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Representative for Bureau of Reclamation

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FEB 18 2004
Department of Water Resources

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

RECEIVED
MAR 03 2004
Department of Water Resources
Eastern Region

**IN THE MATTER OF) PETITION TO INTERVENE
APPLICATION FOR TRANSFER)
NO. 70663 IN THE NAME OF)
ANDREW E POVEY)**

The Bureau of Reclamation (Reclamation), in accordance with IDAPA 37.01.01.350 through 352, hereby petitions the Director of the Idaho Department of Water Resources to issue an order granting Reclamation status as an intervenor in the above captioned matter.

Reclamation's mailing address is 1150 North Curtis Road, PN-3100, Suite 100, Boise, Idaho, 83706. Reclamation has a direct and substantial interest in this proceeding in that it stores and delivers irrigation water pursuant to water rights it holds on the Snake River. The transfer will affect depletions from the Snake River in reaches where Reclamation holds water rights.

The proposed mitigation plan is insufficient because of its reliance on storage water from the Global Water Bank. The Global Water Bank rules have not been finalized so it is uncertain what rules will govern the water bank. In any case, there has not been sufficient water placed in the bank for Reclamation to rent needed water in any

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of the previous three years. Therefore, it is not reasonable to anticipate there will be water available for the new use of mitigation.

Reclamation has complied with the requirements of IDAPA 37.01.01.350 through 352 by stating its name, address, and substantial interests in this proceeding. Therefore, Reclamation respectfully requests that the Director issue an Order granting this Petition to Intervene.

Dated this 18th day of February 2004.

By E. Gail McGarry
E. Gail McGarry
Program Manager, Water Rights and Acquisition
Pacific Northwest Region, Bureau of Reclamation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of February 2004, I caused a true and correct copy of the foregoing PETITION TO INTERVENE to be served by the method indicated below, and addressed to the following:

Hand delivered to:

Director

Idaho Department of Water Resources

1301 North Orchard

Boise, Idaho 83706-2237

U.S. Mail, Postage Prepaid:

Idaho Department of Water Resources

Eastern Regional Office

900 N. Skyline

Idaho Falls, ID 83401-3653

Barker Rosholt & Simpson LLP

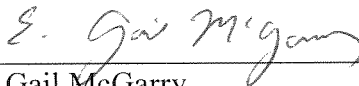
P.O. Box 2139

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Andrew Povey

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