

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PETITION TO)
INTERVENE IN THE MATTER OF PROTESTED)
APPLICATION FOR APPLICATION NO.)
45-07745 IN THE NAME OF the USDA-Forest Service)

**ORDER GRANTING
PETITION TO INTERVENE**

On September 3, 1999 the USDA-Forest Service (applicant) filed with the Department of Water Resources (department) an Application for Permit. Timely protests were filed by Marsh Creek Water District # 45-F, Fred Hawker and legal counsel on behalf of Earl L. Warthen, raising all issues described in §42-222 against the approval of the application.

On November 24, 1999 Andrwood, Inc dba Pomerelle (petitioner), by their legal counsel, Roger D. Ling, submitted to the department a petition for an order to intervene in the above described matter as authorized in Rule of Procedure IDAPA 37.01.01350 (Rule 350).

After reviewing said protestants' original protests and said petitioner's petition, it is found that the petitioner has shown sufficient interest in the matter without unduly broadening the issues.

ORDER

IT IS THEREFORE HEREBY ORDERED that the petition requesting intervention in any conference and/or hearing scheduled by the department in connection with the above captioned matter is **GRANTED**.

Dated this 20th day of December, 1999.



Allen Merritt
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of December, 1999 a true and correct copy of the foregoing Order Granting Intervention was forwarded with all required charges prepared, by regular U.S. Mail, to the parties listed:


Secretary

USDA-Forest Service
380 EAST PARKCENTER
SUITE #330
BOISE ID 83706

ATTN WILLIAM LA VERE
USDA-FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301

EARL L WARTHEN
c/o NORMAN M SEMANKO
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

JIM CHATBURN CHAIRMAN
MARSH CR WATER DIST #45-F
PO BOX 53
ALBION ID 83311

FRED HAWKER
361 W 400 S
BURLEY ID 83318

ANDRWOOD, INC
Dba Pomerelle

c/o ROGER D LING
LING NIELSEN & ROBINSON
PO BOX 396
RUPERT ID 83350