

(Internet)

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76213

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

DEC 31 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of applicant Brackett Ranches Limited Partnership (LLP) Phone 208-222-1128
Post Office address 261 Devil Creek Road, Castletown Idaho 83201

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other change owner name
2. Describe the reason for the proposed changes See attached
Attachment No. 1

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>47-12060</u>	<u>7-15-1952</u>	<u>0.060 cfs</u>	<u>Domestic</u>	<u>1-01</u> to <u>12-31</u>
		<u>0.190 cfs</u>	<u>stockwater</u>	<u>1-01</u> to <u>12-31</u>
				to
				to

2. Total amount of water being transferred 0.190 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground water tributary to _____

4. Point(s) of Diversion: Attachment #2

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE		28	12S	13E	Twin Falls	Well at Clark Ranch

5. Land interests or place of use: Attachment #2

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	13E	28				X													Domestic 2 Houses
13S	13E	11			X														
13S	13E	11											X						
12S	13E	3									X								
12S	13E	9												X					
12S	13E	21															X		
12S	13E	28											X						

Total acres _____

PART 1**8. General Information:**

a. Description of diversion system Pump storage tanks and underground pipeline

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: NA

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☒ Warranty Deed *Attachment # 4*

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.) *no split*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	NA			to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

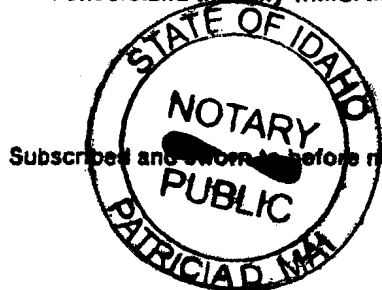
NA

3. Describe effects on other water uses resulting from the proposed change:

NO effect

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this _____

31st

day of

December

, 19

2009

(Signature of Applicant)

Partner

(Notary Public)

My commission expires

03-08-2014

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by

Date

12-31-09

Protest filed by

Prelim. check by

Fee

\$100. 503/2/5

Receipted by

Date

12-31-09

Published in

Copies of protest forwarded by

Pub. dates

Hearing held by _____ Date _____

Watermaster recommendation requested on

Recommended for



approval



denial

rec'd.

by

Copy of transfer sent to lien holder

Attachment no. 1

Idaho Department of Water Resource disallowed claim number 47-17206 which provided water to three stock water troughs south of the Cedar Mesa Canal. On November 23, 2009, we received permission to file a late objection on that claim. After working with the Department of Water Resources and talking with our attorney, we are filing a notice of withdrawal without prejudice of that claim. To provide water for those stock water troughs, we are now filing a transfer for water right number 47-12060 which is for domestic and stock water.

As we were preparing the transfer, we discovered that water right number 47-12060 was still in the name of a former owner, James Clark. This transfer will update the record to its present owner, Brackett Ranches Limited Partnership (LTD). See attached deed and tax notice. We also discovered the well (point of diversion) was incorrect. Water right number 47-12060 lists point of diversion as NE 1/4 NE 1/4 Section 28 TWP 12S, RGE 13E BM Twin Falls County. The correct location is SE 1/4 NE 1/4 Section 28 TWP 12S, RGE 13E BM Twin Falls County. This transfer will correct the point of diversion to its actual location. See attached map.

