

Nov 15, 2022

DEPARTMENT OF
WATER RESOURCES

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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

IGWA'S PETITION TO INTERVENE

Idaho Ground Water Appropriators, Inc. (“IGWA”), acting for and on behalf of its members, hereby petitions to intervene in this matter pursuant to rules 350 through 354 of the Rules of Procedure of the Idaho Department of Water Resources (“IDWR”).

BACKGROUND

On October 21, 2022, the Director of the Idaho Department of Water Resources (“IDWR”) issued an *Amended Snake River Basin Moratorium Order* (“Amended Moratorium Order”). On November 4, 2022, the City of Ammon (“Ammon” or the “City”), filed the *City of Ammon Challenge and Request for Hearing* in the above-captioned matter.

LEGAL STANDARD

Rule 350 of the Department’s Rules of Procedure states: “Persons not applicants or claimants or appellants, petitioners, complainants, protestants, or respondents 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, if a formal hearing is required by statute to be held in the proceeding.” If the petition “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.” (IDAPA 37.01.01.353.)

ANALYSIS

1. IGWA claims a direct and substantial interest in the Applications.

IGWA desires to intervene in this matter because decisions may be made that directly affects IGWA and its members. IGWA consists of nine ground water districts¹ and one irrigation district² whose members collectively irrigate nearly one million acres and use water in several other beneficial ways under groundwater rights that divert from the Eastern Snake Plan Aquifer (“ESPA”). IGWA and its members have suffered through numerous delivery calls and curtailment orders stemming from declining groundwater levels in the ESPA, and they have expended significant sums to mitigate injury to holders of senior surface water rights.

IGWA’s members entered into a historic settlement agreement with the Surface Water Coalition (“SWC”) in 2015 to stabilize and recover the ESPA to a level that will provide sufficient water to members of the SWC. This settlement agreement has required IGWA’s members to reduce the amount of groundwater they divert and to expend substantial sums to convert farmland from groundwater to surface water irrigation and conduct managed aquifer recharge. Despite these efforts, the ESPA has not recovered fully or as quickly as anticipated. Consequently, IGWA’s members may be required to undertake additional conservation efforts or other measures to mitigate material injury to the SWC.

Thus, IGWA claims a direct and substantial interest in the Amended Moratorium Order.

2. IGWA’s interests are not adequately represented by existing parties.

The parties to this matter presently do not represent the interests of groundwater irrigators on the Snake River Plain generally and do not represent the interest of IGWA members specifically. IGWA’s interests are not capable of being adequately represented by other parties.

CONCLUSION

Based on the foregoing, IGWA respectfully requests that this petition to intervene be granted.

DATED this 15th day of November, 2022.

RACINE OLSON PLLP



Thomas J. Budge
Attorneys for IGWA

¹ North Snake Ground Water District, Magic Valley Ground Water District, Carey Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, Henry’s Fork Ground Water District

² Southwest Irrigation District

CERTIFICATE OF MAILING

I certify that on this 15th day of November, 2022, the foregoing document was served on the following persons via email.



Signature of person mailing form

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