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April 29, 2004

RECEIVED

APR 30 2004

Department of Water Resources
Eastern District Office

Ronald D. Carlson, Manager
Eastern Region Office
Roger Weaver, Water Rights Supervisor
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: *Andrew E. Povey/Transfer No. 70663*

Dear Ron and Roger:

Per my phone conversation with Roger, the Applicant, Andy Povey, desires to proceed with this transfer and requests that the Department schedule a hearing as soon as possible on the pending application and protests.

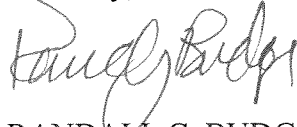
At the February 19, 2004 scheduling conference, various deadlines were set leading up to a hearing in Idaho Falls on May 27-29, with June 2-4 provided as alternate dates. However, no formal notice of hearing was sent out to the parties, apparently because Mr. Povey had provided indication that he may not wish to proceed. Consideration was given towards delaying the processing of this application until the recently-convened Legislative Interim Committee had completed its work, attempting to resolve ground water-surface water conflicts within the state. However, time constraints imposed on Mr. Povey by the seller of the water rights he is purchasing and his lender require that he move forward at this time. Mr. Povey believes that the issues raised by the protests need to be placed before the Department for decision as soon as possible. My available dates are:

June 3, 4, 14, 15, 17, 18, 21-25
July 1, 2, 7, 8, 9, 12, 15, 16, 19-23
August 23-25

April 29, 2004
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Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randall C. Budge".

RANDALL C. BUDGE

RCB:rr

cc: Andrew E. Povey
Jim Rush/Rocky Mountain Environmental
E. Gail McGarry/Bureau of Reclamation
Roger D. Ling/A&B Irrigation District
Amy D. Chestnut/Twin Falls Canal, North Side Canal