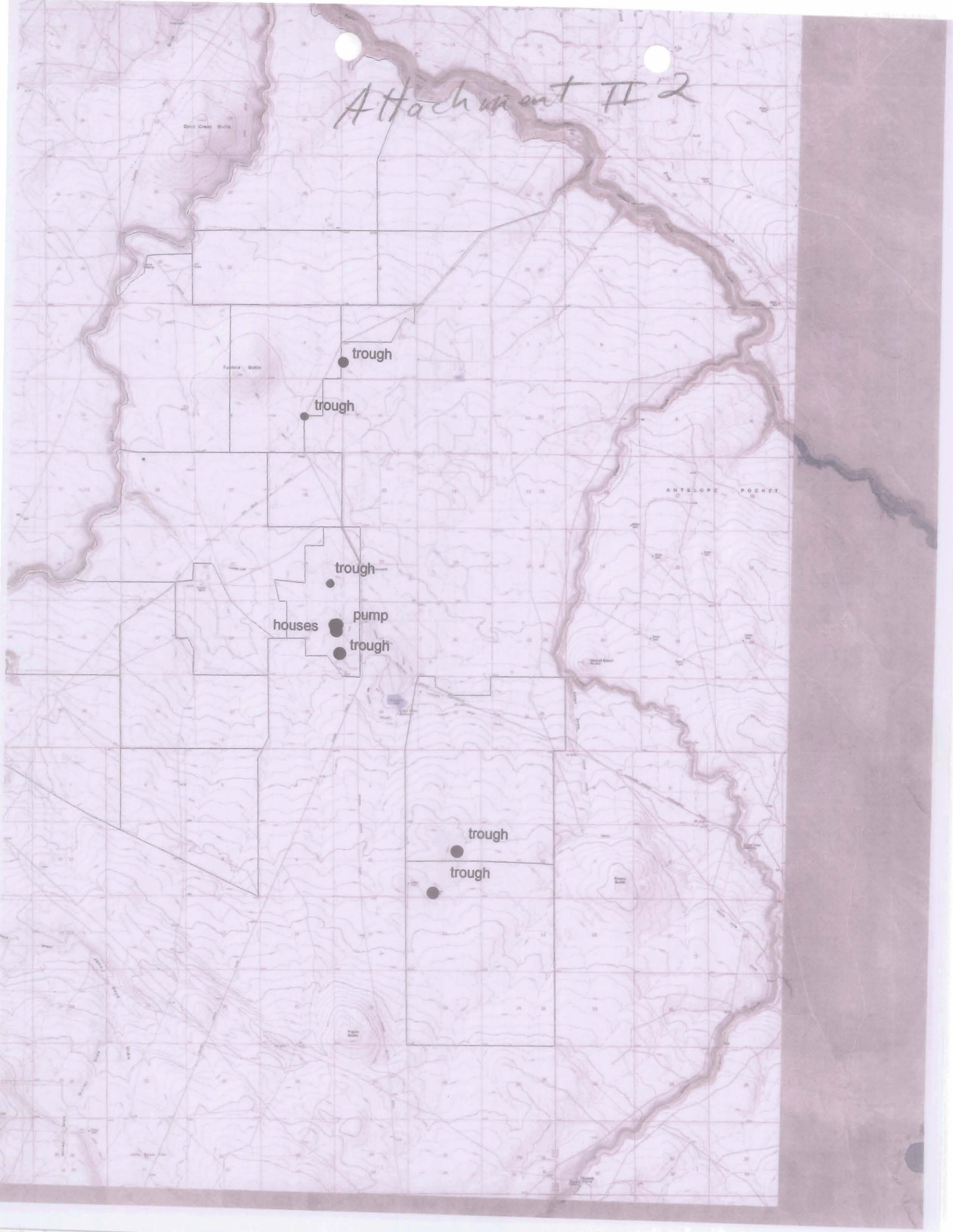
The final purpose of this transfer is to add additional places of use to reflect the current situation. The diversion rate will remain unchanged, same water, same cattle, with additional places of use, and one additional residence is being added.

In addition, the domestic place of use listed on water right number 47-12060 is incorrect. The correct place of use is SE/4, NE 1/4, TWP 12S, RGE 13E Section 28 and both houses are at the location.

I realize this transfer may appear to be complicated and confusing, but it will correct several errors, bring ownership current and provide places of use that will enable management to properly use the resources. If additional information is needed, we would reserve the right for the opportunity to supplement the transfer application. I am a general partner in Brackett Ranches Limited Partnership (LTD), but am also an Idaho State Senator from District 23 and will be in legislative session from January through March 2010. My son, Ira Brackett, can also be a contact as he is a limited partner in Brackett Ranches Limited Partnership (LTD).

Bert Brackett

Attachment II 2



Attachment # 3

Part 3

Page 1

12/31/2009

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 47-12060

WATER RIGHT NUMBER: 47-12060

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES CLARK STAR RT CASTLEFORD, ID 83321

Priority Date: 07/15/1952

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.060 CFS	
STOCKWATER	1/01 to 12/31	0.190 CFS	
	<u>Total Diversion:</u>	0.190 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 28, Twp 12S, Rge 13E, B.M.
TWIN FALLS County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	13E	28	X																

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	13E	28	X																

Conditions of Approval:

- 800 BEEF STOCK 12S13E280000
- N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 47-12060

3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

Comments:

Dates and Other Information:

Licensed Date:

Decreed Date: 6/18/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

TWIN FALLS COUNTY

Recorded In:

TWIN FALLS LE

11:25:18 am

02-28-2005

2005-004155

No. Pages: 2

Fee: \$ 6.00

KRISTINA GLASCOCK

County Clerk

Deputy: KIM CURET

A Hacienda # 4

TC 50090

WARRANTY DEED

FOR VALUE RECEIVED, **JAY E. FLEMING** and **DUBOSE F. FLEMING**, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto **BRACKETT RANCHES LIMITED PARTNERSHIP**, an Idaho Limited Partnership, the Grantee, whose address is Flat Creek Ranch, Rogerson, Idaho 83302, the following described premises, to-wit:

