



CORPORATE HEADQUARTERS

August 20, 2007

Delivery

Steve Lester
State of Idaho
Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

AUG 20 2007

WATER RESOURCES
WESTERN REGION

Re: Applications for Transfer of Water Right Nos. 70887 and 70890; IDWR Water Right Nos. 51-12898A and 51-12895A.

Dear Mr. Lester:

The above referenced applications filed by Bracket Ranches LTD (transfer no. 70887) and Paula Brackett (transfer no. 70890) seek approval to add additional places of use to water rights nos. 51-12898A and 51-12895A. These water rights are de minimis stockwater claims that were issued partial decrees in the Snake River Basin Adjudication ("SRBA") on March 4, 2003. Each of these water rights allow for the diversion of up to 0.23 cfs from Pence Springs up to a maximum daily volume not to exceed 13,000 gallons per day for stockwater purposes. Pence Springs is eventually tributary to the East Fork of the Bruneau River (also known as Clover Creek), which is then tributary to the main stem of the Bruneau River.

The J. R. Simplot Company ("Simplot") and its related entities own several water rights that allow the diversion and use of water from sources that include the East Fork of the Bruneau River and the Bruneau River. Simplot is concerned that approval of the transfer applications, without requiring devices to verify the rate of flow and daily volume diverted, could promote an enlargement in the use of water beyond the decreed limits. Water use beyond the decreed limits will affect the quantity of water available for downstream water users such as Simplot.

Provided the Bracketts do not exceed the decreed diversion rate and daily volume limits for these water rights after transfer approval, Simplot does not have an objection to the above referenced applications. However, in the best interests of the downstream water right holders, IDWR's approval of the applications should contain remarks identifying the decreed flow and volume limits together with conditions requiring measuring devices that accurately display the amount of water diverted under each of these water rights.

Please include a copy of this letter in each file containing the proceedings of these transfer applications and a copy in both water right files stored among the permanent

records of the IDWR. These transfer applications seek to substantially expand the places of use for these de minimis stockwater claims. Simplot does not object to the approval of these applications provided the applicants operate the system after the transfers within the de minimis quantity limits.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vic Conrad', with a stylized circular flourish at the end.

Vic Conrad

Land, Water & Asset Recovery

c: Brackett Ranches & Paula Brackett, Flat Creek Ranch, Rogerson, Idaho
C. Jones