

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PETITION TO)
INTERVENE IN PROTESTED)
APPLICATION FOR PERMIT NO.)
22-13689, 22-13690 AND 22-13691 AND)
APPLICATION FOR TRANSFER 72904)
IN THE NAME OF BOYD SMITH TRUST)

**ORDER GRANTING
PETITION TO INTERVENE**

On September 14, 2009, Rusty and Karen Vest ("petitioner") submitted to the Department of Water Resources ("Department") a Petition to Intervene ("petition") as authorized in Rule of Procedure IDAPA 37.01.01350 (Rule 350) in the matter of Application for Permit No. 22-13689, 22-13690 and 22-13691 in the name of Boyd Smith Trust ("applicant").

The applicant to these contested cases did file a motion opposing the petition to intervene as provided in IDAPA 37.01.01354 (Procedure Rule 354). Robert L. Harris, Holden Kidwell Hahn & Crapo, counsel for Boyd Smith Trust, states the grounds for the opposition is to continue to allow additional protestants almost two years after the above applications were advertised will lead to additional delay and expand the issues at the hearing.

Since petitioner, has purchased property in Teton County, with water rights from So. Leigh Creek, he has sufficient direct and substantial interest in the above captioned matters, and by filing their petition to intervene in a timely manner, the Department should conditionally grant the petition.

ORDER

IT IS THEREFORE HEREBY ORDERED that the petition of Rusty and Karen Vest 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 petitioner is limited to participate in the issue of "potential injury to existing water rights".
2. The petitioner's intervention and participation shall not be a basis for any delay or extension of time in the proceeding.

DATED 12 day of November, 2009


Ernest Carlsen
Water Right Program Manager

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of November, 2009, a true and correct copy of the foregoing Order Granting Petition to Intervene was forwarded with all required charges prepaid, by regular U.S. Mail, to the parties listed:

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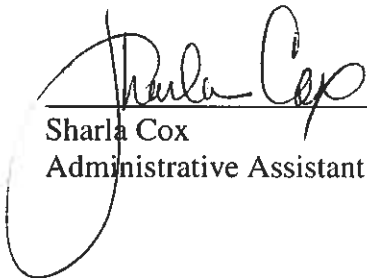
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