Township 12 South, Range 13, East of the Boise Meridian, Twin Falls County, Idaho

Section 21: The Northwest ^{east} Quarter of the Northeast Quarter; the South one-half of the Northeast Quarter; the Southeast Quarter; and the South one-half of the Southwest Quarter

Section 22: The West one-half of the Northwest Quarter; and the Northwest Quarter of the Southwest Quarter

Section 28: The Northeast Quarter; the North one-half of the Southeast Quarter; and the East one-half of the Northwest Quarter

(The records of the Twin Falls County Tax Rolls disclose the above property address as: 2475 A Devil Creek Road, Castleford, Idaho 83321)

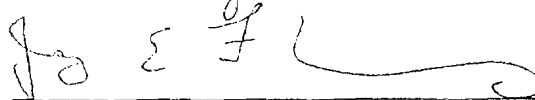
Together with all water rights appurtenant to the described property, including, but not limited to, 184 shares of stock in the Cedar Canal Company, Ltd. and Idaho Department of Water Resources Water Right Number 47-12060.

Together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting such real property and any of Grantors' rights to use the same; (iv) any and all rights of ingress and egress to and from such real property and any of Grantors' rights to use same; (v) any and all mineral rights and interests of Grantors' relating to such real property (present or revisionary); (vi) any and all rights to the present or future use of waste water, waste water capacity, drainage, water or other utility facilities to the extent such rights pertain to or benefit such real property or the improvements located thereon, including without limitation, all reservations of or commitments or

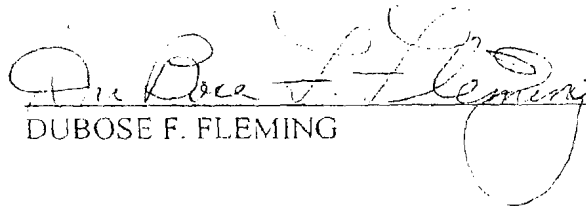
letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantors, if any, to any leases covering all or any portion of such real property; and (viii) all right, title and interest of Grantors, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding such real property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to such real property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to such real property and (d) any and all reversionary interests in and to such real property (such real property together with any and all of the related improvements, appurtenances, rights and interests referenced in items (i) through (viii) above are herein collectively referred to as the "Property").

TO HAVE AND TO HOLD the said Property together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever, subject to the matters herein stated; and Grantors do hereby bind themselves and their successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, to the full extent such matters are valid and subsisting and affect the Property.

DATED this 15 day of February, 2005.



JAY E. FLEMING

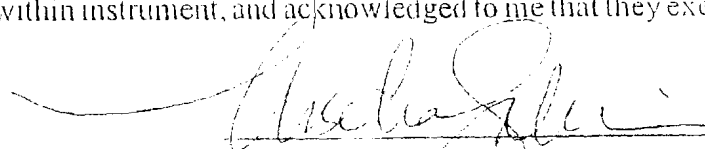


DUBOSE F. FLEMING

STATE OF ~~IDAHO~~ VIRGINIA)
COUNTY OF ~~TWIN FALLS~~ LOULIDOWN) : ss.

On this 15 day of February, 2005, before me, the undersigned, a Notary Public for Idaho, personally appeared JAY E. FLEMING and DUBOSE F. FLEMING, husband and wife, personally known or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.




Notary Public for Idaho

My Commission Expires on _____

ARSELIA SOLORIO
Notary Public
Commonwealth of Virginia
My Comm Exps May 31, 2006

MAKE CHECK PAYABLE TO:
TWIN FALLS COUNTY TREASURER
DEBBIE KAUFFMAN, BOX 88
TWIN FALLS, ID 83303-0088
(208) 736-4008

2009 TAX BILL/RECEIPT

BILL# 37438
CODE AREA 77-0000

PARCEL NUMBER
RP12S13E280000A
L 118,573
I 146,740

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV
TAX 1,317.73	TAX 1,317.73	TAX 2,635.46	265,313
LATE	LATE	LATE	
INT	INT	INT	
COST	COST	COST	
TOT	TOT	TOT	TOT ACS 240.000

