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MAY 24 2019

WATER RESOURCES
WESTERN REGION

Attorney for Prospective Intervenor Carroll C. Carlock,
Chris Macaw and Allen Coburn

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) PETITION TO INTERVENE
CANADAY PROPERTIES, LLC - WARREN)
BUDELL)
)
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)
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_____)

COMES NOW, Petitioners Carroll (Pat) C. Carlock, Chris Macaw and Allen Coburn
(hereinafter "Petitioners") by and through their counsel Honsinger Law, PLLC and, in
conformance with and pursuant to IDAPA 37.01.01.350, hereby petition for intervention as
parties in the Matter of Application for Permit No. 65-23827 filed by Canaday Properties, LLC -
Warren Budell.

Entities not applicants or protestants in a proceeding before the Idaho Department of
Water Resources ("IDWR") who claim a "direct and substantial interest may petition for an order
from the presiding officer granting intervention to become a party." IDAPA 37.01.01.350.

PETITION TO INTERVENE IN MATTER OF APPLICATION FOR WATER RIGHT
NUMBER 65-23827 IN THE NAME OF CANADAY PROPERTIES, LLC - WARREN
BUDELL - Page 1

“Petitions to intervene must be filed at least fourteen (14) days before the date set for formal hearing, or by the date of the prehearing conference, whichever is earlier.” IDAPA 37.01.01.352. A petition to intervene showing “a direct and substantial interest in any part of the subject matter of a proceeding” that “does not unduly broaden the issues” is generally granted by the presiding officer “unless the applicant’s interest is adequately represented by existing parties.” IDAPA 37.01.01.353.

Petitioners have a direct and substantial interest in this proceeding. Each of the Petitioners own water rights diverted from Little Squaw Creek below the diversion proposed by applicant as follows:

Carroll (Pat) C. Carlock: 65-3060, 65-22418

Chris Macaw: 65-3050, 65-3054, 65-17902

Allen Coburn: 65-3046, 65-3047, 65-3048, 65-3049, 65-3051, 65-3052, 65-3053

As Application for Permit No. 65-23827 proposes the diversion of an additional 3.20 cfs and 820 acre-feet from an already depleted Little Squaw Creek that is subject to severe seasonal fluctuations in flows, it is very likely, if granted, to negatively impact Petitioners’ downstream prior water rights. The application apparently proposes the ability to fill a reservoir of approximately 49 acre-feet in size over and over again and again until 820 acre-feet have been stored and used for irrigation purposes. Such a diversion would definitely impact downstream flows on which Petitioners and others depend.

Additionally, Petitioners wish to ensure that the proposed application complies with the requirements of I.C. §42-203A such that: (1) it does not result in reductions in the quantity of

water available to existing water rights, including those held by Petitioners; and (2) the water supply is sufficient for the purpose for which the right is sought to be appropriated. Petitioners request that the proposed permit either be denied in its entirety, or conditioned to ensure that Petitioners' prior water rights are protected and to ensure that no violations of I.C. §42-203A occur.

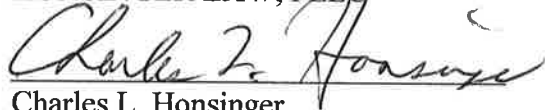
This Petition to Intervene is submitted prior to any formal hearing and prior to the prehearing conference scheduled for June 12, 2019 at 10:30 am. Accordingly it is timely filed.

The existing protestant in the case has filed a protest that appears to broadly encompass the concerns of petitioner. Thus Petitioners' intervention will not unduly broaden the existing issues. However, the existing protestant's water right points of diversion appear to be upstream from the applicant's proposed point of diversion. As discussed earlier, Petitioners' water rights' points of diversion are located downstream from the applicant's proposed point of diversion. Accordingly, Petitioners' viewpoint is not represented in this proceeding, and Petitioners' interests are not adequately protected by the existing protestant.

There appears to be no reason to deny this Petition for Intervention. Accordingly, Petitioners respectfully request that IDWR issue an order granting it intervention in this matter.

Dated this 24th day of May, 2019.

HONSINGER LAW, PLLC



Charles L. Honsinger

Attorney for Petitioners Carroll C. Carlock,
Chris Macaw and Allen Coburn

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on May 24, 2019, he caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following:

Canaday Properties, LLC
Warren Budell
9747 E. Gatfield Rd.
Montour, ID 83617-5002


Charles L. Honsinger