

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF)	Docket No. CM-DC-2014-001
WATER TO WATER RIGHTS HELD BY)	
AQUARIUS AQUACULTURE, WATER)	ORDER DESIGNATING THE
RIGHT NOS. 36-07092B, 36-07159, AND)	CITY OF POCATELLO
36-07160)	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 Aquarius Aquaculture’s letter regarding delivery of water to water right nos. 36-07092B, 36-07159, and 36-07160, received by the Department February 14, 2014 (“Delivery Call”). Alternatively, Pocatello requests to intervene.

A status conference was held on July 22, 2014, wherein David Huff, Vice President of Aquarius Aquaculture, stated that Aquarius Aquaculture does 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 Aquarius Aquaculture is receiving less than fifty percent of the water it is entitled to from Hidden Springs for fish propagation pursuant to water right nos. 36-07092B, 36-07159, and 36-07160. The Delivery Call demands that the watermaster administer water rights according to Idaho Code § 42-607 in order to supply these rights.

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 Aquarius Aquaculture asserts 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.

A handwritten signature in cursive script that reads "Gary Spackman". The signature is written in black ink and is positioned above a horizontal line.

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

AQUARIUS AQUACULTURE
ATTN DAVID HUFF
2674 NORWOOD RD.
HAGERMAN, IDAHO 83332
ozzie@q.com

U.S. Mail, Postage Prepaid
 Hand Delivery
 E-mail

SARAH KLAHN
MITRA PEMBERTON
WHITE & JANKOWSKI
511 16TH ST., STE. 500
DENVER, CO 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com

U.S. Mail, Postage Prepaid
 Hand Delivery
 E-mail

A. DEAN TRANMER
CITY OF POCATELLO
P.O. BOX 4169
POCATELLO, ID 83205
dtranmer@pocatello.us

U.S. Mail, Postage Prepaid
 Hand Delivery
 E-mail

RANDY BUDGE
TJ BUDGE
RACINE OLSON
P.O. BOX 1391
POCATELLO, ID 83204-1391
rbc@racinelaw.net
tjb@racinelaw.net

U.S. Mail, Postage Prepaid
 Hand Delivery
 E-mail



Deborah Gibson
Admin. Assistant for the Director