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DEPARTMENT OF
WATER RESOURCES

HOBDEY LAW OFFICE, PLLC

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December 23, 2009

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Director
Idaho Department of Water Resources
322 East Front Street, 6th Floor
PO Box 83720
Boise ID 83720-00098

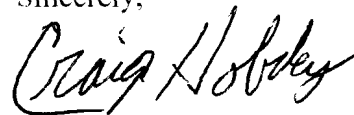
Dear Director:

Enclosed please find separate Petitions to Intervene in Application numbers 75337; 75177; 75341; 75342. We also enclose our firm check in the amount of \$100.00 representing a \$25.00 fee for each Petition to Intervene.

Since there are no pre-hearing conferences scheduled, and since Big Wood Canal Company has the only storage right in Magic Reservoir, which may be injured by the upstream transfers. We would hope that the Department finds it in good order to grant the Petitions to Intervene.

Thank you for your anticipated cooperation and assistance.

Sincerely,



Craig D. Hobdey

CDH:dm
Enclosures
c: Al Barker enclosures
Jim Speck enclosures
Peter Anderson enclosures
Helen Harrington enclosures

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DEPARTMENT OF
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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Attorney for Big Wood Canal Company

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER No. T75342 IN THE NAME)
OF PETER B. BRECK and ANTONIA)
HUNTER BRECK, TRUSTEES OF THE)
BRECK FAMILY 1998 REVOCABLE)
TRUST.)
_____)

BIG WOOD CANAL COMPANY
PETITION TO INTERVENE

Big Wood Canal Company, Petitioner herein, by and through its attorney, Craig D. Hobdey, of Hobdey Law Office, 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 a pre-hearing conference has been set. Upon Petitioner's information and belief, no pre-hearing conference has been set in the above-captioned matter. 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 and does not unduly broaden the issues,...unless the applicant's interest is adequately represented by existing parties." IDAPA 37.01.01.353. Furthermore, the petition must be filed "at least fourteen days before the date set for the formal hearing, or by the date of the pre-hearing conference, whichever is earlier, unless a different time is

BIG WOOD CANAL COMPANY
PETITION TO INTERVENE (Breck)

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provided by order or notice" IDAPA37.01.01.352.

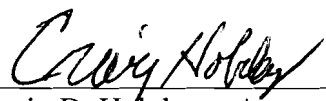
BWCC is a non-profit Canal Company organized pursuant to Title 42, Idaho Code. BWCC has a substantial interest in this proceeding, as a water right holder of its own right and acts on behalf of members of the Company within the boundaries of its service area. BWCC and its members could be potentially injured by the granting of the application for Transfer No. T75342. The potential injury that petitioner could suffer, by the granting of this application is in the form of a negative impact on Petitioner's ability to deliver water to its patrons; the de-watering of the river, and diminished storage in Magic Reservoir. Petitioner holds the only storage rights in Magic Reservoir.

Petitioner seeks only to protect itself and its patrons from injury. Petitioner's interest in this matter are not represented by existing Protestants, Idaho Water Resource Board, Trout Unlimited, and/or Wood River Valley Irrigation District #45.

This Petitioner meets the standard for intervention and requirements imposed by the Department's rules, therefore we respectfully request an order granting its intervention in this matter.

RESPECTFULLY SUBMITTED THIS 23 day of December, 2009.

HOBDEY LAW OFFICE, PLLC

By: 
Craig D. Hobdey - Attorney for
Big Wood Canal Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of December, 2009, I mailed the original and copies of the BIG WOOD CANAL COMPANY'S PETITION TO INTERVENE to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

Director
Idaho Department of Water Resources
322 East Front Street, 6th Floor
PO Box 83720
Boise ID 83720-00098

Idaho Water Resource Board
Helen L. Harrington, Manager
Water Planning Section
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise ID 83720

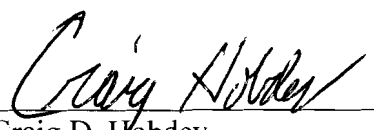
Peter Breck
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James P. Speck, Attorney
PO Box 987
Ketchum ID 83340

Wood River Valley Irrigation District #45
c/o Albert Barker
Attorney at Law
PO Box 2139
Boise ID 83701-2139

Trout Unlimited
c/o Peter Anderson
910 West Main Street, Suite 342
Boise ID 83702



Craig D. Hobdey