

Jerry R. Rigby, ISBN 2470
RIGBY, ANDRUS & RIGBY LAW, *PLLC*
Attorneys at Law
25 North Second East
Rexburg, Idaho 83440
Telephone: 208-356-3633

Attorneys for Upper Valley Districts

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

)	
)	
IN THE MATTER OF APPLICATIONS FOR)	UPPER VALLEY DISTRICT’S
PERMITS FOR THE DIVERSION AND USE OF)	PETITION TO INTERVENE
SURFACE AND GROUND WATER WITHIN)	
THE SNAKE RIVER BASIN)	
)	
)	
)	
)	

COMES NOW, the MADISON GROUND WATER DISTRICT, HENRY’S FORK GROUND WATER DISTRICT, JEFFERSON CLARK GROUND WATER DISTRICT, and FREMONT MADISON IRRIGATION DISTRICT (hereinafter collectively referred to as “Upper Valley Districts”), by and through its attorneys of record, Rigby, Andrus & Rigby Law PLLC, hereby petition to intervene in this matter pursuant to Idaho department of water resources (IDWR) Rules of procedures 350 through 354.

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). The boundaries of the Amended Moratorium were expanded to include the service areas of the Upper

Valley Districts. The Amended Moratorium re-established “a moratorium on the issuance of permits for new consumptive uses from surface and ground water tributary to the Snake River upstream from Milner Dam to protect existing water rights.”

On November 7, 2022, City of Hailey through Counsel and Falls Water Co, Inc., through Counsel, filed a Challenge and Request for Hearing on the Amended Moratorium.

ANALYSIS

The Department's Rules of Procedure provides:

Petitions to intervene must comply with Rules 200, 300, and 301. The petition 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.

IDAPA 37.01.01.351.

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. The Upper Valley Districts Petition is timely. No date has been set for a formal hearing or a pre-hearing conference.

The Upper Valley Districts have a direct and immediate interest in this proceeding because all have water rights within the new boundary of the Amended Moratorium that could be injured. The Upper Valley Districts Petition does not broaden the issues. The Upper Valley Districts only seek to appear to protect its interests that will be impacted by the Moratorium Order. The Upper Valley Districts are not adequately represented by the existing parties.

CONCLUSION

The Upper Valley Districts Petition is timely, demonstrates a direct and substantial

interest, does not broaden the issues, and demonstrates that no existing party adequately represents its interests. Based on the foregoing, the Upper Valley Districts respectfully request that this petition to intervene be granted.

Dated this 16th day of November, 2022.

RIGBY, ANDRUS & RIGBY LAW, PLLC

By:


Jerry R. Rigby

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mailing, hand delivery or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 16th day of November, 2022.

RIGBY ANDRUS & RIGBY LAW, PLLC



Jerry R. Rigby

[X] Electronic Filing

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720
file@idwr.idaho.gov

Courtesy Copies to:

Candice McHugh
McHugh Bromley, PLLC
380 S. 4thSt., Ste. 103
Boise, ID 83702
cmchugh@mchughbromley.com

Sarah A. Klahn
Somach Simmons & Dunn
2033 11th Street Suite 5
Boulder, Colorado 80302
sklahn@somachlaw.com

James R. Laski
Heather E. O'Leary
Lawson Laski Clark, PLLC
675 Sun Valley Road, Suite A
Post Office Box 3310
Ketchum, Idaho 83340
jrl@lawsonlaski.com
heo@lawsonlaski.com

W. Kent Fletcher
Fletcher Law Office
PO Box 248
Burley, ID 83318
wkf@pmt.org

John K. Simpson
Albert P. Barker
Travis L. Thompson
Michael A. Short
Barker Rosholt & Simpson
PO Box 63
Twin Falls, ID 83303-0063
jks@idahowaters.com
apb@idahowaters.com
tlt@idahowaters.com
mas@idahowaters.com

Norman M. Semanko
Parsons Bahle & Latimer
800 W. Main St., Ste. 1300
Boise, ID 83702
nsemanko@parsonsbehle.com

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
P.O. Box 50130
1000 Riverwalk Drive, Suite 200
Idaho Falls, ID 83405
rharris@holdenlegal.com

Thomas J. Budge
Racine Olson PLLP
PO Box 1391
Pocatello, ID 83204-1391
tj@racineolson.com

Garrick L. Baxter
Deputy Attorney General
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098
garrick.baxter@idwr.idaho.gov

Christopher H. Meyer
Michael P. Lawrence
Givens Pursley, LLP
PO Box 2720
Boise, ID 83701-2720
mpl@givenspursley.com
chrismeyer@givenspursley.com

Dylan B. Lawrence
Varin Thomas, LLC
P.O. Box 1676
242 N. 8th St., Ste. 220
Boise, ID 83701
dylan@varinthomas.com