

December 2, 2008

Burgess Canal & Irrigating Co., Inc.
PO Box 536
Rigby, ID 83442

Idaho Department of Water Resources
Blake Jordan
900 N. Skyline Drive
Suite #2
Idaho Falls, Idaho 83402

RECEIVED

DEC 04 2008

Department of Water Resources
Eastern Region

Mr. Blake Jordan:

This letter provides the information you requested in support of the Alan Batt ground water permit transfer.

Mr. Brian Higgs earlier requested similar information in behalf of Mr. Batt. Mr. Higgs did not appear to understand the transfer process or future use of the water, etc. Mr. Batt is a respected stock holder of our canal and we have provided the below data to support your request.

1. Share Value

For Burgess Canal Company water (1) one Share = 10 miner inches

2. Petitioner Share Ownership

- a. Crystal Brothers hold 11.6 Shares or 116 miner inches of the Burgess Canal water delivered to the Selck & Taylor lateral Canal for the parcel of the petition.
- b. Alan Batt holds 13.0 or 130 miner inches of the Burgess Canal water delivered to the Selck and Taylor lateral Canal for the parcel of the petition.

3. Delivery

This above water is delivered to the Selck and Taylor Canal by the Burgess Canal, an incorporated lateral canal of the Burgess Canal system. Both Crystal and Batt water is delivered to the Boyce lateral (A shared use ditch including about 10 stockholders) for delivery to the Crystals and Batt property on a shared use, time based schedule.

4. Other Considerations

Any violation of the proposed ground water right transfer in place of use and/or any requirements of the Idaho Department of Water Resources for mingling or supplemental ground water into the surface water delivery is the responsibility of the ground water transfer petitioners. The only responsibility the Burgess Canal Company has is to deliver the Crystal and Batt water to the Selck and Taylor Canal. The amount of water delivered is proportionate to their share of what is actually available. In recent years share holder delivery has been as high as 100% and as low as 32%. Drought years significantly affect water supply and deliveries. All share holders share in canal water losses and reductions by loss of each applicable water right decree of the Snake River flow.

5. Attachments

1) Water Right No. 25-7109 - Transfer Request

2) Memorandum provided by Burgess Canal to Mr. B. Higgs on 10/6/08

If additional information is required or changes in this transfer that may affect the Burgess Canal occur contact the signatory of this letter.

Respectfully,


Lloyd Hicks, President
Burgess Canal & Irrigation Co., Inc.

cc: Alan Batt