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MAY 01 2009
DEPARTMENT OF WATER RESOURCES

April 29, 2009

VIA UPS

Shelley W. Keen, Hearing Officer
State of Idaho Department of Water Resources
322 E. Front St.
Boise, ID 83702

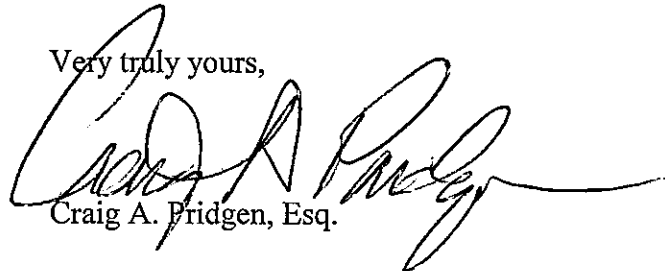
Re: Applications for Transfer Nos. 70887 and 70890

Dear Mr. Keen:

Enclosed please find the original and copy of the applicants' Information Exchange Submitted by Applicants Brackett Ranches, Ltd. and Bert and Paula Brackett in the above-referenced matter. After filing, please have your assistant return the conformed copy in the enclosed self-addressed stamped envelope.

If you have any questions, please do not hesitate to call me.

Very truly yours,


Craig A. Pridgen, Esq.

CAP/ech
enc.
cc Bert Brackett (w/enc)

ORIGINAL

W. ALAN SCHROEDER, ISB #4118
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DEPARTMENT OF WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION 70887,	)	INFORMATION EXCHANGE
IN THE NAME OF BRACKETT RANCHES, LTD.)	)	SUBMITTED BY APPLICANTS
AND APPLICATION FOR TRANSFER NO.	)	BRACKETT RANCHES, LTD.
70890 IN THE NAMES OF BERT AND	)	AND BERT AND PAULA
PAULA BRACKETT	)	BRACKETT
_____	)	

COMES NOW, Brackett Ranches, Ltd. and Bert and Paula Brackett with respect to Transfer Nos. 70887 and 70890 by and through its counsel, Craig A. Pridgen and, in compliance with the Order Scheduling Exchange of Information issued by the Hearing Officer on April 9, 2009, hereby submits the names of additional witnesses in light of the supplemental list submitted by Protestant that they may call at the hearing and, in addition, supplemental exhibits that they may introduce at the time of hearing.

WITNESSES

BRACKETT RANCHES, LTD. AND/OR BERT AND PAULA BRACKETT may call, in addition to those witnesses previously identified, the following individuals:

1. JOHN WESTRA
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705
2. BERT BRACKETT
Flat Creek Ranch
Rogerson, ID 83302

EXHIBITS

BRACKETT RANCHES, LTD AND BERT AND PAULA BRACKETT hereby submit as additional proposed documents which they intend to or may introduce at the time of the hearing as evidence in this matter:

1. Correspondence dated September 18, 2008, from the undersigned, attorney for Bert Brackett and his related entities which are the subject matter of the within applications which correspondence is addressed to Mr. Westra and Mr. Honsinger is response to prior and earlier correspondence from Mr. Westra and/or Mr. Honsinger concerning a proposed resolution of Transfer Nos. 70887 and 70890. (Exhibit "1")

Counsel for Bruneau Buckaroo Cooperative Ditch Company in its most recent list of proposed "EXHIBITS" submitted for the upcoming hearing relative to the Brackett Applications for Transfer Nos. 70887 and 70890, "draft" approvals which relate to and only relate to earlier Transfer No. 70887 and 70890 involving the Bracketts and their related entities. It is respectfully submitted that these exhibits should be excluded from the hearing in that they are not relevant to the water source which is in fact the

only subject matter of the upcoming hearing. Specifically, the Bracketts and their related entities object to the admission of the draft approvals for Transfer Nos. 70887 and 70890 on the following basis:

