



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 4, 2007

Big Wood Canal Co.
112 South Apple St
Shoshone, ID 83352

RE: App For Transfer 73310; Your Protest of 8-20-2007

Dear Mr. Harmon;

Bill Molyneux has asked me to write this letter to explain certain aspects of the proposed transfer that are of concern to you. The existing water rights as recommended in the Snake River Basin Adjudication are limited to the irrigation of 284 acres in a given year. The application proposes to create a permissible place of use of 298 acres, which means that 14 acres within this property will have to be left dry each year; which 14 acres remain dry is up to Bill. I explained this to him when I helped him file the application, and he has acknowledged this in writing on the document.

The two groundwater rights involved in the transfer are considered supplemental to the surface rights, since they cover a portion of the same land. While there are presently no limiting conditions on these water rights that specifically say this, conditions are proposed under the transfer process that will require the surface rights to be used fully (depending on availability under the priority system) before the wells are used. Bill told me that around a hundred acres north and west of his home are irrigated just with well water, as it is not presently possible to deliver surface water to this property; the transfer will not change this. The transfer will allow him to use the groundwater anywhere on the property, but will not REQUIRE him to do so.

I hope this letter helps answer your concerns. While I helped Bill file the application, another water agent reviewed it prior to advertising. So far we have not found any issues that would prevent approval of the transfer, but of course the issues that you have raised in your protest will be given due consideration before final action is completed on this application. If you and Bill cannot settle your differences on this matter between yourselves, you can request that Allen Merritt of this office schedules a pre-hearing conference or a formal hearing at a mutually-convenient time.

Regards,

James E. Stanton
Sr. Water Resource Agent

Cc: Allen Merritt, IDWR