

**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**

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, 2017.¹

The Director held the prehearing conference on March 21, 2017. All parties were present at the prehearing conference represented by counsel. For reasons stated on the record at the

¹ Timely petitions to intervene were filed by Idaho Power Company; the Surface Water Coalition, which 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; and the Upper Valley Surface Water Entities, which is comprised of 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. The Director issued an order granting these petitions to intervene.

prehearing conference, the parties and Director agreed that the hearing in this matter scheduled on May 23-25, 2017, be vacated and reset for September 13-15, 2017. The Director also agreed to extend the time for filing petitions to intervene to March 28, 2017. On March 24, 2017, the Director issued an order vacating and resetting the hearing dates as described above and extending the deadline for petitions to intervene through March 28, 2017.

On March 24, 2017, the Department timely received the *Shoshone-Bannock Tribes' Petition to Intervene*. On March 27, 2017, the Department timely received the *Bureau of Indian Affairs Petition to Intervene*. No opposition was filed to these petitions to intervene.

ANALYSIS

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.

The Director concludes that the Shoshone-Bannock Tribes and the Bureau of Indian Affairs have a direct and substantial interest in this matter and will not unduly broaden the issues. The Director further concludes that the interests of Shoshone-Bannock Tribes and the Bureau of Indian Affairs are not adequately represented by existing parties. Accordingly, the Director will grant the petitions to intervene.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the petitions to intervene filed by the Shoshone-Bannock Tribes and the Bureau of Indian Affairs are GRANTED.

DATED this 6th day of April 2017.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 6th day of April 2017, I served a true and correct copy of the foregoing document by the method(s) indicated to the following:

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