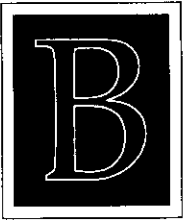


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SEP 15 1999

Department of Water Resources



BROCKWAY
ENGINEERING
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Hydraulics

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Water Resources

September 14, 1999

Mr. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Permit No. 37-08563-Gail L. Reiter

Dear Glen:

Mrs. Reiter obtained Water Right Permit 37-08563 some time ago (1989) for domestic use for a planned residence and associated irrigation on a rural lot in Blaine County. A well was drilled and an irrigation system installed to irrigate the allowed three (3) acres around the planned residence. The well was reportedly equipped with a pitless adapter and stubout to the new home.

Mrs. Reiter has dealt with breast cancer for three years, and undergone chemotherapy and radiation treatments. This treatment ended in April 1999. Needless to say, her health has not been good because of the cancer and other illnesses, so the residential building has not been able to receive first priority. An architect has been retained for the residence, and preliminary plans have been prepared and are available for your review.

A Proof of Beneficial Use form was submitted in 1992 because the irrigation system was completed and the time for proof was approaching. I believe it was Mrs. Reiter's understanding that since the irrigation was associated with the planned residence and the stubout was constructed, the works had essentially been completed and the residence completion was not essential to the proof.

My understanding is that, at least for multi-user systems or subdivisions, it is not necessary to have all residences completed in order to submit proof of beneficial use as long as the water system is in place and provision is made for service to each unit. It would seem reasonable that the same criteria should be applied to single system users.

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

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

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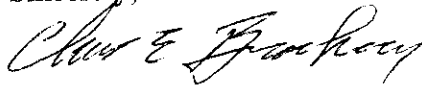
FAX: 736•8506

The Southern Region office has indicated that they would like to schedule a field exam on the above right, and I am concerned that if a decision is not made on the stubout rule before the field exam, that the irrigation portion of the permit may not be approved.

I believe that it is only fair and reasonable to apply the same criteria to single family users as to multi-user systems, as long as due diligence has been shown and adequate progress has been made.

I am requesting, on behalf of Mrs. Reiter, that the stubout rule be applied in this case. Please let me know if you need additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles E. Brockway".

Charles E. Brockway

cc: Henry & Gail Reiter