



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Interim Director

February 4, 2010

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

Gentlemen:

The Department has recently started the preliminary review of a water right transfer application, # 76213, that was filed in the name of Brackett Ranches Limited Partnership on December 31, 2009. As you recall, the application involves 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 for the right. During the review of the application it was noted that there was no proof of ownership that the applicant, Brackett Ranches Limited Partnership, actually owns the land where these additional stockwater locations are located.

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.

With regards to transfer application, # 76213, there is currently no information included with the application indicating that the applicant, Brackett Ranches Limited Partnership, owns the following proposed stockwater locations...

- 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. Typically, the BLM protests transfer applications involving private water rights identifying BML lands.

The Department will delay the 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 transfer application # 76213. As an alternative, the previously identified lands could be removed from the application.

If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,

Jana Reeder
Senior Water Resource Agent