



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 15, 2011

Brackett Ranches Limited Partnership
261 Devil Creek Road
Castleford, ID 83321

Gentlemen:

In August, a water right transfer application in the name of Brackett Ranches Limited Partnership was filed with our office. The application proposes modifying the authorized place of use of water right 47-17205 to allow for the addition of a stock water trough within the SENE of Section 26, Township 12 South, Range 12 East, BM. County tax lot data indicates that this particular tract is owned by the BLM. According to the application, this trough is "*authorized through the Conover Pipeline Cooperative Agreement*". Page 1 of the application also references documentation relating to the ownership of the new place of use with a handwritten statement stating "*to be submitted by BLM once transfer is filed. FWP*". Examination of the application indicates that there is no additional documentation included with the application allowing for the inclusion of the SENE of Section 26, Township 12 South, Range 12 East, as part of the authorized place of use for water right 47-17205.

Please note that for applications that propose changing the place of use of a water right, the applicant not only needs to show that they own the right involved with the transfer and/or the land to which it is appurtenant, but they must also show that they own the land where they are proposing to move the water right to. If the land is owned by a party other than the applicant, then the applicant must have some sort of documentation from the current owner of the land authorizing the applicant to move the water right to their land. In addition, documentation must be included that addresses the ownership of the right on the land. The documentation must clearly address the issue of whether the applicant will retain ownership of the right on someone else's land, or whether the land owner will own the right once the transfer is approved.

It appears that water right 47-17205 was partially decreed in the Snake River Basin Adjudication last week, and the Department may now proceed with the processing of the transfer application that you filed in August. However, without the required authorization discussed in the preceding paragraph, the application is considered incomplete and cannot be processed. If the required authorization is not filed with our office within the next 30 days, the application will be returned and the filing fee (\$200.00 paid via Brackett Ranches LTD check # 1887 per IDWR receipt S032082) will be refunded.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

cc: Fred Price – BLM (via e-mail)