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Attorney for City of Pocatello

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR
PERMITS FOR THE DIVERSION AND USE
OF SURFACE AND GROUND WATER
WITHIN THE SNAKE RIVER BASIN

**CITY OF POCATELLO'S
PETITION TO INTERVENE**

Fee Category: Exempt
Idaho Code § 67-2301

COMES NOW the CITY OF POCATELLO (“Pocatello”), by and through its attorneys of record, and hereby files this *Petition to Intervene* in the above-captioned matter.

1. On October 21, 2022, the Director of the Idaho Department of Water Resources (“IDWR”) issued the *Amended Snake River Basin Moratorium Order* (“Amended Moratorium Order”).
2. Pocatello holds municipal water rights in the area effected by the Moratorium and, as a growing city, may in the future seek to appropriate or otherwise acquire additional water rights for municipal uses. Pocatello seeks to intervene in this action to protect its municipal water rights as well as its ability to appropriate or otherwise acquire water rights in the future.
3. Regarding petitions to intervene, the Department's Rules of Procedure provide that persons who are not currently a party “to a proceeding who claim a direct and substantial

interest in the proceeding may petition for an order from the presiding officer granting intervention to become a party.” IDWR Rule 350.

4. A petitioner must demonstrate that it has a “direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues.” IDAPA 37.01.01.353. Pocatello generally agrees with the lists of issues raised by other municipal interests who have sought a hearing in this matter, and is primarily concerned, *inter alia*, about the Department’s unsubstantiated finding: “Applications for municipal water use and for domestic use from community water systems shall be considered fully consumptive.” Amended Moratorium Order at 28. Pocatello’s interests in this matter will not unduly broaden the issues and in fact are similar to issues raised by many of the municipal interests who requested hearing in this matter.

5. Petitions to intervene must be filed at least 14 days before the date set for the formal hearing, or by the date of the pre-hearing conference. See IDAPA 37.01.01.352. No dates for hearing, or indeed any deadlines, have been set in this matter and Pocatello’s petition is timely.

Based on the foregoing, Pocatello satisfies the requirements for intervention and respectfully requests that its Petition to Intervene be granted.

Respectfully submitted this 14th day of November, 2022.

SOMACH SIMMONS & DUNN

By  _____

Sarah A. Klahn

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of November, 2022, I caused to be served a true and correct copy of the foregoing **CITY OF POCA TELLO’S PETITION TO INTERVENE**, e filing by the method indicated and addressed to the following:

Gary Spackman, Director Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Gary.Spackman@idwr.gov file@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile (208) 287-6700 <input checked="" type="checkbox"/> Email
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with Courtesy Electronic Copies sent via email to:

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