

Michael P. Lawrence [ISB No. 7288]
Givens Pursley LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
mpl@givenspursley.com
Attorney for DeRuyter Properties, L.P.

RECEIVED

JUN 07 2018

DEPARTMENT OF
WATER RESOURCES

RECEIVED

JUN 08 2018

WATER RESOURCES
WESTERN REGION

**BEFORE THE IDAHO 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

PETITION TO INTERVENE

DeRuyter Properties, L.P. (“DeRuyter”), by and through its attorney Givens Pursley LLP, hereby submits this petition to intervene in the above-captioned matter.

This matter involves Application for Transfer No. 82068 (“Application”) filed by Applicant Idaho Water Company, LLC (“IWC”), on December 19, 2017. A Notice of Protest was filed by the United States Bureau of Land Management (“BLM”) on March 12, 2018. A pre-hearing conference has been scheduled for June 29, 2018. DeRuyter seeks intervention to support the approval of the Application and to participate in any further proceedings or appeals in this matter or related thereto.

Entities not applicants or protestants in a proceeding before the Idaho Department of Water Resources (“IDWR” or “Department”) 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. 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” may be granted by the presiding officer “subject to reasonable conditions, unless the applicant’s interest is adequately represented by existing parties.” IDAPA 37.01.01.353.

DeRuyter has a direct and substantial interest in this proceeding because DeRuyter owns the place of use and diversion facilities to which the Application proposes to transfer a portion of water right no. 2-10017. DeRuyter is under contract to purchase a portion of water right no. 2-10017 if the Department approves the Application on terms and conditions acceptable to IWC and DeRuyter. DeRuyter seeks to support approval of the Application and does not seek to broaden the issues in this proceeding.

Obviously, DeRuyter’s interests are not represented by BLM, which opposes approval of the Application and challenges DeRuyter’s right to access and use the point of diversion and related facilities proposed in the Application. IWC does not and cannot represent DeRuyter’s interests with respect to the BLM’s challenge to DeRuyter’s rights. IWC conceivably could agree to or accept terms or conditions that are unacceptable to DeRuyter with respect to the BLM’s protest and the Application in general. DeRuyter must participate in this contested case so it can defend its rights and interests.

Accordingly, the Department should grant DeRuyter’s petition to intervene in this proceeding.

Respectfully submitted this 7th day of June, 2018.

GIVENS PURSLEY LLP

By



Michael P. Lawrence

Attorney for DeRuyter Properties, L.P.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of June, 2018, the foregoing was filed, served, and copied as follows:

DOCUMENT FILED:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

☐	U. S. Mail
☒	Hand Delivered
☐	Overnight Mail
☐	Facsimile
☐	E-mail

SERVICE COPIES TO:

Idaho Water Co LLC
c/o Kevin Kohtz
1135 Valley Rd S
Eden, ID 83720-0098

☒	U. S. Mail
☐	Hand Delivered
☐	Overnight Mail
☐	Facsimile
☐	E-mail

SPF Water Engineering LLC
c/o Lori Graves
300 E. Mallard Dr. STE 350
Boise, ID 83706

☒	U. S. Mail
☐	Hand Delivered
☐	Overnight Mail
☐	Facsimile
☐	E-mail

Fredric W. Price
United States Department of the Interior
Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, ID 83709-1657

☒	U. S. Mail
☐	Hand Delivered
☐	Overnight Mail
☐	Facsimile
☐	E-mail



Michael P. Lawrence