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 DEPARTMENT OF
 WATER RESOURCES

Attorneys for Aberdeen-Springfield Canal Company

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

IN THE MATTER OF THE PETITION
 REGARDING STORAGE RESET IN
 WATER DISTRICT 01 FILED BY MILNER
 IRRIGATION DISTRICT

MOTION TO INTERVENE

COMES NOW, Aberdeen-Springfield Canal Company (“ASCC”), by and through Norman M. Semanko of the law firm Parsons Behle and Latimer, pursuant to Rules 350 through 354 of the Rules of Procedure of the Idaho Department of Water Resources (“IDWR”) and the *Notice of Prehearing Conference; Order Setting Deadline for Petitions to Intervene* (“Order”) issued by the Director of IDWR on October 5, 2017, and hereby petitions to intervene in the above-captioned matter.

I. STANDARD OF REVIEW

A petition to intervene must set forth the name and address of the potential intervenor and must state the direct and substantial interest of the potential intervenor in the proceeding. Rule 351, IDWR Rules of Procedure. In addition, the petition to intervene must be filed at least 14 days before the date set for hearing, by the date of prehearing conference, or such other date as set by

order. Rule 352. IDWR may also consider whether the petition to intervene would unduly broaden the issues. Rule 353. Finally, IDWR may consider whether the proposed intervenor is adequately represented by existing parties. *Id.*

II. ARGUMENT

A. Name and Address of Petitioner.

The name and address of the proposed intervenor is as follows:

Aberdeen-Springfield Canal Company
144 South Main Street
P.O. Box 857
Aberdeen, ID 83210

B. ASCC Has a Direct and Substantial Interest in This Matter.

ASCC is a water user in Water District 01. Milner Irrigation District's ("Milner") demand seeks a determination regarding the storage reset date in Water District 01. IDWR's decision in this matter stands to directly impact ASCC, as evidenced by the *Petition from Milner Irrigation District regarding Water District 01 "reset" date*, dated August 18, 2017. The Petition seeks declaratory relief that would potentially impact natural flow and storage water rights and their administration in Water District 01, including water rights ASCC either owns or has a legal interest in. As a result, ASCC has a direct and substantial interest in the above-captioned matter.

C. ASCC's Petition to Intervene Is Timely

The Order sets a deadline of November 12, 2017 for the filing of petitions to intervene in this matter. ASCC's petition to intervene has been properly filed on or before that deadline. Therefore, the petition to intervene is timely.

D. ASCC's Petition Does Not Unduly Broaden the Issue

ASCC seeks to intervene to be heard on the same issue set forth in Milner's Petition for Declaratory Ruling. This includes the proper administration of water rights and the distribution of water in Water District 01, including water rights ASCC either owns or has a legal interest in. Therefore, ASCC's petition to intervene does not unduly broaden the issues before IDWR in this matter.

E. ASCC Is Not Adequately Represented by Existing Parties

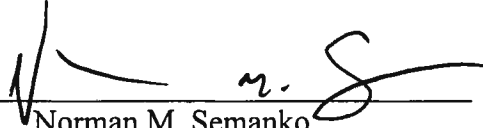
Milner does not represent the interests of ASCC in this matter. To the contrary, Milner seeks relief that could impact water rights ASCC either owns, or has a legal interest in. ASCC cannot be adequately represented by other potential intervenors, who do not have the same interest in these water rights. As a result, ASCC is not adequately represented by the existing parties in the above-captioned matter.

III. CONCLUSION

For the reasons set forth above, ASCC's petition to intervene should be granted, thereby authorizing ASCC to participate as a party in the above-captioned case.

DATED this 8th day of November, 2017.

PARSONS BEHLE & LATIMER

By: 
Norman M. Semanko

Attorneys for Aberdeen-Springfield Canal Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following on this 8th day of November, 2017 by the following method:

Director, Gary Spackman
c/o Kimi White
Idaho Department of Water Resources
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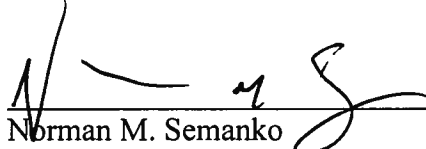
- U.S. First Class Mail, Postage Prepaid
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