



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 21, 2018

IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325

Re: Order in the matter of Water Right Transfer No. 82068

Dear Interested Parties:

The accompanying order issued by the Department is an Order Granting Petition to Intervene.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller
Western Regional Manager

CC:
SPF WATER ENGINEERING LLC- LORI GRAVES
USDI BLM- FRED PRICE
DE RUYTER PROPERTIES- GIVENS PURSLEY

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

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 82068 IN THE NAME)
OF IDAHO WATER COMPANY, LLC)
_____)

**ORDER GRANTING
PETITION TO INTERVENE**

On June 7, 2018, DeRuyter Properties, L.P. ("DeRuyter"), through its counsel Givens Pursley, LLP, submitted to the Idaho Department of Water Resources ("Department") a Petition to Intervene ("Petition") as authorized by Rule of Procedure IDAPA 37.01.01.350 (Rule 350) in the matter of Application for Transfer No. 82068.

Neither the Idaho Water Company, LLC. ("Applicant") nor the protestant United States Bureau of Land Management ("BLM") filed 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."

The Department has scheduled a June 29, 2018 prehearing conference for this matter. DeRuyter filed the Petition timely.

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 proposes to transfer the water right on to land DeRuyter owns. DeRuyter is under contract to purchase a portion of the subject water right if the Department approves the transfer. DeRuyter has demonstrated a direct and substantial interest in the above captioned matter. Further, while DeRuyter's interests may align closely with the Applicant's, DeRuyter's interests are not adequately represented by the Applicant.

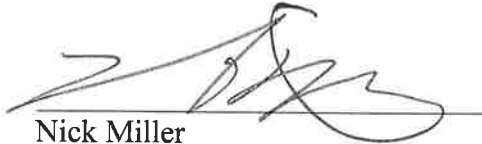
The Department should conditionally grant the Petition.

ORDER

IT IS THEREFORE HEREBY ORDERED that the Petition by DeRuyter requesting intervention in the above captioned matter is GRANTED, conditioned as follows:

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

Dated this 21st day of June, 2018.

A handwritten signature in black ink, appearing to read 'Nick Miller', is written over a horizontal line.

Nick Miller
Manager, IDWR Western Region

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June, 2018, true and correct copies of the foregoing **ORDER GRANTING PETITION TO INTERVENE** were served by placing a copy of the same with postage prepaid, and properly addressed to the following:

RE: 82068

IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
FREDRIC W PRICE
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

DE RUYTER PROPERTIES L.P. - INTERVENER
MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701-2720



Rachel Neely
Administrative Assistant