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DEPT. OF WATER RESOURCES
SOUTHERN REGION

January 2, 2009

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Application for Permit and Transfer – Tim Flaherty
Project No. 781-02-2007

Dear Allen:

Enclosed please find two transfer applications and one permit application pertaining to water rights owned by South County Estates and currently applicable to land south of Bellevue. Mr. Flaherty has purchased 4.1 acres of these rights and desired to utilize them on his property, which is Lot 2 of Gimlet Terrace Subdivision.

It is proposed to divert all of these water rights from two existing wells located on this property. As you are aware, only one of the existing rights is a groundwater right. A straightforward transfer application is being submitted for this right, designated as T#1 in the package. The other four rights are surface rights from the Big Wood River. For these rights, a new permit is being proposed, with mitigation provided by leaving these four rights in the river. For the surface rights, transfer application designated as T#2 proposes to change the place of use to the applicant's property and the point of diversion to the river diversion nearest the applicant's property in Gimlet Terrace, which is the Rinker 11A headgate.

This proposal reflects the same structure that IDWR approved in 2005 for the Blaine County School District, resulting in Permit 37-21177. In reviewing IDWR's file for this right, a new permit for 2.0 acres of irrigation was approved for irrigation at the Woodside School south of Hailey. As mitigation, IDWR allowed a portion of surface water right 37-21114 to remain in the river, and the point of diversion for the mitigation was considered to be the location on the river closest to the point of diversion for permit 37-21177, which was determined to be the Cove Canal. This mitigation structure was apparently approved without an actual transfer of 37-21114.

Based on information in the file, IDWR approved the school district's mitigation plan without any quantitative hydrologic analysis or modeling to

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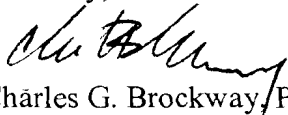
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determine the magnitude and timing of potential effects on the Big Wood River. A lengthy letter report from SPF Water Engineering dated September 7, 2004 provides qualitative arguments as to why the proposal will not injure groundwater surface water users, but the only quantitative determination of impact provided in this letter is a Theis analysis of local aquifer drawdown. It appears that IDWR accepted the plan as proposed and required no further analysis. Department memos leading up to the approval of the permit in July 2005 chiefly concern the wording of the permit conditions and other issues regarding how the watermaster should administer the right, but do not indicate any problem with leaving the surface water right in the river as mitigation.

The proposed permit and mitigation plan for Mr. Flaherty involves groundwater withdrawal at Gimlet Terrace, and a transfer of the surface rights to the Rinker 11A headgate, where they will be left in the river. In the Gimlet area, there is an extremely close hydraulic connection between the aquifer and the Big Wood River. In fact, it is highly likely that all groundwater in the Gimlet area returns to the river above the narrowing south of Golden Eagle because of the location of the river and the fact that the river is acting as a drain at this location. Therefore, Mr. Flaherty's proposal appears to be equivalent to the approved plan for the school district, and in fact has a significantly firmer hydrologic basis. Mr. Flaherty is requesting that his applications be evaluated by IDWR on an equal basis as the approved school district transaction, and that they be approved without any further hydrologic analysis.

Fees are included with this letter in the amount of \$100 for the groundwater transfer application, \$100 for the permit application, and \$250 for the surface water transfer application, for a total of \$450.

Cordially,



Charles G. Brockway, P.E.

Enc. Transfer Apps (2); Permit App (1)
 Supporting Documentation

Cc: Tim Flaherty