BRACKETT RANCHES LIMITED
PARTNERSHIP
% FLAT CREEK RANCH (M/O)
ROGERSON ID 83302

SEC 28 T 12 R 13
NE1/4; N1/2 SE

2475 A DEVIL CREEK RD 83321

TAXING DISTRICT	RATE	
COUNTY	.003853440	1,022.36
COLLEGE SO.ID	.000835215	221.58
SCHL 417 CASTLE		
417 M&O		
417 BOND		
417 SUPPLMNTL	.002890588	766.90
417 OTHER	.000200790	53.26
TWIN FALLS-HGWY	.000981824	260.48
WEST END CEM	.000118244	31.36
CASTLEFORD FIRE	.001140309	221.40
(APPLICABLE MV	194168)	
CNTY AMBULANCE	.000172225	29.34
(APPLICABLE MV	170402)	
CNTY ABATEMENT	.000108501	28.78
AMOUNT DUE	.010301136	2,635.46

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***
For Proper Credit stub must be returned
with payment.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

% FLAT CREEK RANCH (M/O)



2009
BILL# 37438

2ND HALF



AMOUNT DUE 1,317.73

TWIN FALLS COUNTY
RP12S13E280000A
77-0000

LATE
INT
COST
TOTAL

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2010

DATE PAID

CHECK #

PAID BY

CASH

MAKE CHECK PAYABLE TO:
TWIN FALLS COUNTY TREASURER
DEBBIE KAUFFMAN, BOX 88
TWIN FALLS, ID 83303-0088
(208) 736-4008

2009 TAX BILL/RECEIPT

BILL# 37439
CODE AREA 77-0000

PARCEL NUMBER
RP12S13E282400A
L 2,080

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV
TAX 9.81	TAX 9.81	TAX 19.62	2,080
LATE	LATE	LATE	
INT	INT	INT	
COST	COST	COST	
TOT	TOT	TOT	TOT ACS 80.000

BRACKETT RANCHES LIMITED
PARTNERSHIP
% FLAT CREEK RANCH (M/O)
ROGERSON ID 83302

SEC 28 T 12 R 13
E1/2 NW

TAXING DISTRICT	RATE	
COUNTY	.003853440	8.02
COLLEGE SO.ID	.000835215	1.74
SCHL 417 CASTLE		
417 M&O		
417 BOND		
417 SUPPLMNTL	.002890588	6.00
417 OTHER	.000200790	.42
TWIN FALLS-HGWY	.000981824	2.04
WEST END CEM	.000118244	.24
CASTLEFORD FIRE	.001140309	.94
(APPLICABLE MV	832)	
CNTY AMBULANCE	.000172225	
(APPLICABLE MV	0)	
CNTY ABATEMENT	.000108501	.22
AMOUNT DUE	.010301136	19.62

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***
For Proper Credit stub must be returned
with payment.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

% FLAT CREEK RANCH (M/O)

2009
BILL# 37439

2ND HALF

AMOUNT DUE 9.81

TWIN FALLS COUNTY
RP12S13E282400A
77-0000

LATE
INT
COST
TOTAL

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2010

DATE PAID

CHECK #

PAID BY

CASH

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____
2009 DEC 31 PM 1 21

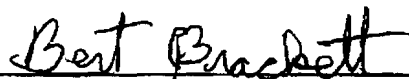
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase: 47-17198 and 47-17206
	)	
	)	NOTICE OF WITHDRAWAL OF
	)	STOCK WATER CLAIMS
Case 39576	)	47-17198 AND 47-17206 -
_____	)	BRACKETT RANCHES LIMITED
	)	PARTNERSHIP ("LTD")

NOTICE IS HEREBY GIVEN that the undersigned, BERT BRACKETT, as a General Partner of BRACKETT RANCHES LIMITED PARTNERSHIP ("LTD"), and in light of pending objections to the hereinbelow identified claims to stock water hereby respectfully requests that the SRBA Court withdraw the water right claim numbers 47-17198 and 47-17206 without prejudice to the original applicant (BRACKETT RANCHES, LTD.) to re-file a revised claim or a transfer on the same source.

Mr. Brackett on behalf of BRACKETT RANCHES, LTD. withdraws said claims "without prejudice" to re-file the stock water rights.

Respectfully submitted this 31 day of December, 2009


BERT BRACKETT
General Partner of BRACKETT RANCHES, LTD.

CERTIFICATE OF MAILING

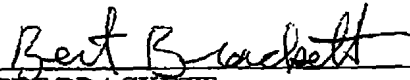
I certify that on December 31, 2009, I delivered the original of the foregoing Notice of Withdrawal of Stock Water Claims 47-17198 and 47-17206 – Brackett Ranches Limited Partnership ("LTD.") to the Clerk of the District Court, Snake River Basin Adjudication, 253 Third Avenue North, Twin Falls, Idaho

and mailed copies, postage prepaid and addressed as follows:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC -033
Boise, ID 83724


BERT BRACKETT