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DEC 16 1999
Department of Water Resources
Northern Region

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

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DEC 07 1999

Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION)
OF TRANSFER OF WATER RIGHT)
5194 OF THE UNITED STATES) PETITION FOR INTERVENTION
DEPARTMENT OF AGRICULTURE-)
FOREST SERVICE.)
_____)

Comes Now Marsh Creek Water District #45-F, Albion, Idaho, petitions for an Order from the presiding officer granting Marsh Creek Water District #45-F intervention to become a party in the above proceedings, and in support of said petition, alleges:

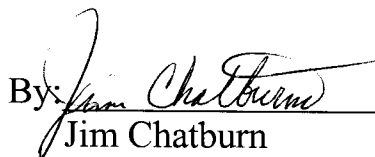
1. That Marsh Creek Water District #45-F, operates an irrigation district under the laws of the State of Idaho pursuant to (Idaho State Code (s)).
2. That the application for water permit described in Application for transfer of Water Right No. 5194 is an application for a transfer of water right that will be used by petitioner in the operation of said ski area, and is "unessential" to the operation of said ski area.
3. Marsh Creek Water District requests Petition For Intervention for the following Reasons:
 - A. That the Watermaster of Marsh Creek Water District #45-F or Marsh Creek Water District #45-F was never formally notified of the request of USDA Forest Service application for transfer of water right #5194 and did not have a chance to review said transfer.
 - B. Transfer #5194 is requesting an increase of .05 CFS from the current .01 CFS shown under the statutory claim shown for water right 45-04114.

- C. Transfer of water right #5194 moves the .05 CFS requested on 45-04114 to a prior priority date of 5-1-65 for the additional .05 CFS requested.
 - D. No existing water rights for the USDA Forest Service are on file with the Idaho Department of Water Resources showing that they have a water right out of the Bennett Springs tributary to Howell Creek drainage.
 - E. Water District #45-F maintains there has been an illegal point of diversion in Bennett Springs which does not constitute a water right.
4. The address of petitioner is P.O. Box 53 Albion, Idaho 83311.
5. That intervention by petitioner will not disrupt these proceedings or prejudice any existing parties, or in any way unduly broaden the issues pending before the Department of Water Resources.

WHEREFORE, petitioner prays for an Order granting petitioner Marsh Creek Water District #45-F intervention as a party in these proceedings in denial of the Application of the USDA- Forest Service.

DATED this 6th day of December, 1999.

Marsh Creek Water District #45-F

By: 
Jim Chatburn
Chairman Water District #45-F

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of December 1999, I served copies of the foregoing Petition for Intervention upon:

Office of the General Counsel
United States Dept. of Agriculture
Forest Service
380 Park Center, Suite 330
Boise, Idaho 83724

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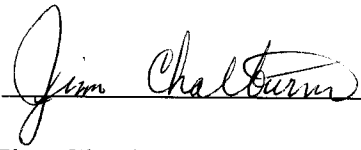
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By depositing said copies in the United States mail, postage prepaid, in envelopes addressed to said parties at the foregoing addresses.

Received By JE Stanton
" Date 12-14-99

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BY: 
Jim Chatburn