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March 15, 2006

Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Bowen v. City of Kooskia, Permit No. 81-11982

Dear Sir or Madam,

I represent Mr. Kenneth Bowen the gentleman from Kooskia who has received the above-captioned permit. I have been in contact with the City of Kooskia's Attorney and thought we had resolved this matter, since in his own words, Mr. Bowen "Has every legal right to drill his well."

In any event, the law is clear that Mr. Bowen has a constitutional right to drill his well pursuant to Article 15 of the State Constitution. It is equally as clear, that Title 42 of the Idaho Code governs water law and that the State of Idaho has plenary authority over appropriation of all waters of the State.

Article 12 § 2 of the State Constitution and Title 50, Chapter 3 of the Idaho Code "pre-empt" the City from enforcing a ban on drilling of wells within the corporate limits. Also, nothing in the enabling statute (Title 50) gives the City the authority to regulate the drilling of a well, rather, only to "operate a water system" for the benefit of the citizens of their city. Additionally, Senate Bill 1353, which will almost certainly pass, and further clarifies this matter - moots the City's claim of any regulatory authority.

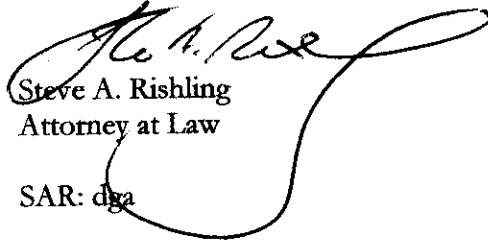
Since Mr. Bowen has never had adequate water pressure and the City has absolutely no factual evidence, especially in light of the minute amount of the appropriation, the vast aquifer with regard to two major converging rivers and adequately established drilling practices, of any real harm in terms of contamination, water quality, interference or anything else, the allegations are simply unfounded conjecture which will only cause delay and unnecessary litigation and expenses.

Finally, and perhaps most importantly, any objection raised by the City is dilatory, untimely and procedurally defective since the permit has already been issued and the fact of that the City has followed the dictates of I.C. § 42-203(A) (4) and I.C. § 42-221(L).

Therefore, we respectfully submit the City's request to interfere with Mr. Bowen's constitutional

rights be promptly denied and the drilling permit issued. Thank you for your immediate consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve A. Rishling", is written over the typed name and title. The signature is fluid and cursive, with a large loop at the end.

Steve A. Rishling
Attorney at Law

SAR: dga

cc: Mr. Bowen
Kirk MacGregor, Esq.