

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**FOR THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR )  
PERMIT & LICENSE NO. 01-07011 )  
 )  
APPLICANT: )  
TWIN FALLS CANAL CO. & )  
NORTH SIDE CANAL CO. )  
\_\_\_\_\_ )

**ORDER GRANTING  
PETITIONS FOR  
INTERVENTION**

The Petition to Intervene of Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Clark-Jefferson Ground Water District, Madison Ground Water District, and Aberdeen-Springfield Canal Company is GRANTED.

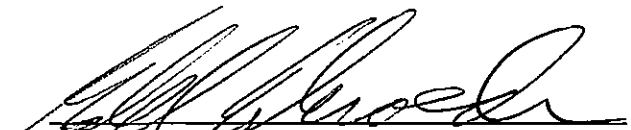
The Petition to Intervene of Mud Lake Water Users, Independent Water Users, Jefferson Canal Company, Montevue Canal Company, Producer's Canal Company, and Fremont-Madison Irrigation District (who may be collectively referred to as the "Upper Snake Water Users"), is GRANTED.

The Petition to Intervene of the Idaho Water Resource Board (IWRB) is GRANTED, limited to matters arising out of the second issue identified on page 3 of the North Side Canal Company and Twin Falls Canal Company's Response in Opposition to the Grounds on Which the Idaho Water Resource Board Moves for Intervention.

The second matter appealed relates to license condition which includes the state's newly included subordination to groundwater recharge. It states:

The diversion and use of water for hydropower purposes under this water right shall be subordinated to all subsequent upstream beneficial depletionary uses, other than hydropower, within the Snake River Basin of the state of Idaho that are initiated later in time than the priority of this water right and shall not give rise to any right or claim against any junior-priority rights for the depletionary or consumptive beneficial use of water, other than hydropower, within the Snake River Basin of the state of Idaho initiated later in time than the priority of water right no. 01-7011.

Dated this 27 day of March, 2009.

  
GERALD SCHROEDER  
HEARING OFFICER

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27<sup>th</sup> day of March, 2009, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

JOHN ROSHOLT  
TRAVIS THOMPSON  
BARKER ROSHOLT  
113 MAIN AVE WEST STE 303  
TWIN FALLS ID 83301-6167  
[jar@idahowaters.com](mailto:jar@idahowaters.com)  
[tlt@idahowaters.com](mailto:tlt@idahowaters.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JOHN SIMPSON  
BARKER ROSHOLT  
PO BOX 2139  
BOISE ID 83701-2139  
[jks@idahowaters.com](mailto:jks@idahowaters.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

RANDY BUDGE  
RACINE OLSON  
PO BOX 1391  
POCATELLO ID 83204-1391  
[rcb@racinelaw.net](mailto:rcb@racinelaw.net)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

ROBERT L. HARRIS  
P.O. BOX 50130  
IDAHO FALLS, ID 83405  
[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

MICHAEL GILMORE  
ATTORNEY GENERAL'S OFFICE  
PO BOX 83720  
BOISE ID 83720-0010  
[mike.gilmore@ag.idaho.gov](mailto:mike.gilmore@ag.idaho.gov)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

CRAIG B. EVANS, CHAIRMAN  
BINGHAM GROUND WATER DISTRICT  
P.O. Box 1268  
BLACKFOOT, ID 83221

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

LYLE SWANK  
IDWR  
900 N SKYLINE DR  
IDAHO FALLS ID 83402-6105  
[lyle.swank@idwr.idaho.gov](mailto:lyle.swank@idwr.idaho.gov)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

ALLEN MERRITT  
CINDY YENTER  
IDWR  
1341 FILLMORE ST STE 200  
TWIN FALLS ID 83301-3033  
[allen.merritt@idwr.idaho.gov](mailto:allen.merritt@idwr.idaho.gov)  
[cindy.yenter@idwr.idaho.gov](mailto:cindy.yenter@idwr.idaho.gov)

( ) U.S. Mail, Postage Prepaid  
( ) Facsimile  
(x) E-mail



---

Victoria Wigle  
Administrative Assistant to the Director  
Idaho Department of Water Resources