

LAWSON LASKI CLARK & POGUE, PLLC
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JAN 29 2010
DEPARTMENT OF
WATER RESOURCES
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January 28, 2010

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FEB 02 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Director
Idaho Department of Water Resources
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

Re: In the Matter of Protested Transfer Nos. 75177, 75341 and 75342

Dear Director:

Enclosed please find a Petition to Intervene in consolidated Application numbers 75177, 75341 and 75342. We also enclose our firm's check in the amount of \$75.00 representing a \$25.00 fee for each Petition to Intervene.

Since the pre-hearing conferences has not yet occurred, and since South County Estates, as the present owner and the selling party in the water right purchase and sale agreements underlying each of the pending transfers, has a direct and substantial interest in the pending matter, we hope that the Department finds it in good order to grant the Petition to Intervene.

Thank you for your anticipated cooperation and assistance.

Sincerely,

LAWSON LASKI CLARK & POGUE, PLLC

James R. Laski

JRL/dle
Enclosures

Cc: Albert Barker, Esq. (w/encl.)
James P. Speck, Esq. (w/encl.)
Craig Hobdey, Esq. (w/encl.)
Peter Anderson, Esq. (w/encl.)
Shasta Kilminster-Hadley (w/encl.)

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DEPARTMENT OF
WATER RESOURCES

James R. Laski, ISB No. 5429
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Attorneys for South County Estates, LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF)
PROTESTED) SOUTH COUNTY ESTATE'S PETITION
Transfer No. 75177 in the name of) TO INTERVENE
Paul Brainerd)
Transfer No. 75341 in the name of)
Ed Sinnott)
Transfer No. 75342 in the name of)
Peter and Antonia Breck)
_____)

South County Estates, LLC ("SCE"), Petitioner herein, by and through its attorney, James R. Laski of Lawson Laski Clark & Pogue, PLLC, petitions to intervene in the above-captioned matter, pursuant to Rules 350 through 354 of the Rules of Procedure of the Idaho Department of Water Resources (IDAPA37.01.01.350-354).

The Department's rules provide that a petition is timely filed anytime before the date of the pre-hearing conference or 14 days before a formal hearing, whichever is earlier.

IDAPA37.01.01.352. The pre-hearing conference for the consolidated matters has been set February 8, 2010, and no formal hearing has been set making this Petition timely. Furthermore, the Department's rules provide that 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

R# C089949
1/29/2010

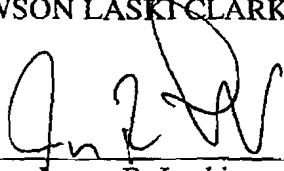
and does not unduly broaden the issues,...unless the applicant's interest is adequately represented by existing parties." IDAPA 37.01.01.353.

SCE is the present owner and the selling party in the water right purchase and sale agreements underlying each of the pending transfers. As such, SCE has a direct substantial interest in the subject matter of the proceeding. Further, SCE's participation will not unduly broaden the issues, and may not be protected by other.

The Petition meets the standard for intervention and requirements imposed by the Department's rules, therefore respectfully requests an order granting its intervention in this matter.

RESPECTFULLY SUBMITTED this 28th day of January, 2010.

LAWSON LASKI CLARK & POGUE, PLLC

By: 

James R. Laski

Attorney for South County Estates

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January ²⁸~~20~~, 2010, I caused to be served a true copy of the foregoing document by the method indicated below, and addressed to each of the following:

Director
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Hand Delivery
U.S. Mail
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Overnight Mail

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Idaho Water Resource Board
Helen L. Harrington, Manager
Water Planning Section
Idaho Department of Water Resources
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Attn: Debbie Gibson
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

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Craig Hobdey, Esq.
Hobdey & Hobdey
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Wood River Irrigation Dist. #45
c/o Albert Barker, Esq.
Barker Rosholt & Simpson, LLP
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Shasta Kilminster-Hadley
Idaho Attorney General
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Breck Family Trust
Peter B. & Antonia Hunter Breck
P.O. Box 1604
Ross, CA 94957

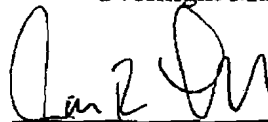
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Trout Unlimited
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910 West Main Street, Suite 342
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James R. Laski