

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

**IN THE MATTER OF THE PETITIONS
FILED WITH THE DEPARTMENT
REGARDING APPOINTMENT OF
GORDON SYLTE AS A
COMMISSIONER OF FLOOD
CONTROL DISTRICT NO. 17**

CASE NO. P-FCD-2018-01

**ORDER GRANTING PETITION TO
INTERVENE**

BACKGROUND

On November 28, 2018, the Director of the Idaho Department of Water Resources (“Department”) reappointed Gordon Sylte (“Sylte”) as a commissioner of Flood Control District (“FCD”) No. 17. The Department subsequently received numerous letters and emails opposing Sylte’s reappointment. The Director treated these submissions as requests for hearing pursuant to Idaho Code § 42-1701A(3) and issued a *Notice of Pre-hearing Conference* (“Notice”) on February 7, 2019. The Notice set the pre-hearing conference in this matter for March 21, 2019.

On March 18, 2019, Susan Goodrich (“Goodrich”) filed a petition to intervene in this matter. On April 5, 2019, Twin Lakes Improvement Association (“TLIA”) filed a *Motion to Deny Petitions to Intervene*. Goodrich filed a response to TLIA’s motion to deny petitions to intervene on April 12, 2019.

On April 30, 2019, the Director denied Goodrich’s petition to intervene without prejudice because it did not include sufficient statements of a direct and substantial interest in this proceeding. *Initial Notice of Parties; Order Denying Intervention and Setting Intervention Deadline; Notice of Hearing; Order Authorizing discovery and Scheduling Order* at 2. The Director established a new intervention deadline of May 13, 2019, pursuant to IDAPA 37.01.01.352. *Id.* at 3. Goodrich timely filed a second petition to intervene on May 13, 2019. No opposition to the second petition was filed.

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.

Based on the petition to intervene, the Director concludes that Goodrich has a direct and substantial interest in this matter as she lives below Twin Lakes Dam and is directly affected by the operations of FCD No. 17. The Director concludes Goodrich's intervention does not unduly broaden the issue beyond statements by the protesting parties and that Goodrich's interests are not adequately represented by existing parties.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the petition to intervene filed by Goodrich is GRANTED. Goodrich is bound by orders and notices earlier entered in this matter as a condition of granting the petition.

Dated this 3rd day of June 2019.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June, 2019, true and correct copies of the document described below were served by placing a copy of the same with the United States Postal Service, certified mail with return receipt requested, postage prepaid and properly addressed to the following:

Susan Goodrich 8626 W. Sylte Ranch Rd. Rathdrum, ID 83858 Sgood5350@frontier.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
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John Dieckman 5617 South Thor Street Spokane WA 99223 Dieck3512@gmail.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Email
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