

Aubrey Spring Ranch, LLC
8836 North Hess Street, Suite D
Hayden, ID 83835
208-762-5534

RECEIVED
FEB 21 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

February 17, 2012

37-252
37-712
37-2553A
37-2575
37-2686D
37-7598D

Allen Merritt, PE
Southern Region Manager
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Dear Mr. Merritt:

We are in receipt of your letter of February 13, 2012, concerning the clerical error made on water right records. We agree that the error concerning Right No. 37-2553B should be corrected so that it shows belonging to Three Creeks Ranch, LLC not Aubrey Spring Ranch, LLC

Yours very truly,

AUBREY SPRING RANCH, LLC


John M. Richards
Partner

JMR/pab

Merritt, Allen

From: Merritt, Allen
Sent: Tuesday, February 21, 2012 12:57 PM
To: Baxter, Garrick; Jones, Doug; Peppersack, Jeff; Fritschle, Carter
Cc: Skaggs, Pam; Keen, Shelley
Subject: RE: RE: Error on Condition on Aubrey Spring Ranch LLC decrees
Attachments: DOC005.pdf

Folks,

Attached is a letter I received today from Aubrey Spring Ranch, LLC. It appears they are onboard with correcting the clerical error on their rights. I presume Carter will take care of getting the partial decrees corrected. If there is something else our office can do let me know.

Thanks,

Allen

-----Original Message-----

From: Merritt, Allen
Sent: Monday, February 13, 2012 12:08 PM
To: 'Jim Speck'; Baxter, Garrick; Jones, Doug; Peppersack, Jeff
Cc: Skaggs, Pam; Keen, Shelley; Fritschle, Carter; 'Steve Fisher'; 'Jack Croul'
Subject: RE: RE: Error on Condition on Aubrey Spring Ranch LLC decrees

Jim,

I believe we can move forward with considering a transfer.
Do you have any influence with Aubrey Spring to advise them to return a letter?

Allen

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, February 13, 2012 11:53 AM
To: Baxter, Garrick; Jones, Doug; Peppersack, Jeff; Merritt, Allen
Cc: Skaggs, Pam; Keen, Shelley; Fritschle, Carter; 'Steve Fisher'; 'Jack Croul'
Subject: RE: RE: Error on Condition on Aubrey Spring Ranch LLC decrees

Allen,

Thanks. Can you now continue to process the transfer application Steve Fisher is planning to submit for the Three Creeks Ranch water rights?

Jim

-----Original Message-----

From: Merritt, Allen
Sent: Monday, February 13, 2012 11:17 AM
To: Baxter, Garrick; Jones, Doug; Peppersack, Jeff; Speck, James
Cc: Skaggs, Pam; Keen, Shelley; Fritschle, Carter

Here is the letter being sent out today.

Allen

From: Baxter, Garrick
Sent: Monday, February 13, 2012 10:24 AM
To: Jones, Doug; Merritt, Allen; Peppersack, Jeff
Cc: Skaggs, Pam; Keen, Shelley; Fritschle, Carter
Subject: RE: Error on Condition on Aubrey Spring Ranch LLC decrees

I recommend trying to contact Aubrey Springs one more time and working with Carter to communicate the error to the court.

-Garrick

From: Jones, Doug
Sent: Monday, February 13, 2012 10:08 AM
To: Baxter, Garrick; Merritt, Allen; Peppersack, Jeff
Cc: Skaggs, Pam; Keen, Shelley
Subject: RE: Error on Condition on Aubrey Spring Ranch LLC decrees

I concur that the reference to 37-2553B should NOT be on the Aubrey springs rights -252, -712, -2553A, -2575, -2686D & -7598D.

Inclusion of -2553B on those rights should not interfere with operation of -2553B's decreed place of use or processing any potential applications. This error would only impact operation of -2553A and associated rights &/or interfere with processing any future applications with the department by Aubrey Springs.

I believe we tried to get Aubrey Springs on board with changes to their rights when we processed the correction for -2553B in the name of Three Creek Ranch, but never heard back from them.

Doug

From: Baxter, Garrick
Sent: Friday, February 10, 2012 1:32 PM
To: Merritt, Allen; Peppersack, Jeff
Cc: Skaggs, Pam; Keen, Shelley; Jones, Doug
Subject: RE: Error on Condition on Aubrey Spring Ranch LLC decrees

Does Doug agree that the inclusion of 37-2553B on Aubrey Springs water rights was an error? Have we contacted Aubrey Springs and do they agree that it is an error? If yes on both accounts, we could write the court a letter explaining that there was a clerical mistake on Aubrey Springs rights and 37-2553B should not be on there. Whether or not to process the transfer will have to depend on how confident you are that it is an error and whether the condition really affects the rights being transferred. Seems like this error only impacts the Aubrey Springs rights but I might be missing something.

From: Merritt, Allen
Sent: Friday, February 10, 2012 1:14 PM
To: Peppersack, Jeff; Baxter, Garrick; Speck, James
Cc: Skaggs, Pam; Keen, Shelley; Jones, Doug
Subject: Error on Condition on Aubrey Spring Ranch LLC decrees

Folks,

A few days ago Steve Fisher, a consultant for Three Creeks Ranch, LLC represented by Jim Speck visited the office to discuss a proposed transfer for their rights 37-2553B and 37-7811. They proposed building a pond and moving around acres. These rights were decreed on 11/30/2010 after objection and correction. I understand the objection involved overlap of acres with Aubrey Springs Ranch which I understand was resolved. Currently the three Creeks Ranch rights have the following limitations:

Right Nos. 37-2553B and 37-7811 are limited to the irrigation of a combined total of 195 acres in a single irrigation season.

During the discussion I found that Aubrey Springs rights that were decreed which are right next door have the following limitations:

Right Nos. 37-252, 37-712, 37-2553A, 37-2553B, 37-2575, 37-2686D and 37-7598D are limited to the irrigation of a combined total of 224 acres in a single irrigation season.

Note that the pou for the Three Creeks Ranch rights and the Aubrey Springs rights are distinctly separate.

I told Mr. Fisher there appeared to be an error on the decrees that needs to be corrected before the transfer can be considered.

I received a call from Jim Speck today indicating that it was not fair to hold up a transfer because of an apparent error on another parties water rights since they have no control over what they do.

How do we get this corrected? Do we process a transfer irrespective of the limitation imposed on another water right owned by others that appears to be in error?

Attachment(s): DOC004.pdf