

J R SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST

P O Box 27
Boise, Idaho 83707

March 23, 2009

RECEIVED
MAR 23 2009
DEPARTMENT OF
WATER RESOURCES

Hand Delivery

State of Idaho
Department of Water Resources
322 E. Front Street
Boise, Idaho 83720-0098

Re: IDWR Transfer No. 75397; Brackett Ranches Limited Partnership ("Brackett"); IDWR Water Right No. 47-14320.

In connection with the above referenced transfer application, the J. R. Simplot Self-Declaration of Revocable Trust ("Simplot Trust") is submitting this letter to express concerns about the pipeline system Brackett may be intending to use to deliver the water described under this transfer. The Simplot Trust, Brackett and other cattle ranchers use an existing pipeline system authorized by the United States Bureau of Land Management ("BLM") to transport stock water delivered for use on federal grazing allotments. These ranchers all have permission to graze federal land under terms and conditions that are administered by the BLM. Furthermore, the BLM has provided the users with authority to operate and maintain this water supply system.

The Simplot Trust does not oppose the above referenced transfer per se, however, permission to transport the Brackett water described in this transfer application has not been requested by Brackett; nor has permission been granted by the other pipeline users including the Simplot Trust. The current water delivery system may not have capacity available to accommodate the additional water Brackett is seeking. For this reason, the Simplot Trust requests, as a condition for transfer approval that Brackett be required to obtain permission from the current pipeline users prior to any diversion and use of water under the transfer if Brackett is contemplating the use of the existing pipeline system.

This letter is an official protest to IDWR transfer application no. 75397 and the \$25.00 protest fee is enclosed, unless the IDWR agrees to add the above condition to transfer approval without commencing a contested case process. Should the IDWR be willing to include the condition in the transfer approval without an objection, the enclosed check may simply be returned to my attention.

Sincerely,



Ronald N. Graves
Trustee for the J. R. Simplot
Self-Declaration of Revocable Trust

c: Transfer Applicant (Brackett Ranches Partnership)

FOR OFFICE USE ONLY
Fee: \$25.00
Receipt No. C088282
Receipt by: SF
Date Received: 3/23/09