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Department of Water Resources  
Eastern Region

William Bacon, ISB #2766  
Shoshone-Bannock Tribes  
PO Box 306  
Fort Hall, Idaho 83203  
Telephone: (208) 478-3815  
Facsimile: (208) 237-9736

Attorney for Shoshone-Bannock Tribes

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

IN THE MATTER OF THE PETITION FILED BY ) Docket No. P-WRA-2017-001  
ABERDEEN-SPRINGFIELD CANAL COMPANY )  
REGARDING DISTRIBUTION OF NATURAL ) SHOSHONE-BANNOCK TRIBES'  
FLOW BY WATER DISTRICT 01 ) PETITION TO INTERVENE  
\_\_\_\_\_ )

COMES NOW, the Shoshone-Bannock Tribes (herein referred to as "Tribes"), by and through their undersigned counsel of record, and, pursuant to the *Pre-Hearing Conference* of March 21, 2017, as well as the Department's Rules of Procedure 350-354 (IDAPA 37.01.01), hereby petitions to intervene in the above-captioned matter.

**FACTS**

On March 6, 2017, the director issued a Notice of Pre-Hearing Conference; Notice of Hearing; Order setting Deadlines for Petition to Intervene and Staff Memorandum scheduling a pre-hearing conference for March 21, 2017 requiring all who wish to participate file Petition to Intervene by said date. The order also directs that a staff memorandum be prepared that describe:

1. *How Water District 01 has historically assigned and currently assigns losses to the Below Blackfoot to Near Blackfoot reach of the Snake River and sources of water flowing therein, and also to adjacent reaches of the Snake River and sources of water flowing therein.*
2. *Other Snake River reaches were assignment of losses to reaches and water sources are similar to the assignment of losses in the Below Blackfoot to Near Blackfoot reach.*
3. *Alternatives to the present accounting method of assigning losses to the river reaches and water sources and the consequence of changing the present method of assigning losses.*

Receipt  
# 0042845

At the conclusion of the March 21, 2017 pre-hearing conference, the Director indicated that based on the broad implication of matter at issue that the Department would allow seven additional days for interested parties to file a Petition to Intervene pursuant to rule 352.

### ANALYSIS

1. The Shoshone-Bannock Tribes' Petition is Timely.

Because the Director, at the conclusion of the March 21, 2017 pre-hearing conference, ordered that the Department would allow seven additional days for interested parties to file a Petition to Intervene, this petition is filed timely.

2. The Shoshone-Bannock Tribes' and Direct Substantial Interest.

a. Name and Address

The name of the potential intervenor is the Shoshone-Bannock Tribes ("Tribes"). The address is:

Shoshone-Bannock Tribes  
PO Box 306  
Fort Hall, Idaho 83203

b. Interest in Petition

The Shoshone-Bannock Tribes have decreed water rights in the upper Snake River Basin and for lands on the Fort Hall Reservation. The Tribes water rights will be significantly impacted in the outcome of the current Aberdeen-Springfield Canal Company demand. The Tribes seek to fully participate in any and all issues related to "*alternatives to the present accounting method of assigning losses to the river reaches and water sources and the consequence of changing the present method of assigning losses.*"

3. The Shoshone-Bannock Tribes' Petition Does Not Unduly Broaden the Issues.

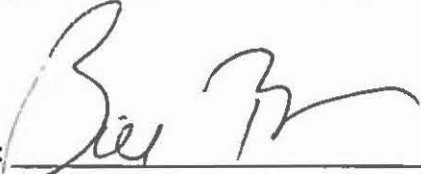
The Shoshone-Bannock Tribes seek to intervene to advance factual and legal arguments related to the issues raised by the Aberdeen-Springfield Canal Company. Therefore, this Petition does not unduly broaden the issues.

**CONCLUSION**

Based on the foregoing, the Shoshone-Bannock Tribes respectfully request that this petition to intervene be granted.

Dated this 24<sup>th</sup> day of March, 2017

SHOSHONE-BANNOCK TRIBES

By:   
William Bacon, General Counsel

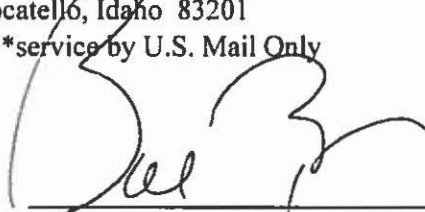
## CERTIFICATE OF SERVICE

I hereby certify that on this 24<sup>th</sup> day of March, 2017, I served a true and correct copy of the foregoing "Shoshone-Bannock Tribes Petition to intervene" on the following by the method indicated:

Director, Gary Spackman  
c/o Kimi White  
Idaho Department of Water Resources  
322 E Front Street  
Boise, Idaho 83720-0098  
[gary.spackman@idwr.idaho.gov](mailto:gary.spackman@idwr.idaho.gov)  
[kimi.white@idwr.idaho.gov](mailto:kimi.white@idwr.idaho.gov)  
[garrick.baxter@idwr.idaho.gov](mailto:garrick.baxter@idwr.idaho.gov)  
\*\*\* service by U.S. and electronic mail

Mr. Steve Howser  
Aberdeen-Springfield Canal Co.  
PO Box 857  
Aberdeen, Idaho 83210  
\*\*\*service by U.S. Mail Only

Randy C. Budge  
T.J. Budge  
Racine Olson Chtd  
201 E. Center St.  
Pocatello, Idaho 83201  
\*\*\*service by U.S. Mail Only



William Bacon, Tribal Attorney