

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 86546)
IN THE NAME OF STAR SEWER)
AND WATER DISTRICT)
_____)

**ORDER GRANTING
PETITION TO INTERVENE**

On August 9, 2023, the City of Eagle ("Petitioner") submitted a Petition to Intervene ("Petition") to the Idaho Department of Water Resources ("Department"), as authorized in Rule of Procedure IDAPA 37.01.01.350 (Rule 350) in the matter of Application for Transfer No.86546. ("Application").

Rule of Procedure IDAPA 37.01.01.353 (Rule 353) states 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 petitioner's interest is adequately represented by existing parties.

Neither the applicant Star Sewer and Water District, nor protestant Veolia Water Idaho, Inc. filed a motion opposing the Petition as provided in Rule of Procedure IDAPA 37.01.01.354 (Rule 354).

Rule 352 of the Department's Rules of Procedure states that "Petitions to intervene must be filed at least fourteen (14) days before the date set for formal hearing or prehearing conference, whichever is earlier, unless a different time is provided by order or notice."

No hearing or prehearing conference have been scheduled in this matter, so the Petition was filed timely.

The Petitioner, applicant, and protestant are each municipal providers with service areas as provided for under Idaho law. These service areas are not static, and all three service areas have the potential to grow in a direction that could meet or overlap the others. The addition of an additional supply well to these water rights as contemplated by the Application could impact the development or expected development of the service areas of Petitioner, applicant, and protestant. The Petitioner has demonstrated a direct and substantial interest in the above captioned matter. The Department should conditionally grant the petition.

ORDER

IT IS THEREFORE HEREBY ORDERED that the petition to intervene in the above captioned matter filed by City of Eagle is GRANTED conditioned as follows:

1. The Petitioner shall not broaden the issues to be heard at hearing.
2. Petitioner's intervention and participation shall not be a basis for any delay or extension of time in the proceeding.

Dated this 7th day of September 2023



Nick Miller

Manager, IDWR Western Region

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of September, 2023, I served a true and correct copy of the foregoing document on the following by the method(s) indicated below:

STAR SEWER & WATER DISTRICT
PO BOX 400
STAR, ID 83669-0400
(208) 286-7388
testrada@starswd.com
Applicant

- ☐ U.S. Mail, Certified, postage prepaid
- ☐ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

JUSTIN WALKER
KELLER ASSOC INC
131 SW 5TH AVE STE A
MERIDIAN, ID 83642-8609
(208) 288-1992
jwalker@kellerassociates.com
Representative for Applicant

- ☐ U.S. Mail, Certified, postage prepaid
- ☐ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

VEOLIA WATER IDAHO INC
8248 W VICTORY RD
BOISE, ID 83709-4165
(201) 767-2801
robert.newbry@veolia.com
Protestant

- ☐ U.S. Mail, Certified, postage prepaid
- ☐ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

MICHAEL P. LAWRENCE
CHARLIE S. BASER
GIVENS PURSLEY LLP
601 W BANNOCK ST
BOISE, ID 83702-5919
(208) 388-1200
mpl@givenspursley.com
csb@givenspursley.com
Attorneys for Veolia Water Idaho Inc

- ☐ U.S. Mail, Certified, postage prepaid
- ☐ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

PARSONS BEHLE & LATIMER
C/O NORMAN M SEMANKO
800 W MAIN ST STE 1300
BOISE ID 83702
208.562.4900
nsemanko@parsonsbehle.com
Attorney for City of Eagle
Intervenor

- ☐ U.S. Mail, Certified, postage prepaid
- ☐ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email



Nick Miller
Manager, IDWR Western Region