1. The alleged "Approvals" above-referenced with respect to Transfer Nos. 70887 and 70890 are in fact just as they indicate, "DRAFTS" with respect to which Brackett submitted objections. More importantly, Applications for Transfer Nos. 70887 and 70890 are separate and distinct from any other transfer and specifically separate and distinct from a prior Transfer Application resulting in the issuance of a new water right decree with respect to Transfer No. 70694. Accordingly, it is respectfully submitted and requested that the Hearing Officer exclude any and all evidence proposed to be submitted by Bruneau Buckaroo Cooperative Ditch Company with respect to contested "draft" approvals of Transfer Nos. 70887 and 70890.
2. With respect to Transfer No. 70694 and specifically Protestant's proposed Exhibit 202 and most importantly that portion thereof entitled "CONDITIONS OF APPROVAL," the Brackett entities object to the admission of Exhibit 202 particularly to the extent that that particular document setting forth said conditions of approval is irrelevant and immaterial with respect to the transfers which are the subject matter of the within proceedings and specifically Transfer Nos. 70887 and 70890. Specifically, Protestant cannot rely on the terms and conditions imposed or stipulated to by the parties as part of an approval of a wholly unrelated water right.

The undersigned, on behalf of Brackett Ranches, Ltd., and Bert and Paula Brackett further object to and move for the exclusion of Exhibits 200 and 201 submitted by Protestant-BRUNEAU BUCKAROO COOPERATIVE DITCH COMPANY. The draft documents submitted as Exhibits 200 and 201 do relate

to Transfer Nos. 70887 and 70890; however, the "CONDITIONS OF APPROVAL" attached and appended to each of the draft approvals involving Transfer Nos. 70887 and 70890 have been specifically objected to in writing over the period of the last several months by Brackett Ranches, Ltd. and Bert and Paula Brackett. Attached hereto and identified as Exhibit 1, is a letter dated September 18, 2008, which was intended as a letter suggesting a compromise or settlement with respect to a resolution of what was then contested terms and conditions of approval with respect to Transfer Nos. 70887 and 70890. (See Exhibit 1.) It is respectfully submitted that the contents of said September 18, 2008, letter should be considered as being an offer to compromise and settle all concerns by and between all parties to the within action relative to Transfer Nos. 70887 and 70890 which, if consummated, would have made the within proceedings unnecessary. Further, it is respectfully submitted that the Brackett applicants hereinabove referenced did not thereby limit the scope of their protest and/or objections to the proposed conditions of approval set forth in Exhibit Nos. 200 and 201 submitted by Mr. Honsinger on behalf of Bruneau Buckaroo Cooperative Ditch Company. Again, it is respectfully submitted that the proposed Exhibit No. 202 involving the approval of the wholly unrelated transfer involving the Brackett entities should be disallowed in these proceedings in that Transfer No. 70694 is wholly unrelated to the transfers which are the subject matter of the within proceedings.

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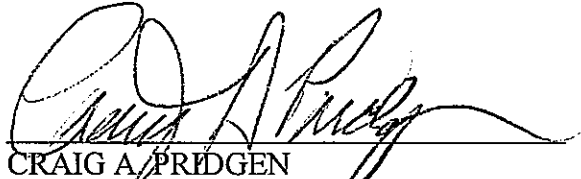
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Also attached hereto as Exhibit 2, is a Memorandum and a series of documents prepared by the Idaho Department of Water Resources in 2003, concerning the significant reduction of ground water levels in areas which impact the availability of water for use by Protestant.

Respectfully submitted.

DATED this 29th day of April, 2009.



CRAIG A. PRIDGEN
Attorney for Brackett Ranches, Ltd.
and Bert and Paula Brackett

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April, 2009, I served the foregoing Information Exchange Submitted by Applicants Brackett Ranches, Ltd. and Bert and Paula Brackett

Charles Honsinger, Esq.
Buckaroo Cooperative Ditch Co.
Ringert Clark Chtd.
P.O. Box 2773
Boise, ID 83701

W. Alan Schroeder, Esq.
Schroeder & Lezamiz Law Offices, LLP
P.O. Box 267
Boise, ID 83701-0267

by enclosing a true copy thereof in a sealed envelope, with postage thereon fully prepaid, addressed as shown above and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the course of business with the United States Postal Service at Tahoe City, California.

