

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

IN THE MATTER OF THE PETITION  
FILED BY ABERDEEN-SPRINGFIELD  
CANAL COMPANY REGARDING  
DISTRIBUTION OF NATURAL FLOW BY  
WATER DISTRICT 01

Docket No. P-WRA-2017-001

**ORDER GRANTING PETITIONS TO  
INTERVENE; ORDER EXTENDING  
DEADLINE FOR PETITIONS TO  
INTERVENE; ORDER VACATING  
HEARING DATES; NOTICE OF  
HEARING**

**BACKGROUND**

On January 18, 2017, Aberdeen-Springfield Canal Company (“ASCC”) submitted a letter to the Idaho Department of Water Resources (“Department”) asserting the following:

River losses in the [At Blackfoot to Near Blackfoot Snake River] reach below . . . [the Shelley to At Blackfoot] reach of the river are deducted from the natural flow available to us [ASCC], even though gains in the reach below us are credited to junior, downstream appropriators. In some years, this has resulted in a diminishment of our available natural flow by as much as 65,000 acre-feet in a single irrigation year.

The letter from ASCC demands changes to the way Water District 01 distributes natural flow in the Shelley to At Blackfoot reach.

On March 6, 2017, the Director (“Director”) of the Department issued a *Notice of Pre-Hearing Conference; Notice of Hearing; Order Setting Deadlines for Petitions to Intervene and Staff Memorandum*, scheduling a prehearing conference for March 21, 2017; a hearing for May 23-25, 2017; and ordering petitions to intervene be filed by March 21, 2017.

Timely petitions to intervene were filed by Idaho Power Company; the Surface Water Coalition (“SWC”)<sup>1</sup>; and Fremont Madison Irrigation District, Idaho Irrigation District, Parson’s Ditch Company, New Sweden Irrigation District, Wearyrick Ditch Company, The United Canal Company, Peoples Canal & Irrigation Company and Egin Bench Canals, Inc. (collectively, “Upper Valley Surface Water Entities”).

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<sup>1</sup> The SWC is comprised of A&B Irrigation District, American Falls Reservoir District No. 2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company.

At the prehearing conference, ASCC was present and represented by counsel. The Director inquired whether ASCC objected to the above-described and pending petitions to intervene. ASCC had no objection. The Director stated he would issue an order granting the petitions to intervene. The Director also informed the parties he would extend the deadline for filing petitions to intervene to March 28, 2017. In addition, ASCC, the SWC, and the Upper Valley Surface Water Entities expressed a desire for informal settlement discussions to potentially resolve this matter and requested the Director vacate the May 23-25, 2017, hearing dates and reset the hearing for September 13-15, 2017. The Director stated he would vacate the hearing dates and reset the hearing as requested to allow the parties time to engage in informal settlement discussions.

### ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the petitions to intervene filed by Idaho Power Company, the SWC, and the Upper Valley Surface Water Entities are GRANTED. *See* IDAPA 37.01.01.354.

IT IS FURTHER ORDERED that the deadline for filing petitions to intervene is EXTENDED through March 28, 2017. *See* IDAPA 37.01.01.352.

IT IS FURTHER ORDERED that the May 23-25, 2017, hearing dates are VACATED.

### NOTICE OF HEARING

The Director hereby notifies the parties that a hearing will be held in this matter on **September 13, 2017, beginning at 9:00 a.m. (MDT), and continuing on September 14 and 15, 2017**, if necessary, at the Idaho Fish & Game Southeast Regional Offices, 1345 Barton Road, Pocatello, Idaho 83204. The presiding officer will be the Director, Gary Spackman.

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the Department, IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department or at <https://adminrules.idaho.gov/rules/current/37/0101.pdf>.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please contact Kimi White at (208) 287-4815, no later than five (5) days prior to the hearing.

DATED this 24<sup>th</sup> day of March 2017.

  
GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of March 2017, I served a true and correct copy of the foregoing document by the method(s) indicated to the following:

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