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FAX COVER SHEET

September 29, 2005

TO: Karl Dreher
CC: Shelley Keen

FAX: 287-6700
287-6700

FROM: Dana Hofstetter

RE: Permit Nos. 65-22948, 65-22949, 65-22950, 65-22951, 65-22952,
65-22953 and 65-22954

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ORIGINAL BY MAIL: YES X NO .

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Attorney for George E. and/or Cheryl F. Colwell

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

IN THE MATTER OF PERMIT NOS. 65-22948, 65-22949, 65-22950, 65-22951, 65-22952, 65-22953 and 65-22954 _____	))))))	Case No. _____ PETITION FOR RECONSIDERATION/ EXCEPTION
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George E. and Cheryl F. Colwell, by and through their attorney of record, Dana L. Hofstetter of Hofstetter Law Office, LLC, respectfully request revision of Condition No. 6 of Permit Nos. 65-22948, 65-22949, 65-22950, 65-22951, 65-22952, 65-22953 and 65-22954 by the addition of the words "to the extent" as follows to reflect that it is undetermined as to what extent the source contains wastewater:

To the extent the source of water diverted under this right is waste water and is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.



The lands are located at the confluence of the Snake and Payette Rivers and, as a result, naturally contain a high degree of moisture. As noted on the Permit Applications, the date of construction of the drain ditches is unknown but is assumed to be concurrent with the development of the Washoe Ditch Company irrigation system. Thus, the drainage ditches likely were constructed to provide natural drainage for the lands to make them susceptible to cultivation and, perhaps, also to drain irrigation water. The Permit Applications are for year round stock water use, and are not just for use during the irrigation season. Thus, the subject drain ditches and the associated stock water uses likely involve more than just waste water. For these reasons, the Colwells respectfully request revision of Condition No. 6 of Permit Nos. 65-22948, 65-22949, 65-22950, 65-22951, 65-22952, 65-22953 and 65-22954 as proposed above.

DATED this 29th day of September, 2005.

HOFSTETTER LAW OFFICE, LLC

By 
Dana L. Hofstetter
Attorney for George E. and Cheryl F. Colwell

CERTIFICATE OF SERVICE

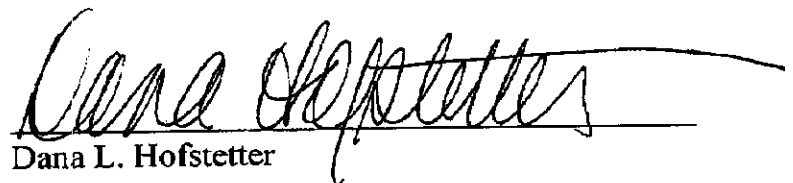
I HEREBY CERTIFY that on the 29th day of September, 2005, I caused the foregoing **PETITION FOR RECONSIDERATION/EXCEPTION** to be served by the method(s) indicated on the following:

Original to:

Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
☒U.S. Mail ☐Fed Ex ☐Hand ☒Fax

Copies to:

Shelley Keen
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Dana L. Hofstetter

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