Randall C. Budge, ISB No. 1949
Thomas J. Budge, ISB No. 7465
RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED
201 E. Center St. / P. O. Box 1391
Pocatello, Idaho 83204-1391
(208) 232-6101 – Phone
(208) 232-6109 – Fax
rcb@racinelaw.net
tjb@racinelaw.net

Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE DISTRIBUTION OF WATER TO WATER RIGHT HELD BY LYNCLIF FARMS, WATER RIGHT NO. 36-07875	Docket No. CM-DC-2003-001 **IGWA's Petition to Intervene**

Idaho Ground Water Appropriators, Inc. (IGWA), acting for and on behalf of its members, hereby petitions to intervene in this matter pursuant to Idaho Department of Water Resources (IDWR) Rules of Procedure 156 and 350 through 354.[1]

Rule 156 defines "Intervenors" as "[p]ersons, not applicants or claimants, appellants, complainants, respondents or protestants to a proceeding, who are permitted to participate as parties pursuant to Rule 350 through 354 . . . ." Rule 350 states: "Persons not applicants or claimants or appellants, petitioners, complainants, protestants, or respondents to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the presiding officer granting intervention to become a party, if a formal hearing is required by statute to be held in the proceeding." A petition to intervene shall be granted if the petition "shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, . . . unless the applicant's interest is adequately represented by existing parties."[2]

[1] IDAPA 37.01.01 *et seq.* (For ease of citation, IDAPA 37.01.01 will be omitted and citation to the Department's Rules of Procedure will simply be by "Rule".
[2] Rule 353.

On December 18, 2003, LynClif Farms filed a Petition for Delivery Call ("Petition") before the Department alleging that LynClif Farms's decreed water rights have suffered and will continue to suffer material injury as a result of junior-priority ground water rights in the Eastern Snake Plain Aquifer Area. The Petition asks the Director to order curtailment of diversions under water rights junior to LynClif Farms' water right no. 36-7875.

On May 28, 2014, LynClif Farms filed a notice requesting that the Department reactivate their delivery of water.

IGWA represents Ground Water Districts whose members include hundreds of irrigators, municipalities, and commercial and industrial entities who own water rights that divert from the Eastern Snake Plain Aquifer (ESPA) that are exposed to curtailment under the Petition. As such, IGWA and its members have a direct and substantial interest the Petition. Therefore, IGWA requests an order granting it intervention in this matter.

RACINE OLSON NYE BUDGE & BAILEY, CHARTERED

By: Thomas J. Budge July 17, 2014

Randall C. Budge Date
T.J. Budge
Attorneys for IGWA

CERTIFICATE OF MAILING

I certify that on this 17th day of July, 2014, the foregoing document was served on the following persons in the manner indicated.

Signature of person mailing form

Director, Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Deborah.Gibson@idwr.idaho.gov	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail
Garrick Baxter Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail
Lynn Babington LynClif Farms 2825 South 1050 East Hagerman, Idaho 83332	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☐ E-mail
Clinton Jensen LynClif Farms P. O. Box 201 Hagerman, Idaho 83332	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☐ E-mail