



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

December 6, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

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

Gentlemen:

A recent review of water right applications in our office revealed an unresolved pending water right transfer application, # 76213, filed with the Idaho Department of Water Resources (IDWR). You submitted the application in December 2009 on behalf of Brackett Ranches Limited Partnership. Upon receiving the application, IDWR receipted the filing fee and assigned the application a transfer number. The application proposes correcting the point of diversion and place of use descriptions of SRBA decree 47-12060. The application also proposes adding additional stockwater locations as authorized locations of use of this right. During the review of the application it was noted that there was no proof of ownership indicating the applicant owns the land where the additional stockwater locations are situated. On February 4, 2010 a correspondence from the department of IDWR was sent to Brackett Ranches advising the partnership that appropriate documentation needs to be submitted to the department to demonstrate ownership of the proposed stockwater locations. The locations in question are as follows:

- Township 13 South, Range 13 East, Section 11 SWNE
- Township 13 South, Range 13 East, Section 11 SESW
- Township 12 South, Range 13 East, Section 3 SWSW
- Township 12 South, Range 13 East, Section 9 NWSE

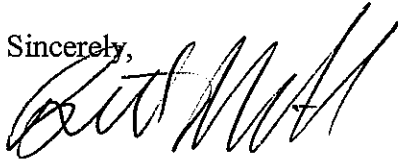
It appears that the above mentioned land located in Section 11 is owned by the Bureau of Land Management. The BLM will typically protest transfer applications involving private water rights identified on BLM lands.

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 &/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 allowing the applicant to move the water right(s) to their land. In addition, documentation must be included that addresses the ownership of the right(s) on the land. The documentation must clearly address the issue of whether the applicant will retain ownership of the right(s) on someone else's land, or whether the land owner will own the right(s) once the transfer is approved.

The Department will continue to delay processing of transfer application #76213 for 30 days to allow you to submit information indicating the applicant, Brackett Ranches Limited Partnership, has legal authority &/or permission to move water right 47-12060 to the previously mentioned lands. If adequate information is provided, then the department will proceed with the processing of said application. Alternatively, the previously identified lands could be removed from the application.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Mills", written over the word "Sincerely,".

Bill Mills

Water Resource Agent

Idaho Department of Water Resources

Southern Regional Office

(208) 736-3033