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DEPARTMENT OF
WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 73969 IN THE) **PETITION TO INTERVENE**
NAME OF ROBERT ROHE)
_____)

Idaho Rivers United (IRU), 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 intervention 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.

IRU is a non-profit membership organization dedicated to protecting and restoring the rivers of Idaho. IRU has 3,500 members with the majority living within the state of Idaho. Additionally, IRU has many non-member supporters who rely upon us to protect their interest in

the rivers of Idaho. Many of IRU's members and supporters live in the Wood River Valley and recreate on the Big Wood River.

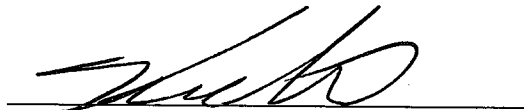
IRU, as an organization, and on behalf of its members and supporters, is concerned with and active in seeking to protect and maintain the many beneficial uses of the Big Wood River. IRU and its staff, members and supporters enjoy the Big Wood River for fishing, ecological, aesthetic, business and other 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 Resource'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. 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. IRU has a direct and substantial interest in supporting and defending the minimum stream flows protected by the IWRB's water rights and this proceeding.

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

Because no formal hearing or prehearing conference has been set or held in this matter, IRU'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. IRU 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 9th of August, 2010.



Kevin L. Lewis

Idaho Rivers United

CERTIFICATE OF SERVICE

I certify that on this 9th day of August 2010, I caused to be served the original and/or copy of the PETITION TO INTERVENE on the following persons by the indicated method:

1. One Original to:

Gary Spackman
Director, Idaho Department of Water
Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

☐ U.S. Mail, postage prepaid
☒ Hand Delivery

2. Copies to:

Fritz X. Haemmerle, Esq.
Haemmerle & Haemmerle, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333

☒ U.S. Mail, postage prepaid
☐ Hand Delivery

Helen Harrington
Idaho Water Resource Board
P.O. Box 83720
Boise, ID 83720

☐ U.S. Mail, postage prepaid
☒ Hand Delivery

Shasta Kilminster-Hadley
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☒ U.S. Mail, postage prepaid
☐ Hand Delivery



Kevin L. Lewis
Idaho Rivers United

Idaho Department of Water Resources Receipt

Receipt ID: C091509

Payment Amount \$25.00 Date Received 8/9/2010 4:17 PM Region STATE
Payment Type Check Check Number 9998
Payer IDAHO RIVERS UNITED
Comments ROHE TRANSFER #73969

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PERMITS	56103	0229	21		1155

SR7

Signature Line (Department Representative)