



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657



In Reply Refer To:
7250 (933b)
Application Permit No. 51-13127

August 13, 2021

RECEIVED

AUG 18 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

Corey Skinner, Regional Manager
Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave. W., STE 500
Twin Falls, ID 83301-5858

**RE: Withdrawal of BLM Protest:
Application for Transfer No. 80632 (47-17634) f/b Kunkel**

Dear Mr. Skinner:

By this letter, I state that I have the authority to act on behalf of the United States Department of the Interior, Bureau of Land Management (BLM), with myself as its agent, to the matters discussed herein.

BLM filed the protest because the pipeline crossing BLM land is not authorized by a right-of-way (ROW) and the water right (47-17634) in the pipeline is 1980 and therefore post-Federal Land Policy and Management Act (FLPMA) of 1976.

During the Pre-Hearing Conference on July 21, 2021, Mr. Kunkel provided a copy of a Cooperative Range Improvement Agreement (CRIA) for Amsterdam Pipeline (Project 4078) executed on April 2, 1973. This is not an appropriate way to authorize the pipeline; however, it expired in January of 1993, so that makes the pipeline currently unauthorized.

We have done some research since the hearing and my staff discovered an aerial photo from August 20, 1976, which is two months prior to the October 21, 1976 passage of FLPMA. This may indicate a use of water through the pipeline (pre-FLPMA), even though what is shown is not precisely consistent with the IDWR Field Exam from April 1, 1981?

BLM's issues are not resolved; however, it appears that IDWR cannot consider the legal access question in this case with its unique circumstances. Therefore, I hereby withdraw BLM's protest of this transfer, and the lands issue will be addressed by BLM separately.

USGS Aerial Imagery

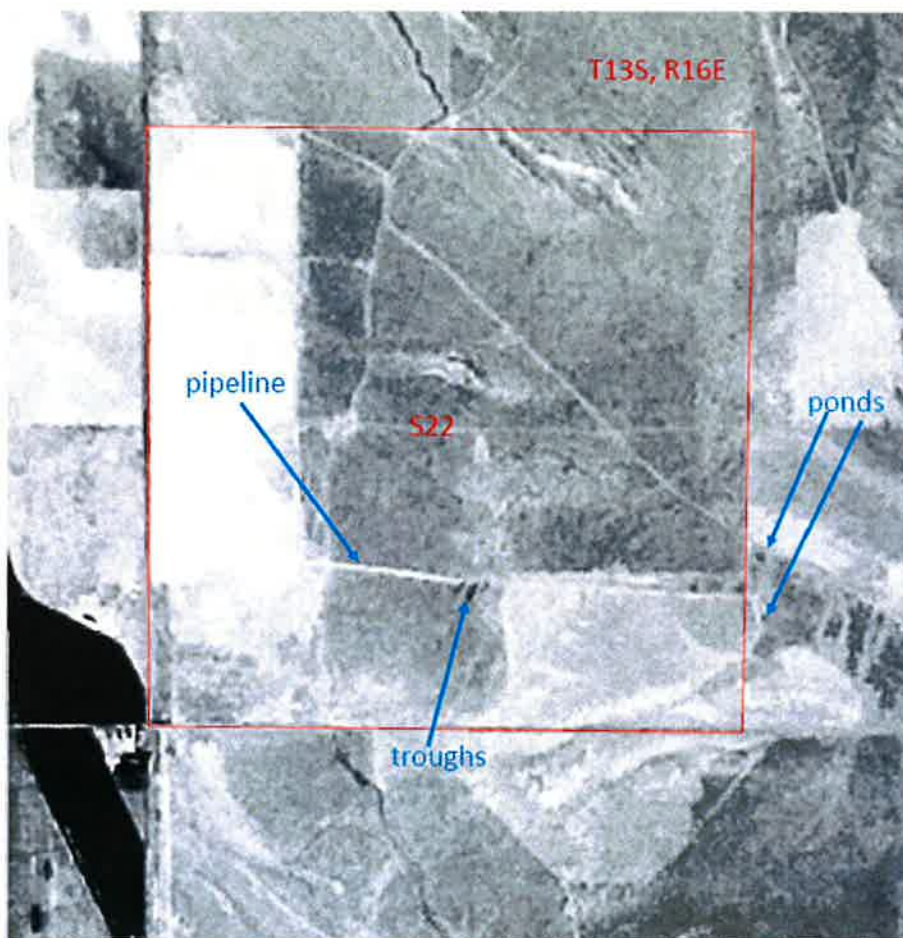
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-39,000'

AR1VEFD00030080

08-20-1976

FLPMA (10-21-1976)



If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3831, or write to the address in our letterhead.

