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5
6 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

7
8 **IN THE MATTER OF THE**
9 **APPLICATION FOR A PERMIT TO**
10 **TRANSPORT WATER OUT OF**
11 **STATE**

No. 07A-TR001-DWR

BIASI WATER COMPANY'S
MOTION FOR LEAVE TO
INTERVENE

12 **Permit No. 33-96790**

13 **Applicant: Wind River Resources,**
14 **L.L.C.**

15
16 Pursuant to Arizona Administrative Code R2-19-102.C, R2-19-106, and Arizona
17 Rules of Civil Procedure (ARCP) Rule 24, Biasi Water Company (Intervenor)
18 respectfully moves the Court for an order that it be allowed to intervene in the above-
19 entitled action to oppose the Application.
20

21 Intervenor holds a Certificate of Convenience and Necessity granting it the right
22 and obligation to serve water to customers in Mohave County, Arizona, near Beaver
23 Dam, Arizona, where the Applicant proposes to withdraw water for exportation to
24 Nevada. As a practical matter, approval of the Application would adversely impact
25 Intervenor's water supply and ability to provide potable water to its customers.

1 Intervenor's rights and interests will only be adequately represented through intervention.
2 Accordingly, pursuant to ARCP Rule 24(a), Intervenor seeks to intervene as a party as a
3 matter of right in order to protect its property rights and interests.
4

5 Alternatively, Intervenor seeks permissive intervention pursuant to ARCP Rule
6 24(b). Intervenor is already considered an "interested person" due to its immediate
7 interest in the outcome of this Application. Consequently, intervention would not unduly
8 delay or prejudice the adjudication of the rights of the original parties.

9 Intervenor additionally seeks recognition of all rights and responsibilities accorded
10 other parties set forth in the procedural orders filed in this matter. Specifically,
11 Intervenor seeks the right, consistent with the rights of other parties in this case, to:
12

- 13 • File a Pre-Hearing Brief and responses;
- 14 • Present witnesses, testimony, exhibits, and documentary evidence; and
- 15 • Examine and cross-examine witnesses.

16 A proposed order is attached.

17 Respectfully submitted this 26th day of January, 2007.
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20 By Steve Wene
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24 Electronically filed January 26, 2007.
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9 **APPLICATION FOR A PERMIT TO**
10 **TRANSPORT WATER OUT OF**
11 **STATE**

No. 07A-TR001-DWR

12 **Permit No. 33-96790**

ORDER APPROVING BIASI
WATER COMPANY’S MOTION TO
INTERVENE

13 **Applicant: Wind River Resources,**
14 **L.L.C.**

15
16 Pursuant to Arizona Administrative Code R2-19-102.C, R2-19-106, and Arizona
17 Rules of Civil Procedure Rule 24, the undersigned Administrative Law Judge finds that
18 the Biasi Water Company (“Intervenor”) has an interest relating to the property or
19 transaction which is the subject of the above-entitled action. Moreover, Intervenor’s
20 interests will only be adequately represented through intervention, which will not unduly
21 delay or prejudice the adjudication of the rights of the original parties. Therefore,
22

23 **IT IS ORDERED** that the Biasi Water Company’s motion to intervene in the
24 above-entitled action is approved; and
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