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DEPT. OF WATER RESOURCES
SOUTHERN REGION

HOBDEY LAW OFFICE, PLLC

125 Fifth Avenue West

P.O. Box 176

Gooding, Idaho 83330-0176

Craig D. Hobdey
(208) 934-4429

Facsimile
(208) 934-4420

March 27, 2009

Allen Merritt
Department of Water Resources
1341 Fillmore Street Suite 200
Twin Falls ID 83301-3380

Re: Application for Transfer 74871 (Rinker Trust)

Dear Allen:

On behalf of Big Wood Canal Company, our Protest in the above matter has been resolved and we hereby withdraw the same, subject to the conditions set forth on Exhibit A, attached hereto being made part of the transfer approval.

If you have any question please do not hesitate to contact me.

Sincerely,



Craig D. Hobdey

CDH:dm
Enclosure
c: Rob Williams
Jim Laski

EXHIBIT A

1. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

2. The right holder shall make full use of all appurtenant surface water rights prior to diversion and use of ground water. Use of ground water shall be limited to times when surface water is not deliverable. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used for any purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

3. From and after the date of the entry of a partial decree for this water right in the Snake River Basin Adjudication now pending in the Fifth Judicial District Court of the state of Idaho in and for Twin Falls County, use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. Upon the entry of such partial decree, this water right will be regulated by the watermaster of State Water District No. 37.