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August 15, 2001

Gary Spackman
IDWR, Western Region
2735 Airport Way
Boise, Idaho 83705

Re: *Fire Danger/Brett Newbold*

Dear Gary:

As you are probably aware, the delivery of water from Rush Creek to Mr. Newbold and Mr. Wiggins through the pipeline has been cut off pursuant to the Department's order pending installation of a measuring device. Apparently, the water has been cut off at the head of the pipeline thus preventing the pipe from being charged. The pipeline is also the means by which fire protection is afforded Mr. Newbold's property. He is requesting that the water master allow the pipe to be charged in case there is a fire. There would be no diversion of irrigation water from the pipe. Due to the extreme fire situation, Mr. Newbold is requesting that the water master be instructed immediately about this issue. Please give me a call if there are any questions. Thanks for your help on this Gary.

Sincerely,



Bruce M. Smith

BMS/to



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

August 20, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Bruce Smith
Attorney at Law
225 N. 9th St. Suite 420
Boise, ID 83702

Re: Your letter regarding potential fire danger-Brett Newbold

Dear Bruce:

This letter documents our telephone conversation regarding your request that the watermaster charge the pipeline used for irrigation of the Newbold property with Rush Creek water.

I spoke to the watermaster, Bosco Bosler, about your request. Bosco was adamantly opposed to pressurizing the pipeline. In addition to his lack of control over the water, he stated that, at the time Wiggins completely shut off his diversion, from the pipeline earlier in the year, there was still significant water flowing through the pipeline. Bosco stated that during this drought period, only a 1978 right and perhaps one other small early priority right at the bottom of Rush Creek is receiving water.

Bosco stated that he would respond immediately to any request if water was needed from the pipeline to fight a fire. He also stated that on or about August 15, 2001, a fire in the general area required some readjustment of diversions of water for the firefighting. I also suggest that Brett Newbold converse with the watermaster to find some agreement about enhancing fire protection for your client.

Sincerely,

Gary Spackman

cc: Bosco Bosler