

October 22, 2009

Greg Sullivan E.I.T.
Brockway Engineering
2016 North Washington St.
Suite 4
Twin Falls, Idaho 83301

Re: Application for Transfer – Ranch Properties LLC/1-10443 & 45-11969

Dear Mr. Sullivan:

Please find enclosed the water right transfer application you recently submitted in the name of Ranch Properties LLC. Also enclosed is the \$290.00 filing fee (Brockway Engineering check #8833) that was submitted with the application. The application is being returned so that some items can be addressed to allow for the processing of the application.

Review of the transfer indicates that the applicant, Ranch Properties LLC, does not own all of the land or all of one of the water rights, 45-11969, involved with the transfer. Apparently portions of the land and water right 45-11969 are owned by Kirk Woodland and Jeff D Mc Cray. According to the letters submitted with the transfer Mr. Woodland and Mr. Mc Cray request that a proportionate amount of the right(s) associated with their property be split. The warranty deed that was submitted for Frenchman's Island Resort (Neil and Teresa Larsen, members) to sell and convey unto Ranch Properties LLC identifies two exceptions of property that was not conveyed. These two exceptions consist of two parcels each being approximately five acres in size. If these two parcels are to be split with their appurtenant water right, adequate documentation must be included to show that Mr. Woodland and Mr. Mc Cray own their respective parcel along with ownership change forms and appropriate fees. Mr. Woodland and Mr. Mc Cray may also want to consider filing a transfer application to split their portion of the right and change the authorized point of diversion to a location on their properties.

A review of water right 45-11969, its decreed place of use, and the parcels described in the Frenchman's Island Resort to Ranch Properties LLC deed included with the transfer appears to indicate that water right 45-11969 should be divided as follows...

Ranch Properties LLC: 1.17 cfs, 350.4 ac-ft, and 87.6 acres

East Parcel: 0.03 cfs, 10.0 ac-ft, and 2.5 acres

West Parcel: 0.06 cfs, 18.0 ac-ft, and 4.5 acres

The currently recorded place of use for right 45-11969 should be divided as follows....

Ranch Properties LLC:

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	28						10.8	5.0										15.8
								L 4	L 4										
10S	24E	29			4.3	21.8					15.0	9.3			14.9				65.3
					L 9	L 9					L 11	L 12			L 10				
10S	24E	30													5.7			.8	6.5
															L 8			L 8	

Total Acres: 87.6

East Parcel:

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	28						0.2											0.2
								L 4											
10S	24E	29	.7			1.6													2.3
			L 9			L 9													

Total Acres: 2.5

West Parcel:

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	29			2.8	0.6									1.1				4.5
					L 9	L 9									L 10				

Total Acres: 4.5

In addition it is unclear concerning the points of diversions: Part 1, Section B, Item # 3. (Description of Rights After the Requested Changes). It appears that the application proposes adding both Points of Diversion and Sources (Ground Water and Snake River) to each of the rights (45-11969 and 01-10443). Please note that if this is indeed the case, then an additional hydrologic analysis must be included showing the two sources have a direct and immediate hydraulic connection (defined in the transfer memo as being at least 50% depletion in original source from depletion from proposed point of diversion within one day). If no change to the points of diversion for each of the rights is proposed, then the first checkbox on Part 1, Section B, Item # 3 (Description of Rights After the Requested Changes) should be checked.

As indicated previously, it appears that Ranch Properties LLC only owns a portion of right 45-11969 and the 94.6 acre place of use. It appears that based on the information currently available, that Ranch Properties LLC should file a transfer application only involving their portion of right 45-11969, which would involve splitting the right and completing the rest of Part 2 of the application for right 45-11969. In addition, the proposed place of use and map that accompanied the application should reflect only the land that Ranch Properties LLC actually owns.

Please feel free to contact this office if you have any questions.

Sincerely,

Benny Walker
Water Resource Agent
Enclosure

Cc: Ranch Properties LLC
Kirk Woodland
Jeff D. McCray
with out enclosures