Sincerely,

Fredric W. Price
Water Rights Specialist

cc: Alex N. & Lori D. Kunkel, 1625 N 2500 E, Twin Falls, ID 83301-0602
Scott Sayer, Natural Resource Spec, Burley FO, 2878 Addison Ave E, Twin Falls, ID 83301



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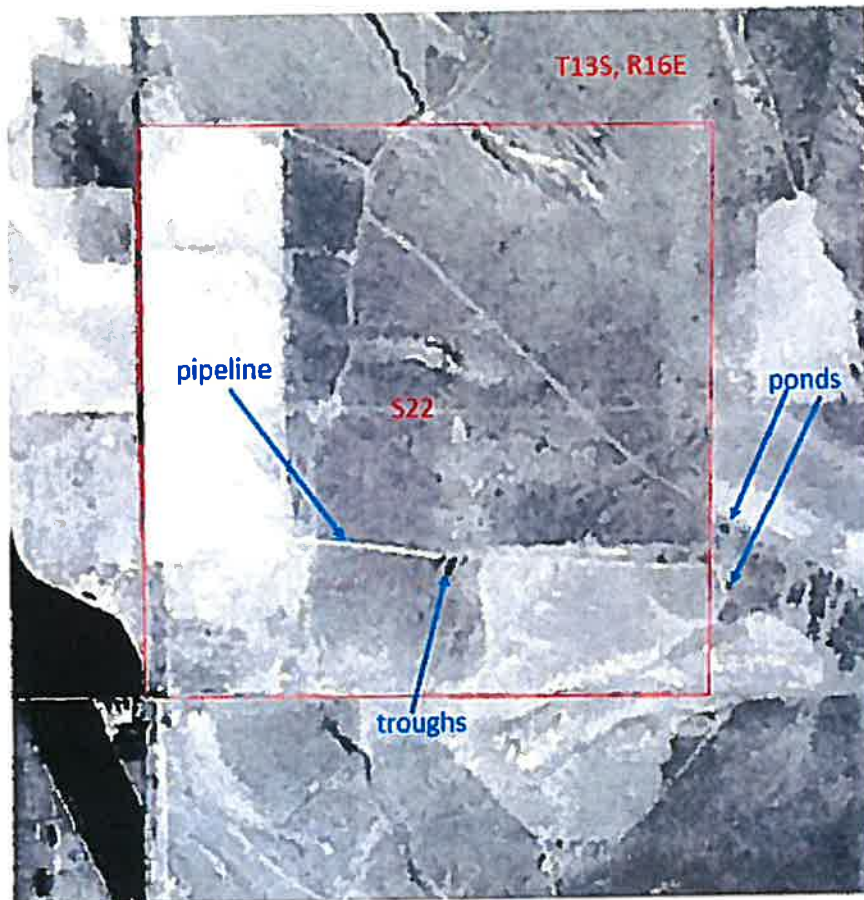
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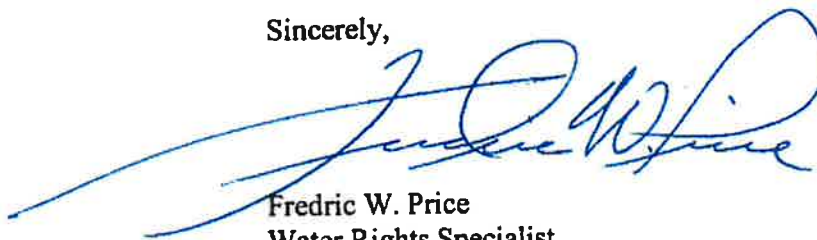
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