

BTW, L11

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Grangeville West

116°11' 116°10' 116°09'



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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 28, 2005

BUY THE WAY LLC
ATTN DEBBIE TOMLINSON
ROUTE 2 BOX 662-D
GRANGEVILLE ID 83530

RE: Water Right 79-10351

Dear Ms. Tomlinson:

I am writing in response to your question about whether Water Right 79-10351 could be changed from stockwater use to recreation and aesthetic use, including a pond about 50,000 cubic feet in volume. When reviewing a transfer application, IDWR cannot authorize a change that will result in an enlargement of the water right or injury to other water right holders. When looking for potential enlargement or injury, IDWR must evaluate the consumptive use of the water right. Consumptive use is the portion of the water right that is lost through evaporation or transpiration when the water is used. The consumptive use for a stockwater right is considered by IDWR to be de minimis, meaning that it is too small to notice. Because impounding water in a pond or reservoir exposes it to evaporation, ponds and reservoirs are consumptive uses. Water rights for non-consumptive uses cannot be changed to consumptive uses because the right would be enlarged and may injure other water right holders. It might be possible to change your stockwater right to provide up to 13,000 gallons per day flowing into and through your pond once it is full, but filling the pond and maintaining it full must be covered by a separate water right.

I have enclosed an application form for you. Please note that since 1992 there has been a moratorium on new consumptive uses of surface water in the Salmon and Clearwater River drainages. Applications for ponds and small reservoirs have been processed and approved despite the moratorium if the total water surface area will be less than half an acre.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

cc: Greg Taylor, IDWR Northern Region

RECEIVED

JUN 24 2005

DEPARTMENT OF
WATER RESOURCES

Buy-The-Way, L.L.C.
217 East Main
Grangeville, ID 83530

June 22, 2005

IDWR

Attn: Shelley Keen
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Keen:

RE: Water Rights - #79-10351

In talking with Greg Taylor in Coeur d'Alene it is his recommendation before filling out a new application and/or transfer of application to write you and get your input on the best application to file.

Enclosed are two maps showing the described property. I believe the location is approximately Township 30 N Range 2E Section 25 in the SE1/4NW1/4SW1/4. It is my understanding that there is an existing water right on this property. It is our intention to transfer the existing water right from stock water to recreation/aesthetic.

BTW, LLC recently subdivided a portion of this property and we would like to offer a fishing pond to the subdivision. The pond size would be approximately 50' x 100' and 10' deep in a kidney shape. According to Mr. Taylor the approximate volume would be 7/10 acre-feet per annum. The creek water would be piped into the pond and from the pond piped back into the creek.

On the enclosed map John's Creek runs through Kevin C. Tomlinson property and on through Buy-the-Way property to the Grangeville Golf and Country Club. Kevin Tomlinson is also a partner of Buy-the-Way, LLC. Mr. Taylor indicated that the water right was for multiple property owners. It is my belief that the water right begins at tax #T-185 (Kevin Tomlinson property) and continues to the Grangeville Golf and Country Club. I believe the multiple owners Mr. Taylor was indicating is Kevin Tomlinson and Buy-the-Way, L.L.C. members.

I look forward to hearing from you regarding which application should be filed. Please respond to Route 2 Box 662-D, Grangeville, Idaho 83530 or you can contact me at 208-983-2707 or 208-983-6539.

Sincerely,



Debbie Tomlinson, Secretary
Buy-The-Way, L.L.C.

BTW, LUB

1:24,000 USGS
Orangeville West



