

MAR 20 2017

DEPARTMENT OF WATER RESOURCES

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BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

)	Docket No. P-WRA-2017-001
)	
IN THE MATTER OF THE PETITION FILED)	VARIOUS UPPER VALLEY
BY ABERDEEN-SPRINGFIELD CANAL)	SURFACE WATER RIGHT
COMPANY REGARDING DISTRIBUTION OF)	ENTITIES PETITION TO
NATURAL FLOW BY WATER DISTRICT 01)	INTERVENE
)	
)	
)	
_____)	
)	

Fremont Madison Irrigation District, Idaho Irrigation District, Parson’s Ditch Co., New Sweden Irrigation District, Wearyrick Ditch Company, The United Canal Company, Peoples Canal & Irrigation Company and Egin Bench Canals, Inc., hereinafter collectively referred to as Upper Valley Surface Water Entities, acting for and on behalf of their members, hereby petition to intervene in this matter pursuant to Idaho department of water resources (IDWR) Rules of procedures 350 through 354.

BACKGROUND

On January 18, 2017, Aberdeen-Springfield Canal Company (“ASCC”) submitted a letter to IDWR asserting an improper deduction by IDWR from the natural flow available to ASCC

through the Shelley to At Blackfoot reach of the Snake River and demanded changes in the way Water District 01 distributes the natural flow in said reach.

On March 6, 2017, the Director issued a Notice of Pre-Hearing Conference; Notice of Hearing; Order setting Deadlines for Petitions to Intervene and Staff Memorandum scheduling a pre-hearing conferences for March 21, 2017 and requiring all who wish to participate file a Petition to Intervene by said date.

ANALYSIS

1. Upper Valley Surface Water Right Entities Petition to intervene is timely.

Because the Director's order required all Petitions to Intervene be made by the date of the pre-hearing conference, and this Petition to Intervene is being filed prior to said pre-hearing conference, it is thus timely.

2. Upper Valley Surface Water Right Entities claim a direct and substantial interest in the subject of ASCC's Demand.

Upper Valley Surface Water Right Entities and their respective members (or "electors" as the case may be) include surface water users who irrigate several thousands of acres from diversions in the upper reaches of the Snake River and Eastern Snake Plain Aquifer (ESPA). Upper Valley Surface Water Right Entities and their members' water rights will be significantly impacted by the outcome of the current ASCC's demands. As such Upper Valley Surface Water Right Entities have a direct and substantial interest in the distribution of natural flow waters in WD01, including but not limited to the issues asserted in ASCC.

3. This Petition does not unduly broaden the issues.

Upper Valley Surface Water Right Entities seek to intervene to advance factual and legal

argument related to the issue raised by ASCC. Therefore, this Petition does not unduly broaden the issues.

4. Upper Valley Surface Water Right Entities interests are not adequately represented by existing parties.

No matter what other entities shall petition to intervene in this matter, because the Upper Valley Surface Water Right Entities hold surface water rights above the ASCC's diversion, they each have their unique set of facts and potential impacts from any modification in the present water accounting system, thus qualifying each individual entity to be at the table when changes to any water accounting modifications.

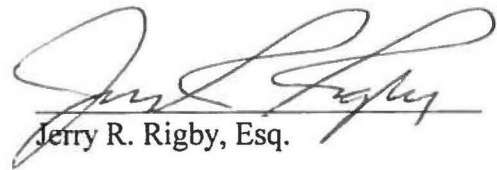
CONCLUSION

Based on the foregoing, Upper Valley Surface Water Right Entities respectfully request that this petition to intervene be granted.

Dated this 20th day of March, 2017.

RIGBY, ANDRUS & RIGBY LAW, PLLC

By:

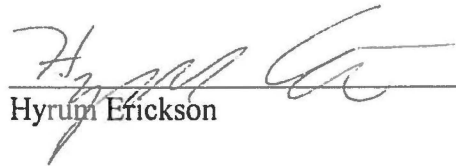

Jerry R. Rigby, Esq.

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 20th day of March, 2017.

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Idaho Department of Water Resources Receipt

Receipt ID: E042834

Payment Amount \$25.00 Date Received 3/20/2017 3:49 PM Region EASTERN

Payment Type Cash

Payer Rigby, Jerry

Comments Protest: ABERDEEN-SPRINGFIELD CANAL COMPANY REGARDING DISTRIBUTION OF NATURAL FLOW BY WATER DISTRICT 01, for various Upper Valley Surface Water Right entities

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS	63103	0229	21		1155



Signature Line (Department Representative)