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October 27, 2006

Charles R. Ketterman, P.E.
Water Quality Engineer
Idaho Department of Environment Quality
444 Hospital Way, Suite 300
Pocatello, ID 83204

**Re: Snake River View Estates, LLC
Water Rights**
MTBR&F File No. 22-813.0001

Dear Mr. Ketterman:

It has recently come to my attention that DEQ is now taking the position that an operations manual must be completed prior to allowing any more homes to be connected to the water system at the Snake River View Estates. There are several aspects of that provision which are problematic.

It is my understanding that as a matter of course, completion of such manuals is required only at the time the water system is turned over to the homeowners. While that transfer will occur in the future, it is not happening at this time.

The water system was approved for 25 houses, and DEQ has allowed 22 homes to be connected without the manual. Snake River View Estates questions why the manual must be completed now, for the 23rd home, when the system has been approved for 25.

My client, Snake River View Estates, LLC., has acted in reliance on DEQ's implicit position that no manual was required, and approved the building of 23 homes to date. DEQ's apparent switch in position puts not only my client, but the homeowner and builder of the 23rd home, in a very difficult position. It is patently unfair to change the requirements mid-stream.

The new requirement was not conveyed in writing, nor even conveyed, to my client. Instead, it is my understanding that you orally informed the builder of the 23rd home that the home could not be connected. It is difficult to understand why the requirement was not conveyed in writing to the developer of Snake River View Estates.

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Please provide an explanation of your sudden change in position that now an operations manual be provided. As indicated above, my client has acted in reliance on DEQ's previous position which allowed 22 homes to be constructed without the manual. Certainly you can understand that the 23rd homebuilder may be incurring damages as a result of your decision. It is unfair to now require that the manual be provided before the 23rd home can connect, and prior to the future handover of the water system to the homeowners.

Thank you in advance for your response.

Very truly yours,


Angela Schaer Kaufmann
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ASK/jrj

cc: Toni Hardesty
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Justin Beard
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Gary Spackman