

JAN 20 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NOS. 79357, 79380, & 79384
(in the name of Thomas & Dorothy Leno);
79466 (in the name of Four Sisters Dairy,
LLC)

**CEDAR RIDGE DAIRY LLC'S
MOTION TO INTERVENE**

COMES NOW, CEDAR RIDGE DAIRY LLC ("Cedar Ridge"), by and through the undersigned counsel, and pursuant to IDAPA 37.01.01.350 (Rule 350) and seeks an order permitting intervention in the above-captioned matter. The reasons for this motion are set forth below.

ARGUMENT

Rule 350 allows "persons" who are not applicants to a proceeding but who "claim a direct and substantial interest in the proceeding" to petition for an order granting intervention to become a party. Cedar Ridge has a direct and substantial interest in this proceeding and should be allowed to participate as an intervenor under IDWR's rules of procedure.

Cedar Ridge operates the dairy (Dairy #2) at the place of use subject to application for transfer no. 79357 and entered into the *Water Right Purchase and Sale Agreement* with the Applicant Thomas Leno to purchase a portion of the water right subject to the transfer. As such, Cedar Ridge has a substantial interest in this proceeding and a representative (Ryan Visser) for the company has been and will be involved in responding to discovery requests propounded by the Protestants.

Cedar Ridge also operates the dairy (Dairy #3) at the place of use subject to applications for transfer no. 79380 and 79466, and entered into the *Water Right Purchase and Sale Agreement* with the Applicant Thomas Leno to purchase a portion of the water right subject to the transfers. As such, Cedar Ridge has a substantial interest in this proceeding and a representative (Ryan Visser) for the company has been and will be involved in responding to discovery requests propounded by the Protestants.

Finally, Cedar Ridge operates the irrigation of the place of use subject to application for transfer no. 79384, and entered into the *Water Right Purchase and Sale Agreement* with the Applicant Thomas Leno to purchase a portion of the water right subject to the transfer. As such, Cedar Ridge has a substantial interest in this proceeding and a representative (Ryan Visser) for the company has been and will be involved in responding to discovery requests propounded by the Protestants.

Cedar Ridge's interest is documented in the applications for transfer filed with IDWR. Cedar Ridge's intervention will not disrupt the current hearing schedule or prejudice any existing parties or broaden the issues. Furthermore, Cedar Ridge's participation will ensure that information concerning the use of water at the proposed places of use can be provided to the Protestants as requested and presented at hearing.

CONCLUSION

Cedar Ridge respectfully requests the Hearing Officer to enter an order granting intervention in the above-captioned matter accordingly. No oral argument is requested.

DATED this 16th day of January, 2015.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

Attorneys for Cedar Ridge Dairy LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January, 2015, I served a true and correct copy of the foregoing *Cedar Ridge Dairy LLC's Motion to Intervene*, by depositing same in the United States mail, postage prepaid, addressed to the following:

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