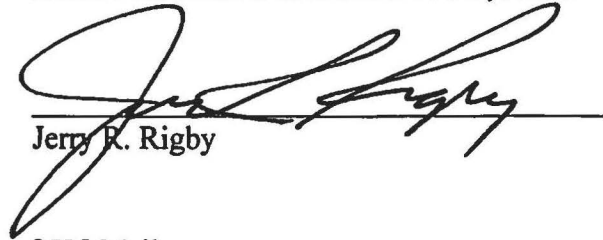
Jerry R. Rigby, Esq.

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mailing, hand delivery or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 16th day of December, 2016.

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