

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 TRANSFER NO. 5194
IN THE NAME OF the USDA-Forest Service

**ORDER GRANTING
PETITION TO INTERVENE**

On January 5, 1998 the USDA-Forest Service (applicant) filed with the Department of Water Resources (department) an Application for Transfer of Right No. 45-04114. A timely protest was filed by Earl L. Warthen, raising all issues described in §42-222 against the approval of the application.

On December 3, 1998 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). An Order Granting Intervention to Andrwood, Inc. was granted on December 11, 1998.

On **December 14, 1999** Marsh Creek Water District #45-F 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 to Marsh Creek Water District #45-F.**

Dated this 22nd day of December, 1999.



Allen Merritt
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on the 22nd 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

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