

HOBDEY LAW OFFICE, PLLC

125 Fifth Avenue West
Post Office Box 176
Gooding, Idaho 83330-0176

Craig D. Hobdey
(208) 934-4429

Facsimile
(208) 934-4420

August 10, 2016

RECEIVED

AUG 15 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Alan Merritt (or replacement)
Department of Water Resources
650 Addison Avenue West, Suite 500
Twin Falls ID 83301-5858

Re: Application for extension of time for 37-444 and 37-7636A

Dear Alan (or replacement):

The Big Wood Canal Company has reviewed the Department's memorandum regarding the time line for determining forfeiture dated March 5, 2012. I have often discussed the matter with Travis Thompson, attorney for Phil Cash. Based upon those discussions, the Big Wood Canal Company is willing to withdraw its Protest upon the following terms.

1. By withdrawing the Protest, Big Wood Canal Company does not in any manner limit itself from taking action to curtail the water rights if it is determined the water rights are injurious to Big Wood Canal Company's stockholders.
2. The comments would limit the three water rights, 37-444, 37-2541, and 37-7636A to a combined use limit of 358 acres.
3. That a volumetric/flow meter be installed on the ground water diversions (37-7636A and 37-2541). Each ground water right would be limited. 37-7636A would be limited to the withdrawal of 2.4 cfs not to exceed 373.4 afa, pursuant to Doug Jnones memorandum dated 11/24/2015, and 37-2541 would be limited .2 cfs and 35 afa.

Frankly, given the substantial drop in the Camas aquifer, from lack of water in Camas Creek and the unreliability of Mormon Reservoir, I don't think Mr. Cash will be able to farm 358 acres. Big Wood Canal Company's main concern is that the ground water rights not be increased when Camas Creek and Mormon go dry. It has been the experience of Big Wood Canal Company that once a party is granted a straw into the aquifer, that the straw has unlimited use and the Department has failed in their attempt to limit the use to the amount actually applied for and approved. We hope that is not the case in this matter.

Sincerely,



Craig D. Hobdey