

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PROTESTED)
)
TRANSFER NO. 75337 IN THE NAME)
OF CHARLES AND ELAINE GOULD)
)
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 December 31, 2009, the Big Wood Canal Company ("BWCC") submitted to the Department, through its attorney Craig Hobdey, petitions to intervene in the contested applications for transfer no. 75337, 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 four transfers deal with the movement of water upstream of Magic Reservoir owned and operated by BWCC. The BWCC claims these transfers may negatively affect water rights held by BWCC. This issue is similar but not the same as the other protestants and other intervenors to these contested cases.

CONCLUSIONS

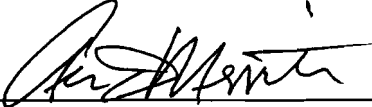
The petitioner have shown sufficient direct and substantial interest in the above captioned matters and their intervention may meaningfully add to the record for a decision on the potential injury issues raised by the protestants. The Department should conditionally grant the petitions.

ORDER

IT IS HEREBY ORDERED that the petitions of the Big Wood Canal Company for intervention in applications for transfer no. 75337, no. 75177, no. 75341 and no. 75342 are **GRANTED** conditioned as follows:

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

DATED 22nd day of January, 2010.



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

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of January, 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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