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Department of Water Resources

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Attorneys for Petitioner  
Falls Irrigation District

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

IN THE MATTER OF MODIFYING )  
THE BOUNDARIES OF THE AMERICAN )  
FALLS GROUND WATER MANAGEMENT )  
AREA )

**PETITION TO INTERVENE**

Falls Irrigation District (FID), by and through its attorneys Roger D. Ling and Brian J. Coffey of the firm of Ling, Robinson & Walker, 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.

**1. Status as a party.**

FID is an irrigation district organized under the laws of the State of Idaho and is the beneficial owner of certain water rights implicated by the American Falls Ground Management Area (the Area). The Falls Irrigation District was established on December 9, 1955. The water rights are within the Area affected by the Modification of Boundaries and the proposed modification would directly and substantially affect the water rights of FID.

PETITION TO INTERVENE

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LING, ROBINSON & WALKER,  
ATTORNEYS AT LAW  
RUPERT, IDAHO 83350-0396

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**2. Right to Intervene.**

FID protests the Modification of Boundaries of the Area as a violation of due process and equal protection guaranteed under the Constitutions of the State of Idaho and the United States and the prior appropriation doctrine of the State of Idaho.

FID's participation as a party will not unduly broaden the issues before the Department.

The interests of FID and its members are not represented by any other party to the proceeding.

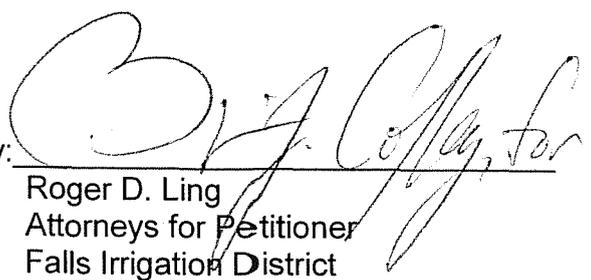
This Petition to Intervene is timely. No hearing has been heard in this matter and this Petition to Intervene is being filed under the timeline given in the November 21, 2003 Notice of Contested Case and Notice of Status Conference.

**3. Conclusion.**

Falls 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 12th day of December 2003.

Ling, Robinson, and Walker

By:   
Roger D. Ling  
Attorneys for Petitioner  
Falls Irrigation District

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**CERTIFICATE OF MAILING**

I hereby certify that on the 12<sup>th</sup> day of December 2003, 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:

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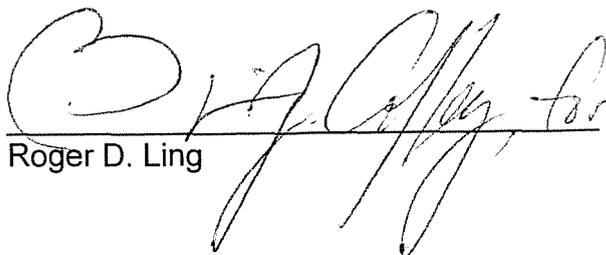
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by depositing said document in the United States mail, postage prepaid, in envelopes addressed to said parties at the foregoing addresses.

  
Roger D. Ling

LING, ROBINSON & WALKER

ATTORNEYS AT LAW

RUPERT, IDAHO 83350-0396