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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-02551
AND 36-07694

(RANGEN, INC.)

CM-DC-2011-004

PETITION FOR LIMITED
INTERVENTION ON BEHALF OF
THE IDAHO CITIES OF BLISS,
BURLEY, CAREY, DECLO,
DIETRICH, GOODING,
HAZELTON, HEYBURN, JEROME,
PAUL, RICHFIELD, RUPERT,
SHOSHONE, AND WENDELL

TO THE IDAHO DEPARTMENT OF WATER RESOURCES AND ALL INTERESTED
PARTIES:

The cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell (“Cities”) by and through their counsel as above noted, hereby petition to be granted status as Intervenors pursuant to the Rules of Procedure of the Idaho Department of Water Resources (“Rules of Procedure”) Nos. 154, 156, and 350-354. Intervention in this delivery call action is sought for the limited purpose of supporting the Idaho Ground Water Appropriators, Inc.’s, *Petition to Stay Curtailment and Request for Expedited Decision*, dated February 11th, 2014.

STANDING TO FILE PETITION

On January 29th, 2014, the Director of the Idaho Department of Water Resources entered his “*Final Order Regarding Rangen, Inc.’s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962*” (“Order”). Each of the Cities has one or more water rights that will be subject to curtailment. Order, Pages 11-12. Although Cities are currently not named Respondents, because each of them owns a water right which is subject to curtailment under the

Order, they are “persons” within the meaning of Rules Nos. 005.17 and 350 of the Rules of Procedure which provide that:

Rule No. 005.17:

“Person. Any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character. For purposes of electronic signature rules, a human being or any organization capable of signing a document, either legally or as a matter of fact.”

Rule No. 350:

“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.”

BASIS FOR PETITION

Some of the Petitioners are members of the Idaho Groundwater Appropriators, Inc. (“IGWA”). Most of the Petitioners are not. Petitioners have not formally participated in the proceedings to date. Petitioners have determined to file the Petition because of the unanticipated scope of the Order, including the curtailment of substantial water rights of each of the Petitioners. As Intervenors, Petitioners also intend to concur in the request for stay of the Order filed by IGWA in its *Petition to Stay Curtailment and Request for Expedited Decision* dated February 11th, 2014. Petitioners further intend to propose a single mitigation plan for the Cities as a group, which will address the unique nature of municipal water rights held by the Cities, including but not limited to the amount of water used for domestic purposes which is not subject to curtailment under Rule 20.11 of the Idaho Department of Water Resources Rules for Conjunctive Management of Surface and Groundwater Resources (“CM Rules”). Because the Order directly relates to any mitigation plan(s) the Cities may propose, intervention in this action is warranted.

The Cities collectively provide groundwater to tens of thousands of residential customers, as well as commercial enterprises, industries, and food processors. Curtailment of water rights owned by the Cities per the Order will have immediate and prolonged deleterious economic and other effects on the Cities themselves and their water users. Curtailment of the water rights as proposed by the Order will also significantly impact the plans of the Cities for reasonably anticipated future needs for water.

COMPLIANCE WITH APPLICABLE RULES

Intervention is appropriate under Rule No. 352 of the Rules of Procedure in that nothing currently contemplated by the Petitioners will disrupt the proceedings, prejudice any existing party, or unduly broaden any of the current issues presented. Intervention will permit the Cities to participate in this action which directly relates to their water use and will allow the Cities to propose a mitigation plan tailored to the unique circumstances of the Cities and the municipal water rights they own. The scope of the Order, the unique aspects of municipal water rights compared to other types of water rights, including irrigation rights, and the lack of the Cities' direct participation in the proceedings to date constitute good cause for the untimely filing of the Petition as required by Rule of Procedure No. 352. Finally, Petitioners have demonstrated a direct and substantial interest in this proceeding as required by Rule of Procedure No. 350.

JOINDER IN PETITION FOR STAY OF ORDER

Petitioners join in IGWA's *Petition to Stay Curtailment* filed on the 11th day of February, 2014, for all the reasons stated in that Petition. In addition to serving tens of thousands of individual residents, the Cities provide water to commercial, manufacturing, and processing entities who employ thousands of persons. The Order will disrupt the operation of those businesses and put thousands of jobs at risk. Immediate and irreparable harm to the Cities and the users of municipal water rights would unnecessarily result without a reasonable amount of time in which mitigation plans can be submitted and processed.

Most of the Petitioners were not aware of the entry of the Order until several days after its occurrence. The Cities intend to formally organize and consolidate their legal representation

at a meeting now set to be held Thursday, February 20th, 2014. Granting a stay will permit the Cities to formally organize as a single body and more efficiently represent the interests of the Petitioners. Unless a stay is granted the Cities would be denied that opportunity.

CONCLUSION

Because the names and addresses of the Petitioners have been stated, a direct and substantial interest of the Petitioners has been demonstrated, good cause for filing this Petition untimely has been shown, intervention will not unduly broaden the issues before the Department, and intervention will best allow Petitioners to address issues in the Order directed to them, this Petition should be granted.

RESPECTFULLY SUBMITTED.

DATED this 14th day of February, 2014.

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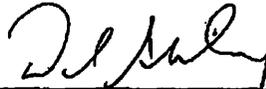
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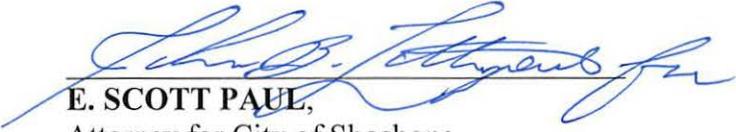
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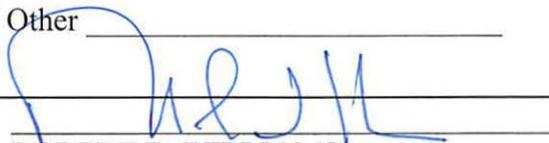
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 14 day of February, 2014, I served a true and correct copy of the foregoing document on the person(s) whose names and addresses appear below by the method indicated:

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