

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF WATER)	CM-DC-2011-003
TO WATER RIGHTS NOS. 36-07072 AND)	
36-08356)	ORDER GRANTING IGWA'S
(SEAPAC OF IDAHO))	PETITION TO INTERVENE
_____)	

On July 12, 2011, the Idaho Department of Water Resources (“Department”) received a letter from SeaPac of Idaho (“SeaPac”), alleging that they are being materially injured by diversions of water by junior priority ground water rights. SeaPac’s letter constitutes a delivery call pursuant to Rule 10.04 of the Department’s conjunctive management rules (IDAPA 37.03.11.010.04). On July 25, 2011, Idaho Ground Water Appropriators, Inc., (“IGWA”), filed *IGWA’s Petition to be Designated as Respondent or Alternatively to Intervene* with the Department pursuant to Rules 154, 156, 350 through 354. (IDAPA 37.01.01 *et seq.*)

The Petition asserts:

IGWA represents Ground Water Districts whose members consist of hundreds of irrigators, municipalities, and commercial and industrial entities operating with the State of Idaho. They are all owners of water rights that divert from the Eastern Snake Plain Aquifer that have hydraulic connections (to varying degrees) with the source for Water Right Nos. 36-7072 and 36-8356. These water users have water rights both senior and junior to the priority date of Water Right Nos. 36-7072 and 36-8356. These water rights and use thereof are the subject of the administration demanded by SeaPac in the above captioned delivery call contested case. IGWA, for and on behalf of its members, has a substantial interest in future water use and development of hydraulically connected reaches of the Snake River and ESPA. Further, IGWA is in the best position to represent the interest of the junior groundwater users and to know and understand the specific impacts upon their water rights and the claims made by SeaPac.

Rule 154 defines respondents as “[p]ersons against whom complaints are filed or about whom investigations are initiated” IDAPA 37.01.01.154. Because IGWA is not a person against whom a

complaint has been filed or about whom an investigation has been initiated, IGWA's petition will be treated as a petition to intervene.

IGWA's motion to intervene was timely filed (IDAPA 37.01.01.352) and no motion opposing intervention was received within seven days (IDAPA 37.01.01.354).

IGWA's petition shows a direct and substantial interest in the subject matter of the proceeding as IGWA represents hundreds of irrigators, municipalities, and commercial and industrial entities operating within Idaho. IGWA's members are all owners of water rights that divert from the Eastern Snake Plain Aquifer that have hydraulic connections with the source for Water Right Nos. 36-7072 and 36-8356 and many of its members are junior ground water users that SeaPac alleges have caused material injury to Water Right Nos. 36-7072 and 36-8356. IGWA's participation does not unduly broaden the issues and IGWA's interest is not adequately represented by existing parties.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that IGWA's petition to intervene is GRANTED.

Dated this 3rd day of August, 2011.



Gary Spackman
Interim Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August 2011, the above and foregoing, was served by the method indicated below, and addressed to the following:

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