

**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

**ORDER GRANTING PETITIONS TO  
INTERVENE**

**BACKGROUND**

On October 21, 2022, the Director of the Idaho Department of Water Resources (“Department”) issued the *Amended Snake River Basin Moratorium Order* (“Moratorium Order”) in the above captioned matter. The order established a moratorium on the processing and approval of new and pending applications for permits to appropriate water from the Snake River upstream from Swan Falls Dam and all surface and ground water sources in the trust water area and the non-trust water area, subject to certain conditions. *Moratorium Order* at 27.

Between November 4 and 7, 2022, multiple parties filed challenges or objections to the Moratorium Order and requested a hearing. However, neither a hearing nor a prehearing conference has been scheduled.

The Department received five petitions to intervene in the above captioned matter: on November 14, 2022, the City of Pocatello (“Pocatello”) timely filed *City of Pocatello’s Petition to Intervene*; on November 15, 2022, Idaho Ground Water Appropriators, Inc. (“IGWA”) timely filed *IGWA’s Petition to Intervene*; on November 16, 2022, Madison Ground Water District, Henry’s Fork Ground Water District, Jefferson Clark Ground Water District, and Fremont Madison Irrigation District (“Upper Valley Districts”) timely filed “*Upper Valley District’s* [sic] *Petition to Intervene*”; on November 21, 2022 the City of Meridian (“Meridian”) timely filed its *Petition to Intervene*; and also on November 21, 2022, Veolia Water Idaho, Inc. (“Veolia”) timely filed *Veolia’s Petition to Intervene* (collectively, “Petitions to Intervene”). No objections were filed with the Department within the timeframe established by IDAPA 37.01.01.354.

**PETITIONS TO INTERVENE**

The Department’s Rule of Procedure 350 addresses who may file a petition to intervene in an administrative case: “A person who is not already a party to a contested case and who has a direct and substantial interest in the proceeding may petition for an order granting intervention as a party to the contested case.” IDAPA 37.01.01.350. A petition to intervene must comply with the Department’s basic form and content rules for all pleadings and “state the direct and substantial interest of the potential intervenor in the proceeding.” IDAPA 37.01.01.351. A petition must also “be filed at least fourteen days before the date set for formal hearing, or by the date of the initial prehearing conference, whichever is earlier, unless a different time is provided by order or notice.” IDAPA 37.01.01.352. Once a petition to intervene is filed with the Department, an opposing party has seven days to file an objection. IDAPA 37.01.01.354.

The standard for deciding a timely-filed petition to intervene is as follows: “If a timely-filed petition to intervene shows direct and substantial interest in any part of the subject matter of a contested case and does not unduly broaden the issues, the agency shall grant intervention, subject to reasonable conditions, unless the applicant’s interest is adequately represented by existing parties.” IDAPA 37.01.01.353.01.

The Director concludes the Petitions to Intervene are timely and satisfy the standard in IDAPA 37.01.01.353.01. There are no objections to the Petitions to Intervene. Based on the Petitions to Intervene, the Director concludes that Pocatello, IGWA, the Upper Valley Districts, Meridian and Veolia have a direct and substantial interest in this matter, will not unduly broaden the issues, and are not adequately represented by existing parties. Therefore, the Director concludes all five Petitions to Intervene should be granted.

### ORDER

IT IS HEREBY ORDERED that the petitions to intervene filed by Pocatello, IGWA, the Upper Valley Districts, Meridian and Veolia are GRANTED.

Dated this 6<sup>th</sup> day of December 2022.

  
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GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December 2022, the above and foregoing, was served by the method indicated below, and addressed to the following:

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