

Gibson, Deborah

From: Peppersack, Jeff
Sent: Tuesday, June 29, 2010 12:39 PM
To: Gibson, Deborah
Cc: Spackman, Gary; Baxter, Garrick
Subject: RE: Rohe - Petition to Intervene by Trout Unlimited

Debbie,

Didn't the IWRB also file a petition to intervene in Rohe?. Their previous attempt was denied because no hearing was requested by the applicant. Now that the applicant has requested a hearing and the hearing was granted, the IWRB and others are filing or re-filing petitions to intervene. There may be more, but that shouldn't stop us from setting a hearing date for the transfer approval.

FYI, Trout Unlimited was recently granted intervention for a transfer with the same or similar issues under T75337 (12/2/09) with the following conditions:

IT IS FURTHER HEREBY ORDERED that the petition of Trout Unlimited requesting intervention in the above captioned matters is GRANTED conditioned as follows:

1. The petitioner shall not broaden the issues to be heard at hearing. The participation of Trout Unlimited shall be limited to protection of their interests in the Big Wood River fisheries to the extent their interests are protected by IWRB's water rights.
2. The petitioner's intervention and participation shall not be a basis for any delay or extension of time in the proceeding.

Jeff

-----Original Message-----

From: Gibson, Deborah
Sent: Tuesday, June 29, 2010 11:26 AM
To: Baxter, Garrick
Cc: Peppersack, Jeff; Spackman, Gary
Subject: Rohe - Petition to Intervene by Trout Unlimited

Garrick,

For your information attached is a Petition to Intervene in the Rohe matter. I have the water right file and will place the original in that file. Also, I am maintaining a legal documents file on my computer and in a legal file folder.

Is this ready to schedule a hearing date with Gary?

Debbie

Gibson, Deborah

From: Baxter, Garrick
Sent: Tuesday, June 29, 2010 11:57 AM
To: Gibson, Deborah
Cc: Peppersack, Jeff; Spackman, Gary
Subject: RE: Rohe - Petition to Intervene by Trout Unlimited

If there is no objection to the petitions to intervene filed within seven days after receipt of the petition to intervene and the petition shows a direct and substantial interest and does not unduly broaden the issues, the Director can grant the petitions without hearing. See IDAPA 37.01.01.354 & 353. Thus, if no objection is filed, it is up to the hearing officer if he wants to have a hearing on the petitions to intervene.

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