

Randall C. Budge (ISB# 1949)
Thomas J. Budge (ISB# 7465)
RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED
P.O. Box 1391 / 201 E. Center St.
Pocatello, Idaho 83204
(208) 232-6101 - phone
(208) 232-6109 - fax
rcb@racinelaw.net
tjb@racinelaw.net

Attorneys for Idaho Ground Water Appropriators, Inc.

**DISTRICT COURT OF THE STATE OF IDAHO
FIFTH JUDICIAL DISTRICT
TWIN FALLS COUNTY**

RANGEN, INC, an Idaho Corporation,
Petitioner,
vs.
IDAHO DEPARTMENT OF WATER
RESOURCES, and Gary Spackman, in
his official capacity as Director of the
Idaho Department of Water Resources,
Respondents.

Case No. CV- 2014-4633

IGWA's Motion to Intervene

Fee Category: L.3. \$221.00

Idaho Ground Water Appropriators, Inc. (IGWA) respectfully moves to intervene in this matter pursuant to Rule 24 of the Idaho Rules of Civil Procedure.

This Court's *Procedural Order Governing Judicial Review of Final Order of Director of Idaho Department of Water Resources* issued December 5, 2014, allows any party to the underlying agency action to intervene in this case by filing a Notice of Appearance within fourteen (14) days after the order was issued (by December 19, 2014). IGWA was a party to the agency action but inadvertently failed to file a Notice of Appearance. Therefore, IGWA petitions to intervene as a matter of right pursuant to I.R.C.P. 24(a); or, alternatively, for permissive intervention pursuant to I.R.C.P. 24(b).

Under I.R.C.P. 24(a) a person may intervene as a matter of right when:

the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

IGWA has a direct interest in the subject of this action because (a) it involves IGWA's Fourth Mitigation Plan, (b) IGWA's members face curtailment if the Plan is not upheld on appeal, and (c) the Court's decision in this case may significantly impact the manner in which IDWR handles other mitigation plans IGWA has filed or may file with IDWR. No other parties in this action are able to adequately represent IGWA's interests because IGWA is both the creator and beneficiary of IGWA's Fourth Mitigation Plan. Therefore, IGWA respectfully requests an order granting it intervention in this case as a matter of right.

Alternatively, and for the same reasons stated above, IGWA is entitled to permissive intervention under I.R.C.P. 24(b) because IGWA's "claim or defense and the main action of a question of law or fact in common."

This application is timely since the agency record was only recently lodged with IDWR, IGWA's intervention will not affect briefing deadlines set forth in the Court's Procedural Order, and IGWA's intervention will not unduly prejudice the rights of any parties.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED

By: 

Randall C. Budge
Thomas J. Budge

December 23, 2014
Date

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2014, I served a true and correct copy of the following persons by the method indicated:



 Thomas J. Budge

<p>Original to: Clerk of the Court SRBA Deputy Clerk 253 3rd Ave. North PO Box 2707 Twin Falls, ID 83303-2707</p>	<p> <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile - 208-736-2121 <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email </p>
<p>Deputy Attorney General Garrick L. Baxter Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 Fax: 208-287-6700 garrick.baxter@idwr.idaho.gov kimi.white@idwr.idaho.gov</p>	<p> <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email </p>
<p>Robyn M. Brody Brody Law Office, PLLC P.O. Box 554 Rupert, ID 83350 robynbrody@hotmail.com</p>	<p> <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email </p>
<p>Fritz X. Haemmerle Haemmerle & Haemmerle, PLLC P.O. Box 1800 Hailey, ID 83333 fxh@haemlaw.com</p>	<p> <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email </p>
<p>J. Justin May May, Browning & May, PLLC 1419 West Washington Boise, ID 83702 jmay@maybrowning.com</p>	<p> <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email </p>

<p>William A. Parsons 137 W. 13th St. PO Box 910 Burley, ID 83318 wparsons@pmt.org</p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>Kathy McKenzie PO Box 109 Hagerman, ID 83332 knbmac@q.com</p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>