



IN REPLY
REFER TO:

PN-3100
PN-4.10

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

JUN 15 2004

RECEIVED

JUN 18 2004

DEPARTMENT OF
WATER RESOURCES

RECEIVED

JUN 16 2004

WATER RESOURCES
WESTERN REGION

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

Subject: In the Matter of Application for Transfer No. 70663 in the Name of Andrew Povey

Dear Mr. Budge:

I am in receipt of the Applicant's First Interrogatories to Intervenors, Applicant's First Requests for Production of Documents to Intervenors, and Applicant's First Requests for Admission to Intervenors dated June 3, 2004, which were served on the Bureau of Reclamation (Reclamation) by your office. My understanding is that the Idaho Department of Water Resources (IDWR) has not yet issued an order pursuant to IDAPA 37.01.01.521 authorizing discovery. Consequently, Reclamation has not yet served discovery requests in this matter. Because no order authorizing discovery has been issued, it appears that discovery requests and responses are premature at this time.

Even though no discovery order has been issued, perhaps we can make arrangements for an informal exchange of information concerning both Reclamation's protest and your client's application. If you believe that formal discovery is necessary at this point, may I suggest that we communicate with the other parties in this matter and IDWR to discuss an appropriate discovery schedule and related scheduling issues.

If you have any questions, please call me at 208-378-5306.

Sincerely,

E. Gail McGarry
Program Manager
Water Rights and Acquisition

cc: Twin Falls Canal Company
North Side Canal Company
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