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DEPT. OF WATER RESOURCES
SOUTHERN REGION
\$25.00 FEE RECEIPTED 7/30/2010
S031563

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 73969 IN THE)
NAME OF ROBERT ROHE)
_____)

PETITION TO INTERVENE

The City of Bellevue, by and through counsel, hereby petitions to intervene in the above-captioned proceeding pursuant to Rules 350 through 354 of the Rules of Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.350-354).

The Department's Rules of Procedure provide that "[p]ersons not applicants or claimants or appellants, petitioners, complainants, protestants, or respondents to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the presiding officer granting intervention to become a party, if a formal hearing is required by statute to be held in the proceeding." IDAPA 37.01.01.350. The petition must be filed "at least fourteen (14) days before the date set for the formal hearing, or by the date of the prehearing conference, whichever is earlier, unless a different time is provided by order or notice." Id. at 37.01.01.352. A timely-filed petition for intervene shall be granted if the petition "shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, ... unless the applicant's interest is adequately represented by existing parties." Id. at 37.01.01.353.

The City of Bellevue is a political sub-division of the State of Idaho whose primary

mission is to provide for the safety, economic welfare and quality of life for the citizens of the city. Bellevue has a population of 2,500 people. The City of Bellevue, as an organization, and on behalf of its citizens, is concerned with and active in seeking to protect and maintain the coldwater fishery and riparian habitat in the Big Wood River. The City and its staff and citizens enjoy the Big Wood River for fishing, ecological, aesthetic, business and other purposes. These fishing, ecological, aesthetic, business and other interests depend on adequate stream flows in the Big Wood River and are directly affected by the Idaho Department of Water Resources's decision in this transfer proceeding.

The minimum stream flows in the Big Wood River are critical for the protection and maintenance of the fisheries in the river. In addition, as with other communities in a desert climate, Bellevue property values are closely connected to the proximity of water. The Idaho Water Resource Board's ("IWRB") water rights, numbers 37-7919 and 37-8307, protect minimum stream flow in the Big Wood River and will be injured if the requested upstream transfer is approved without appropriate mitigating conditions. Condition 3 of the Department of Water Resources' transfer approval that is the subject of the hearing in this matter is designed to prevent injury to the IWRB's minimum stream flow water rights. The City has a direct and substantial interest in supporting and defending the minimum stream flows protected by the IWRB's water rights and this proceeding.

The City only seeks to be heard regarding Condition 3 of the transfer approval and does not intend to introduce additional issues in this matter. Therefore, the City will not unduly broaden the issues before the hearing officer. Additionally, there is no party who adequately represents the City's economic and fisheries interests that is currently a party to this proceeding.

Because no formal hearing or prehearing conference has been set or held in this matter, the City's Petition to Intervene is timely as it is being filed more than fourteen (14) days before the date of the formal hearing or prehearing conference, as required by

IDAPA 37.01.01.352.

The City meets all of the standards and requirements imposed by the Department's Rules, and therefore respectfully request an order granting its intervention in this matter.
DATED this 23rd day of July, 2010.



Frederick C. Allington
Attorney for Bellevue

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the following described pleading or document on the parties listed below by mailing with first class postage thereon, a true and correct copy thereof on this 29 day of July, 2010.

DOCUMENT SERVED:

PETITION TO INTERVENE

INDIVIDUALS SERVED:

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