



State of Idaho

DEPARTMENT OF WATER RESOURCES

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July 23, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

BAKER & HARRIS
DWIGHT E BAKER
266 W BRIDGE ST
BLACKFOOT ID 83221

RE: Application for Transfer of Water Right 71485
Rights 35-2599, 35-2685, 35-7488, 35-7489, 35-7490 & 35-13046

Dear Mr. Baker:

I am writing in response to your letter of inquiry dated 06-30-2007 regarding the above referenced Transfer 71485. The Combined Total Rate of Diversion listed on the bottom of Page 1 of the transfer approval is correct. As you have noted, it is less than the total additive amounts under the individual rights. This is due to a combined limit between two of the rights.

The elements of a right are sometimes further limited by conditions associated with one or more rights. In this case, Right 35-13046 is an enlargement of Right 35-2685, and the two rights are limited to a combined diversion rate of 3.66 cfs. (See Page 6 of the approval document.) This limit was associated with the rights prior to the transfer.

The additive amount you identified as 19.16 cfs less the rate identified on 35-13046, or 0.44 cfs, equals the actual Combined Total Rate of Diversion of 18.72 cfs. This combined limit of all the rights is also identified in the conditions of each of the transferred rights in the transfer approval, and reconfirmed in subsequent Transfer approval 72696 issued on 05-30-2007.

If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail, and I will be happy to assist you.

Sincerely,

Pamela S. Skaggs
Water Rights Supervisor