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DEPARTMENT OF  
WATER RESOURCES

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*Attorney for Big Lost River Irrigation District*

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

|                               |   |                                      |
|-------------------------------|---|--------------------------------------|
| IN THE MATTER THE             | ) | <b>BLRID'S PETITION TO INTERVENE</b> |
| ADMINISTRATION AND ACCOUNTING | ) |                                      |
| OF ROTATION NATURAL FLOW      | ) |                                      |
| WATER RIGHTS INTO MACKAY      | ) |                                      |
| <u>RESERVOIR FOR STORAGE</u>  | ) |                                      |

Big Lost River Irrigation District (BLRID), an irrigation district organized and operating pursuant to the laws of the State of Idaho, petitions the Director pursuant to Rules 350 through 354 of the Rules of Procedure of the Idaho Department of Water Resources (IDWR) and other applicable law to enter an order authorizing BLRID to intervene in the above entitled matter.

On July 18, 2016, The Director of the IDWR issued a *Final Order Regarding Instructions to WD34 Watermaster* (Order). Following the filing of a petition for reconsideration and a request for hearing by some parties to the proceeding, and a pre-hearing conference on November 30, 2016, the Director issued a *Notice of Hearing; Order Authorizing Discovery; Scheduling Order* dated December 1, 2016 (Scheduling Order). The Scheduling Order requires parties who want to participate in the proceeding to file a petition to intervene by December 13, 2016.

BLRID does not own natural flow water rights that are rotated into storage at Mackay Reservoir. However, BLRID's storage rights are stored in Mackay Reservoir and the manner in which natural flow rights are delivered can materially affect the delivery of storage rights and the accounting for the delivery of natural flow and storage rights. Further, BLRID is uniquely situated as the only irrigation district located on and diverting from the Big Lost River. In addition, the Order requires BLRID to perform certain acts, interact with the Water District 1 Watermaster concerning rotation credit and to account for rotation credit.

BLRID has no objection to the terms of the Order as those terms pertain to BLRID, but asserts that it should be allowed to intervene in the proceeding in order to participate in any negotiations and hearings that may affect BLRID and that address the terms of the Order pertaining to BLRID. For all of the forgoing reasons, BLRID has a direct and substantial interest in the outcome of this proceeding and should be allowed to intervene.

At the hearing in this matter, BLRID reserves the right to address any issue raised in the hearing that pertains to BLRID and that addresses BLRID's duties and obligations under the Order and any subsequent Order pertaining to rotation credit.

This petition is filed prior to the deadline established in the Scheduling Order.

For the purposes of this proceeding the name and address of BLRID shall be:

Big Lost River Irrigation District  
c/o Fletcher Law Office  
P.O. Box 248  
Burley, Idaho 83318  
208-678-3250  
208-878-2548 (fax)  
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Wherefore, BLRID requests that the Director enter an order granting this Petition and authorizing the intervention of BLRID into this proceeding.

Dated December 7, 2016

A handwritten signature in black ink, appearing to read "W. Kent Fletcher", is written over a horizontal line.

W. Kent Fletcher  
Fletcher Law Office  
P.O. Box 248  
Burley, Idaho 83318  
*Attorney for Big Lost River Irrigation District*

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this 7th day of December, 2016, served the foregoing PETITION TO INTERVENE upon all parties of record in this proceeding, by mailing a copy thereof, properly addressed with postage prepaid, as follows:

Fritz X. Haemmerle  
Haemmerle Law, PLLC  
P.O. Box 1800  
Hailey, Idaho 83333

  
\_\_\_\_\_  
W. Kent Fletcher