

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JAN 03 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under section 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all the necessary information.

1. Matter being protested Application for Permit No. 35-13521 in the name of Andrew E. Povey, 2602 Povey Rd., American Falls, ID 83211

2. Name of Protestant United States Department of Interior Bureau of Reclamation

3. Protestant's representative for service (if different than Protestant)
E. Gail McGarry, Manager Water Rights and Acquisition, Pacific Northwest Regional Office, Bureau of Reclamation.

4. Service mailing address
E. Gail McGarry, PN-3100, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706.

5. Service telephone number E. Gail McGarry (208) 378-5306

6. Basis of protest (including statement of facts and law upon which the protest is based)
This application may injure Reclamation water rights if not conditioned properly

7. What would resolve your protest? Conditions

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3rd day of Jan, 2005

United States

PROTESTANT

E. Gail McGarry

PROTESTANT'S REPRESENTATIVE

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Department of Water Resources
Eastern Region

Receipt #
CO 76275

Certificate of Service

The undersigned does hereby certify that on this 3RD day of January, 2005, he or she caused a true and correct copy of the Protest Application for Permit No. 35-13521 transmitted by the following means:

Original hand delivered to:

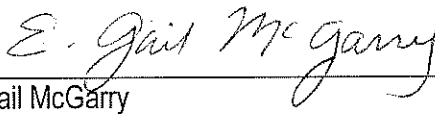
Idaho Department of Water Resources
Attn: Director
322 W. Front St.
Boise, Idaho 83720

U.S. mail to:

Andrew E. Povey
2602 Povey Rd.
American Falls, ID 83211

Courtesy Copy to:

Randall C. Budge, Esq.
RACINE, OLSON, NYE, BUDGE & BAILEY, CHTD
P.O. Box 1391
Pocatello, ID 83204-1391



E. Gail McGarry