

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

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

**THIRD ORDER GRANTING PETITION
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. On December 6, 2022, the Director issued an order authorizing informal proceedings on issues related to the consumptive nature of municipal water use or domestic water use from a community system. The same order set a prehearing conference for March 10, 2023.

Ten petitions to intervene have been filed in the above captioned matter to date. On December 6, 2022, the Director issued an order granting five of the petitions to intervene. On December 23, 2022, the Director issued a second order granting four other petitions to intervene. Aberdeen-Springfield Canal Company timely filed its *Petition to Intervene* on February 9, 2023. No objections were filed with the Department within the timeframe established by IDAPA 37.01.01.354.

PETITION 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 that Aberdeen-Springfield Canal Company's *Petition to Intervene* is timely and satisfies the standard in IDAPA 37.01.01.353.01. There are no objections to their *Petition to Intervene*. Based on the petition, the Director concludes that Aberdeen-Springfield Canal Company has a direct and substantial interest in this matter, will not unduly broaden the issues, and is not adequately represented by existing parties. Therefore, the Director concludes the *Petition to Intervene* should be granted.

ORDER

IT IS HEREBY ORDERED that the petition to intervene filed by Aberdeen-Springfield Canal Company is GRANTED.

Dated this 22nd day of February 2023.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of February 2023, the above and foregoing, was served by the method indicated below, and addressed to the following:

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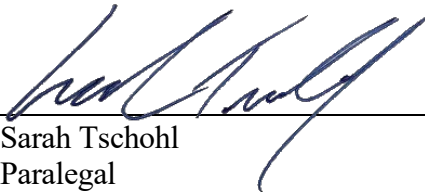
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