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Attorneys for City of Pocatello

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

IN THE MATTER OF THE REQUEST FOR )  
ADMINISTRATION IN WATER DISTRICT 120 )  
AND THE REQUEST FOR DELIVERY OF )  
WATER TO SENIOR SURFACE WATER ) **CITY OF POCATELLO'S**  
RIGHTS BY A&B IRRIGATION DISTRICT, ) **PETITION TO INTERVENE**  
AMERICAN FALLS RESERVOIR DISTRICT #2, )  
BURLEY IRRIGATION DISTRICT, )  
MILNER IRRIGATION DISTRICT, )  
MINIDOKA IRRIGATION DISTRICT, )  
NORTH SIDE CANAL COMPANY, AND )  
TWIN FALLS CANAL COMPANY )

The City of Pocatello (Pocatello), by and through counsel of record, hereby petitions to  
intervene in this proceeding. Pocatello alleges:

1. On April 25, 2005, Pocatello received a letter from the Idaho Department of Water  
Resources to curtail the ground water use associated with right number 29-7770.

2. Pocatello is the owner and operator of this well which is of critical importance to the operation of its municipal wastewater plant because the well functions as part of the City of Pocatello's Municipal Biosolids Treatment and Land Application Program which is certified as part of Pocatello's NPDES permit to discharge treated wastewater to the Portneuf River.
3. The threat of curtailment or required mitigation and the short window that the Department has given for responding to its April 19, 2005, Order establishes Pocatello's direct and substantial interest in the proceeding that justifies granting its petition to intervene.
4. The Department plans to hold a status conference tomorrow, April 27, 2005. The Order for the status conference was dated April 22, 2005; however, Pocatello only learned of the status conference yesterday, April 25, 2005.
5. The Departments' Rule 352 requires that Petitions to Intervene be filed at least fourteen days prior to a hearing, but also provides that such petitions may be granted with good cause shown.
6. Further, Rule 52 provides that the Department's Rules of Procedure "will be liberally construed to secure just, speed, and economical determination of all issues".
7. Given Pocatello's substantial interests in this matter and because of the short time frame involved in the issuance of the Director's April 19 Order, its receipt of the curtailment letter on April 25, 2005, and the short-notice status conference on April 27, 2005, the Director should waive the timing requirements of Rule 352.

Pocatello respectfully requests that the Department immediately grant its petition to intervene.

DATED this 26th day of April, 2005.

Beeman & Associates, P.C.  
Attorneys for the City of Pocatello

By Josephine P. Beeman  
Josephine P. Beeman

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By: Josephine P. Beeman  
(for) Sarah A. Klahn

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of April 2005, I caused to be served copies of the foregoing **CITY OF POCA TELLO'S PETITION TO INTERVENE** upon the following by facsimile:

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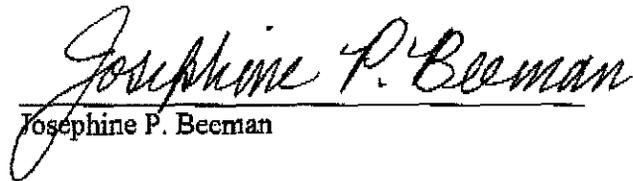
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