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Attorney for South Valley Ground Water District

RECEIVED

MAY 22 2019

DEPARTMENT OF
WATER RESOURCES

RECEIVED

MAY 28 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

In the Matter of Application for
Transfer 83053 in the Name of the
Gordon Younger Estate

TRANSFER APPLICATION 83053

**SOUTH VALLEY GROUND WATER
DISTRICT'S PETITION TO INTERVENE**

COMES NOW, South Valley Ground Water District ("South Valley GWD"), by and through counsel of record, and pursuant to the Department's Rules of Procedure 350-354 (IDAPA 37.01.01), hereby petitions to intervene in the above-captioned matter.

FACTS

South Valley Ground Water District was formed in 2015 by the Blaine County Board of Commissioners to represent the interests of ground water users located primarily in the Triangle area. Under Idaho law, a ground water district is authorized to be a party to suits, actions and proceedings. Ground water districts routinely appear in proceedings before the Department to protect the interests of their ground water users. This proceeding involves use of the same aquifer used by the South Valley GWD members.

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STANDARD OF REVIEW

The Department's Rules of Procedure provides:

Petitions to intervene must comply with Rules 200, 300, and 301. The petition must set forth the name and address of the potential intervenor and must state the direct and substantial interest of the potential intervenor in the proceeding. If affirmative relief is sought, the petition must state the relief sought and the basis for granting it.

Rule 351.

Petitions to intervene must be filed at least 14 days before the date set for the formal hearing, or by the date of the pre-hearing conference. *See* Rule 352.

ARGUMENT

I. South Valley GWD's Petition is Timely.

There is currently no hearing set in this matter. Under Rule 352, South Valley GWD's petition is timely.

II. Interest in Proceeding.

South Valley GWD has a direct and immediate interest in this proceeding because its members are all within the portion of the aquifer that the Applicants intend to use under proposed transfer administration. The transferred use could have a material adverse effect on the ground water users who are members of the South Valley GWD.

III. South Valley GWD's Petition Does Not Broaden the Issues.

South Valley GWD only seeks to appear to protect the interests of its members who might be injured by the transfer and to protect the stream flow in the Big Wood River.

IV. South Valley GWD is Not Adequately Represented by Existing Parties

South Valley GWD represents the interests of its ground water users. The Idaho Water Resource Board does not represent the interests of these ground water users.

CONCLUSION

South Valley GWD's petition is timely, demonstrates a direct and substantial interest, does not broaden the issues, and demonstrates that no existing party adequately represents its interests. Therefore, South Valley GWD requests an order from the Director granting intervention in this proceeding.

DATED this 22nd day of May, 2019.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

Attorney for South Valley Ground Water District

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of May, 2019, I served a copy of the foregoing
SOUTH VALLEY GROUND WATER DISTRICT'S PETITION TO INTERVENE by depositing
same in the U.S. Mail, postage prepaid, as indicated, addressed to the following:

Gary Spackman
Idaho Department of Water Resources
322 E. Front St.
Boise, ID 83702

Cynthia Bridge Clark
Idaho Department of Water Resources
322 E. Front St.
Boise, ID 83702



Albert P. Barker

FOR OFFICE USE ONLY:

Fees paid: \$25.00 Date: 5/22/2019
Receipt No.: C106879 By: S.O.