

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
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Fax: 208-232-6109

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)	APPLICANT'S FIRST
FOR TRANSFER NO. 70663)	REQUESTS FOR ADMISSION
IN THE NAME OF ANDREW POVEY)	TO INTERVENORS
_____)	

TO: ALL INTERVENORS AND THEIR ATTORNEYS OF RECORD:
A&B IRRIGATION DISTRICT AND ITS ATTORNEY ROGER D. LING
TWIN FALLS CANAL COMPANY AND NORTH SIDE CANAL COMPANY AND
THEIR ATTORNEYS, BARKER, ROSHOLT & SIMPSON LLP
BUREAU OF RECLAMATION AND ITS ATTORNEY E. GAIL McGARRY

COMES NOW Applicant, by and through counsel, pursuant to Rule 36 of the Idaho Rules of Civil Procedure and IDAPA 37.01.01, Rule 520, and hereby requests that each Intervenor separately admit or deny each of the following Requests for Admission within 15 days, in writing, signed and under oath. In accordance with Rule 36(a), each Request shall be admitted unless, within 15 days after service of the Request, the parties to whom the Request is directed serves upon the requesting party a written answer or objection, signed under oath.

REQUEST FOR ADMISSION NO. 1: Admit that your water rights will not be injured by the proposed transfer.

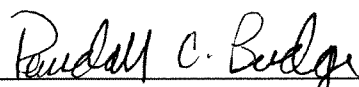
REQUEST FOR ADMISSION NO. 2: Admit that the proposed change does not constitute an enlargement in the use of the original right.

REQUEST FOR ADMISSION NO. 3: Admit that the proposed transfer will not conflict with the local public interest as defined by Section 42-222, Idaho Code.

REQUEST FOR ADMISSION NO. 4: Admit that the proposed change is not contrary to the conservation of water resources within the State of Idaho.

DATED this 3rd day of June, 2004.

RACINE, OLSON, NYE, BUDGE & BAILEY,
CHARTERED

By 
RANDALL C. BUDGE
Attorney for Applicant

CERTIFICATE OF MAILING

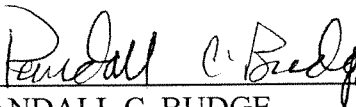
I HEREBY CERTIFY that on this 3rd day of June, 2004, I mailed a true and complete copy of the foregoing document, postage prepaid, to each of the following:

Twin Falls Canal Company
North Side Canal Company
c/o Barker Rosholt & Simpson LLP
P.O. Box 2139
Boise, Idaho 83701-2139

A&B Irrigation District
c/o Roger Ling
P.O. Box 396
Rupert, Idaho 83350

U.S. Department of Interior
Bureau of Reclamation
Attn: E. Gail McGarry
1150 N. Curtis Road, Ste 100
Boise, ID 83706-1234

Ronald D. Carlson
Regional Manager
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402



RANDALL C. BUDGE