

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PROTESTED)
)
TRANSFER NO. 75177 IN THE NAME)
OF PAUL BRAINERD)
)
TRANSFER NO. 75341 IN THE NAME)
OF ED SINNOTT)
)
TRANSFER NO. 75342 IN THE NAME)
OF PETER AND ANTONIA BRECK)
_____)

ORDER GRANTING PETITIONS TO INTERVENE

On January 29, 2010, South County Estates, LLC ("SCE") submitted to the Department, through its attorney James Laski, petitions to intervene in the contested applications for transfer no. 75177, no. 75341 and no. 75342. These petitions claim a substantial interest in these matters.

Rule of Procedure IDAPA 37.01.01.353 (Rule 353) provides that if a timely filed petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the presiding officer will grant intervention, subject to reasonable conditions, unless the applicant's interest is adequately represented by existing parties. If it appears that the intervenor has no direct or substantial interest in the proceeding, the presiding officer may dismiss the intervenor from the proceeding.

ANALYSIS

These three transfers deal with movement of water currently owned by SCE. The SCE claims a direct and substantial interest in the subject matter of the proceedings. This issue is similar but not the same as the applicants to these contested cases.

CONCLUSIONS

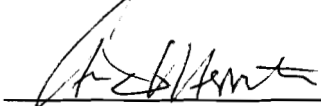
The petitioner has shown sufficient direct and substantial interest in the above captioned matters and their intervention may meaningfully add to the record for a decision. The Department should conditionally grant the petitions.

ORDER

IT IS HEREBY ORDERED that the petitions of South County Estates, LLC for intervention in applications for transfer no. 75177, no. 75341 and no. 75342 are **GRANTED** conditioned as follows:

1. The SCE shall not broaden the issues to be heard at hearing on these proceedings.
2. The SCE intervention and participation shall not be a basis for any delay or extension of time in these proceedings.

DATED 8th day of February, 2010.



ALLEN D. MERRITT, P.E.
Southern Region Manager

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of January, 2010 a true and correct copy of the above and foregoing Order Granting Petitions to Intervene was hand-delivered to the parties listed:

JAMES P. SPECK
SPECK & AANESTAD
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WOOD RIVER IRRIGATION DIS # 45
C/O ALBERT P. BARKER
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TROUT UNLIMITED
C/O PETER R. ANDERSON
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I hereby certify that on the 9th day of February 2010 a true and correct copy of the above and foregoing Order Granting Petitions to Intervene was forwarded with all required charges prepared, by Regular U.S. Mail to the parties listed:

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Mary A. Baldwin
Administrative Assistant I