

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

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-23827 IN THE)
NAME OF WARREN BUDELL AND)
CANADAY PROPERTIES, LLC)
_____)

**ORDER GRANTING
PETITION TO INTERVENE**

On May 24, 2019, Carrol (Pat) C. Carlock, Chris Macaw, and Allen Coburn ("Petitioners") submitted to the Idaho Department of Water Resources ("Department") a Petition to Intervene ("Petition") as authorized in Rule of Procedure IDAPA 37.01.01350 (Rule 350) in the matter of Application for Permit No. 65-23827.

Rule of Procedure IDAPA 37.01.01.353 (Rule 353) states that if a timely filed petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the presiding officer will grant intervention, subject to reasonable conditions, unless the intervenor's interest is adequately represented by existing parties. If it appears that the intervenor does not have a direct or substantial interest in the proceeding, the presiding officer may dismiss the intervenor from the proceeding.

The applicant Warren Budell / Canaday Properties or protestant David Pratt did not file a motion opposing the Petition as provided in Rule of Procedure IDAPA 37.01.01.354 (Rule 354).

Rule 352 of the Department's Rules of Procedure states that "Petitions to intervene must be filed at least fourteen (14) days before the date set for formal hearing or prehearing conference, whichever is earlier, unless a different time is provided by order or notice."

A prehearing conference is scheduled to be held on June 12, 2019, so the Petition was filed timely.

Petitioners each hold water rights that divert downstream from the proposed use and have demonstrated a direct and substantial interest in the above captioned matter, the Department should conditionally grant the petition.

ORDER

IT IS THEREFORE HEREBY ORDERED that the petition to intervene in the above captioned matter filed by Carrol (Pat) C. Carlock, Chris Macaw, and Allen Coburn is GRANTED conditioned as follows:

1. The Petitioners shall not broaden the issues to be heard at hearing.
2. Petitioners' intervention and participation shall not be a basis for any delay or extension of time in the proceeding.

Dated this 10th day of June, 2019.



Nick Miller
Manager, IDWR Western Region

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of June, 2019, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Documents Served:

- Order Granting Petition to Intervene.

CANADAY PROPERTIES
WARREN BUDELL
9747 E GAT FIELD RD
MONTOUR ID 83617

DAVID W PRATT
SHARON D CHURCH-PRATT
10900 LIBERTY ROAD
SWEET ID 83670

CHARLES HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701



Anna Kaiser
Administrative Assistant I



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 11, 2019

CANADAY PROPERTIES
WARREN BUDELL
9747 E GAT FIELD RD
MONTOUR ID 83

Re: Order Granting Petition to Intervene

Dear Applicant and Interested Parties:

Please see the enclosed *Order Granting Petition to Intervene* for Water No. 65-23827 in the name of Warren Budell – Canaday Properties.

If you have any questions regarding this matter, please contact the Department at 208-334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser'.

Anna Kaiser
Administrative Assistant

Enclosures

CC:
DAVID PRATT & SHARON CHURCH-PRATT
CHARLES HONSINGER