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JAN 13 2010

DEPARTMENT OF
WATER RESOURCES

January 12, 2010

Darla Block
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Proof of Beneficial Use, O'Gara Family Trust
Water Rights 37- 20653 and 37- 20654

Dear Darla:

Enclosed is the completed Proof of Beneficial Use form for the above water right permits. I inadvertently forgot to include the Proof form when I submitted the completed Beneficial Use Field Exam on January 4, 2010 which was timely under the "Rules of Procedures" of the IDWR #56 (37.01.01.056).

I was well aware of the time for submittal of proof of beneficial use and the field exam performance and submittal was timely. I understand that the proof of beneficial use form is to be timely submitted. In my opinion, the 'proof' is, in fact, the completed field exam and beneficial use exam report and not the Proof of Beneficial use form. I understand that the Department is considering extending the priority date on the license because the Proof form was not submitted at the time of the submittal of the field exam report. I am requesting that the Department not extend the priority date in light of the fact that the evidence of beneficial use was submitted in a timely manner. Thank you for your consideration. If you have additional questions, please contact me.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

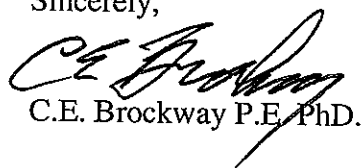
2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Sincerely,



C.E. Brockway P.E., Ph.D.

Cc: Paul Arrington