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Timothy J. Schneider, ISB No. 6070
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Attorneys for Petitioner,
A & B Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN RE: PETITIONS OF)
NORTH SIDE CANAL COMPANY,)
TWIN FALLS CANAL COMPANY, AND)
CLEAR SPRINGS FOODS, INC. FOR) PETITION TO INTERVENE
ESTABLISHMENT OF GROUND)
WATER MANAGEMENT AREAS IN)
ADMINISTRATIVE BASINS 35 AND 36)

COMES NOW the petitioner, A & B Irrigation District, by
and through its attorney Roger D. Ling and Timothy J. Schneider of
the firm of Ling & Robinson, and petitions to intervene in the above-
captioned proceeding. This petition to intervene is filed pursuant
to Rules 350 to 354, Rules of Procedure of the Idaho Department of
Water Resources, IDAPA 37.01.01.350 to 354.

A & B Irrigation District is an irrigation district
organized under the laws of the State of Idaho and is the beneficial
owner of certain water rights used for the delivery of water to lands
within the irrigation district for irrigation by landowners within
the district. A & B Irrigation District diverts ground water in Basin
36 for the irrigation of over 68,000 acres under water rights having

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2 a priority of September 9, 1948. Land irrigated under these rights
3 is within the area petitioners propose for establishment of a ground
4 water management area within Basin 36. Designation of only Basins
5 35 and 36 as ground water management areas and not all of the Eastern
6 Snake Plain Aquifer would significantly affect the water rights of
7 A & B Irrigation District.
8

9 A & B Irrigation District protests the designation of ground
10 water management areas in Basins 35 and 36 as purportedly requested
11 by petitioners for the reason that the management of only a portion
12 of the Eastern Snake Plain Aquifer as a ground water management area
13 is a violation of due process and equal protection guaranteed under
14 the Constitutions of the State of Idaho and the United States and
15 the prior appropriation doctrine of the State of Idaho.

16 A & B Irrigation District requests waiver of the
17 requirements of Rule 352 of Procedure of the Department of Water
18 Resources, IDAPA 37.01.01.352 insofar as filing at least 14 days
19 before a formal hearing or pre-hearing conference, based upon the
20 truncated time periods established in the Director's Order of August
21 3, 2001, and the need to review this matter with the Board of
22 Directors of A & B Irrigation District prior to having authorization
23 to file this *Petition*. To satisfy the 14-day requirement in this
24 case, a *Petition* would have had to be filed on or before August 14,
25 2001. Counsel for A & B Irrigation District did not receive the
26 Director's Order until August 15, 2001, which made it impossible for
27 A & B Irrigation District to file a *Petition to Intervene* prior to

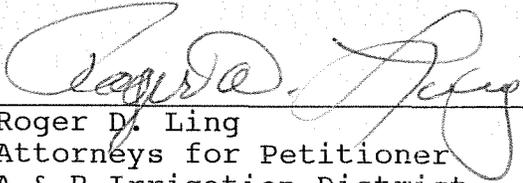
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August 14, 2001. It is respectfully submitted that the normal 14-day requirement of Rule 352 was unduly and unreasonably restrictive under the circumstances of this case.

A & B Irrigation District respectfully requests that this *Petition to Intervene* be granted and that it be allowed to participate as a party in these proceedings.

DATED this 10th day of September, 2001.

LING & ROBINSON

By: 
Roger D. Ling
Attorneys for Petitioner
A & B Irrigation District

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of September, 2001, I served the original of the foregoing **Petition to Intervene** upon:

Karl J. Dreher, Director
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

and copies of said **Petition to Intervene** upon:

Josephine P. Beeman
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, ID 83702

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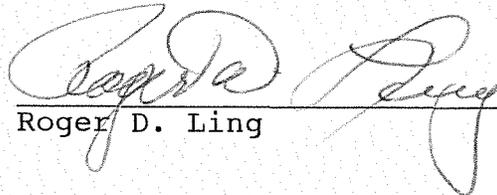
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by depositing said document in the United States mail, postage prepaid, in envelopes addressed to said parties at the foregoing addresses.


Roger D. Ling