

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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/06/2008

WATER RIGHT NO. 25-7109

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CRYSTAL BROS C/O VERAL CRYSTAL 26 N 3300 E RIGBY, ID 83442 (208)754-4705

Priority Date: 05/02/1977

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	3.03 CFS	801.5 AFA
Total Diversion			3.03 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNESE	Sec. 24	Township 04N	Range 37E	JEFFERSON County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	37E	24		SWSE	15		SESE	28						
		25		NENE	27		NWNE	27		SWNE	34		SENE	24
				NENW	12		SENE	34						
				NESW	1									
				NWSE	2									
	38E	19	4	SWSW	25									

Total Acres: 229

Conditions of Approval:

1.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	E02	USE OF THIS RIGHT IS COMBINED WITH WATER FROM BURGESS CANAL CO.
3.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.	R01	A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6.	R30	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Dates:

Licensed Date:

Decreed Date: 09/30/2005

Permit Proof Due Date: 6/1/1982

Permit Proof Made Date: 4/22/1982

Permit Approved Date: 6/17/1977

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 05/02/1977

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

10/6/08To Whom It May Concern

Mr Brian Higgs met with the Burgess Coal Board on 10/6/08 to request information related to the Alan Batt water out farm on the Sudd and Taylor Lateral. Mr Higgs presented papers stating a request for transfer of existing ground water well on Crystal Bros property purchased to property at Alan Batt residence to the west thereof. Mr Higgs stated that this ground water mingles with Burgess Coal Water at the ditch.

The Burgess Coal does deliver some of Mr Alan Batt's water into the Sudd and Taylor Coal whereby the Sudd & Taylor delivers the water to the Burgess Lateral for use by Alan Batt as shared by the other water owners of the Burgess Lateral. Approved by unanimous vote of the Burgess Board on 10/6/08

Stacy Hester
President