

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF)	Docket No. CM-DC-2014-003
WATER TO WATER RIGHTS HELD BY)	
DAN LEE AND DADHRI LEE, WATER RIGHT)	ORDER DESIGNATING THE
NOS. 36-00124A AND 36-07315)	CITY OF POCATELLO
)	AS A RESPONDENT
_____)	

On July 11, 2014, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) received the *City of Pocatello’s Petition to Be Designated a Respondent or Alternatively to Intervene* (“Petition”) in this matter before the Department. The Petition requests that the Director designate the city of Pocatello (“Pocatello”) as a respondent pursuant to the Department’s Rules of Procedure, IDAPA 37.01.01 *et seq.*, in response to Dan Lee and Dadhri Lee’s letter regarding delivery of water right nos. 36-00124A and 36-07315, received by the Department June 19, 2014 (“Delivery Call”). Alternatively, Pocatello requests to intervene.

A status conference was held on July 22, 2014, wherein Dadhri Lee, representing both herself and Dan Lee, stated that the Lees do not oppose Pocatello’s Petition.

A respondent is defined as: “Persons against whom complaints are filed or about whom investigations are initiated” IDAPA 37.01.01.154. Under the Department’s Rules for Conjunctive Management of Surface and Ground Water Resources, IDAPA 37.03.11 *et seq.*, the Director is authorized to curtail junior ground water rights for the benefit of senior surface or ground water rights.

The Delivery Call asserts the facility using water right nos. 36-00124A and 36-07315 is receiving less than fifty percent of the water entitled to these rights from Spring Creek and demands that the watermaster administer the water rights according to Idaho Code § 42-607.

Pocatello diverts its municipal water supply from wells in the Eastern Snake Plain Aquifer and owns and operates associated surface water rights. Some of Pocatello’s rights are among those which Dan Lee and Dadhri Lee assert are causing it injury. Accordingly, Pocatello meets the definition of a respondent and shall be designated and permitted to participate as such in this matter.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the City of Pocatello is designated as a respondent in the above-captioned proceeding.

Dated this 23rd day of July, 2014.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of July, 2014, a true and correct copy of the above and foregoing document described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Designating the City of Pocatello as a Respondent

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Deborah Gibson
Admin. Assistant for the Director