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ORIGINAL

RECEIVED  
SEP 29 2008  
WATER RESOURCES  
WESTERN REGION

RECEIVED  
SEP 24 2008  
DEPARTMENT OF  
WATER RESOURCES

Attorneys for John McCallum/ARK Properties LLC

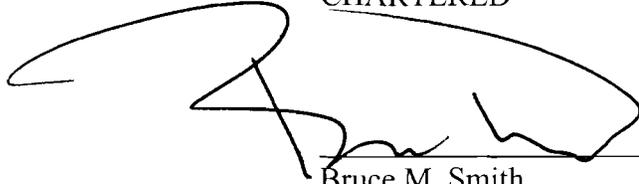
**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. 63-32499 IN THE NAME OF ) MOTION TO INTERVENE  
MAYFIELD TOWNSITE, LLC )  
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 )

COMES NOW Petitioner's Ark Properties LLC, 11204 N. Bar 21 Drive, Glenns Ferry, Idaho, and petitions to intervene in above matter pursuant to IDAPA 37.01.01, Rule 156. The motion is timely because no pre-hearing conference has taken place and no formal hearing has been set. Petitioner owns much of the land which encompasses the place of use and points of diversion under the application. The land is subject to a contract for purchase by the Applicant. Pursuant to the contract, Petitioner has an interest in the water sought by the application even if the purchase of the entire tract does not close. Therefore the Petitioner has a direct and substantial interest in the application and associated water resources. Petitioner intends to support the application. The Applicant's and Petitioner's interests in obtaining the water right are consistent, but those interests could be somewhat different in the event the proposed purchase of all of the contracted lands does not close as anticipated by the contract.

RESPECTFULLY SUBMITTED this 23 day of September, 2008.

MOORE SMITH BUXTON & TURCKE,  
CHARTERED

A handwritten signature in black ink, appearing to read 'Bruce M. Smith', is written over a horizontal line. The signature is stylized and somewhat cursive.

Bruce M. Smith  
Attorney for Ark Properties LLC

CERTIFICATE OF SERVICE

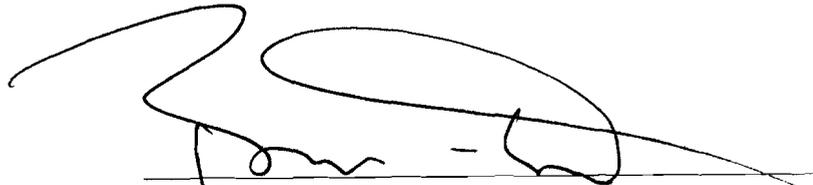
I HEREBY CERTIFY that on the 23 day of September, 2008, I caused to be served a true and correct copy of the foregoing Motion to Intervene by the method indicated below, and addressed to the following:

Mayfield Townsite, LLC  
4487 N. Dresden Pl, Ste. 102  
Boise, ID 83714

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#25 - received 11-18-08 #W037051