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June 3, 2004

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

RECEIVED

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Department of Water Resources
Eastern Region

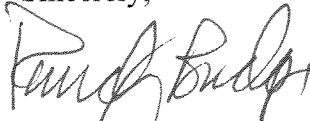
Re: *Andrew E. Povey/Transfer No. 70663*

Dear Mr. Carlson:

Enclosed for your information and files are copies of the Applicant's First Interrogatories, Requests for Production and Requests for Admission served upon the protestants. The information sought is to enable the Applicant to prepare for the hearing scheduled for July 1, 2004, at the Pocatello Airport.

Please contact me if you have any questions.

Sincerely,



RANDALL C. BUDGE

RCB:rr

cc: Andrew E. Povey
E. Gail McGarry/Bureau of Reclamation
Roger D. Ling/A&B Irrigation District
Barker Rosholt & Simpson/Twin Falls Canal, North Side Canal

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

IN THE MATTER OF APPLICATION) FOR TRANSFER NO. 70663) IN THE NAME OF ANDREW POVEY) _____)	APPLICANT'S FIRST INTERROGATORIES TO INTERVENORS
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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 33 of the Idaho
Rules of Civil Procedure and IDAPA 37.01.01, Rule 520, and hereby requests that each
Intervenor above named separately in writing and under oath answer the following
Interrogatories within 15 days:

INTERROGATORY NO. 1: Please provide Applicant with a list and description of all
exhibits which Protestants intend or expect to utilize at the protest hearing scheduled before the
Idaho Department of Water Resources to commence on July 1, 2004, at 9:00 a.m. at the Pocatello
Airport, Pocatello, Idaho, giving a description of each exhibit and a summary of the exhibit's
expected relevance to this action. Please produce a copy of all such exhibits.

INTERROGATORY NO. 2: State the name and last known address of each person consulted as an expert witness on your behalf concerning any facts relating to this matter; and, with respect to each, state the facts concerning which he has been consulted, the opinion or opinions he has expressed and whether or not he has issued a written report of any form. Please produce a copy of all such reports or opinions and all data, documents or other records which form the basis of such opinion or report.

INTERROGATORY NO. 3: Name and identify the last known address and phone number of each person who you will, or may, call as a witness at the protest hearing in this action and briefly state the facts to which you expect each such witness to testify.

INTERROGATORY NO. 4: Please identify and describe each item which you will, or may, attempt to introduce into evidence at the protest hearing of this action.

INTERROGATORY NO. 5: Please describe precisely and in detail any injury which you claim will result to your water rights if the Applicant's Water Right Transfer is approved.

INTERROGATORY NO. 6: If you contend that the approval of Applicant's Water Right Transfer Application will cause injury by reducing the quantity of water available to satisfy your water rights, please state:

- (a) The water right number, priority, quantity, point of diversion, place of use, period of use and nature of use for each water right which you contend will be injured.
- (b) Quantify the amount of the reduction to available water for each right and the manner in which the reduction is calculated.
- (c) Describe the timing of the reduction, meaning how long after the Applicant begins to pump at the new point of diversion will be reduction of water available under your rights

occur; and describe how the time period was calculated, and all supporting records and documents.

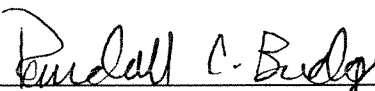
INTERROGATORY NO. 7: Please describe precisely and in detail why you believe the mitigation plan proposed by Applicant will not avoid injury to your water rights.

INTERROGATORY NO. 8: Do you believe that any injuries to your water rights can be mitigated by the Applicant reducing the quantity of water diverted at the proposed new point of diversion? If your answer is yes, please describe the quantity of the reduction required to fully mitigate any such injury, the manner in which you calculated the amount, and all documents and records relied upon in making the calculation.

INTERROGATORY NO. 9: With regard to Applicant's Requests for Admission, for each request which you do not admit, describe precisely and in detail why you believe the request is not true and all evidence you will present at the protest hearing in an attempt to establish such request is not true.

DATED this 3rd day of June, 2004.

RACINE, OLSON, NYE, BUDGE & BAILEY,
CHARTERED

By 
RANDALL C. BUDGE
Attorney for Applicant

CERTIFICATE OF MAILING

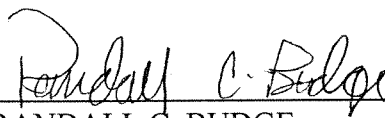
I HEREBY CERTIFY that on this 3rd day of June, 2004, I mailed a true and complete copy of the foregoing document, postage prepaid, to each of the following:

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