



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
<http://www.id.blm.gov>



RECEIVED

AUG 05 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

In Reply Refer To:
7250 (933b)

August 2, 2016

Allen D. Merritt, P.E., Regional Manager
Idaho Department of Water Resources (IDWR)
Southern Regional Office
650 Addison Avenue West, Suite 500
Twin Falls, Idaho 83301-5858

Dear Mr. Merritt:

RE: Conditional Withdrawal of BLM Protest:
Application for Transfer No. 79984 (37-00159D, Jack Flammer)

Consent to Transfer:
Application for Transfer No. 80971 (37-00159D, Lawson Family Living Trust)

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

On 06-08-2015, BLM protested the original Application for Transfer No. 79984 (filed 04-13-2015) because the underlying water right (37-00159D) described federal public land as a place of use (POU) for irrigation (T03N, R18E, S08, SWSW (2.0 acres)). Irrigated agricultural use of BLM land is not authorized, nor has there historically been any irrigation of BLM land. This transfer sought to move a portion of the acres off of BLM land; however at the conclusion of the transfer, 1.2 acres would be left behind on federal land. This is not acceptable to BLM.

On 05-31-2016, Amended Transfer No. 79984 was filed with IDWR seeking to shift acres around on private land but would now leave 2.0 acres behind on BLM. The amended application does not resolve BLM's protest and is not acceptable to BLM.

On 05-31-2016, Application for Transfer No. 80971 was filed by Jack Flammer on behalf of the Lawson Family Living Trust pursuant to an Agreement for Purchase and Sale of Water Right executed

04-06-2016. This transfer seeks to move the 2.0 acres describing BLM land under 37-00159D (see Part 2 B.2.) to private land owned by the Lawson Family Living Trust (T01N, R18E, S01, NWNW).

CONDITIONAL WITHDRAWAL OF PROTEST NO. 79984:

BLM's protest of Transfer No. 79984 would be resolved provided that Transfer No. 80971 is approved by IDWR prior to approval of Transfer No. 79984. Transfer No. 79984 retains the 2.0 acres on BLM land which is a problem for BLM, therefore Transfer No. 80971 needs to be approved first so that those acres are no longer available under Transfer No. 79984. BLM's protest of Transfer No. 79984 is not resolved if the approval of Transfer No. 80971 does not remove all 2.0 acres from BLM land.

I hereby withdraw BLM's protest, provided: (1) IDWR approves Transfer No. 80971 before Transfer No. 79984; and (2) approval of Transfer No. 80971 leaves no acres of irrigation behind on BLM land.

CONSENT TO TRANSFER NO. 80971:

It is my understanding that IDWR cannot complete a transfer of water under a water right without the consent of the landowner where the water right describes land not owned by the transfer applicant.

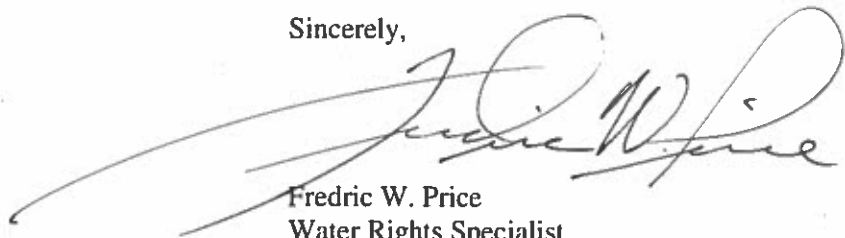
On behalf of the United States and the BLM, I hereby provide the consent necessary to facilitate Transfer No. 80971, provided that the entire 2.0 acres describing BLM land is transferred off of BLM land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

NOTICE:

BLM requests that it receive notice of any subsequent amendments to the applications and of any approved transfers issued by IDWR.

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

Sincerely,



Fredric W. Price
Water Rights Specialist

cc Jack W. Flammer, Jr.
P.O. Box 3923; Hailey, ID 83333
Greg W. Sullivan, M.S.; Brockway Engineering, P.L.L.C.
2016 N Washington St, Suite 4; Twin Falls, ID 83301
Zachary B. Latham, M.S.
2016 N Washington St, Suite 4; Twin Falls, ID 83301
Steven R. Davis; USDI-BLM, Burley Field Office;
15 East 200 South; Burley, ID 83318



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Via E-mail

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Twin Falls, Idaho 83301-5858

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I hereby withdraw BLM's protest, provided: (1) IDWR approves Transfer No. 80971 before Transfer No. 79984; and (2) approval of Transfer No. 80971 leaves no acres of irrigation behind on BLM land.

CONSENT TO TRANSFER NO. 80971:

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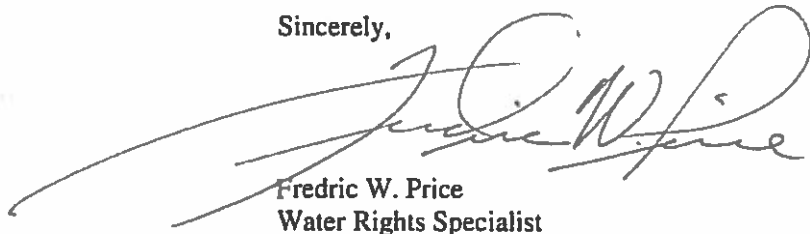
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If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3831 or at the address provided above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fredric W. Price", is written over a horizontal line.

Fredric W. Price
Water Rights Specialist

cc Jack W. Flammer, Jr.
P.O. Box 3923; Hailey, ID 83333
Greg W. Sullivan, M.S.; Brockway Engineering, P.L.L.C.
2016 N Washington St, Suite 4; Twin Falls, ID 83301
Zachary B. Latham, M.S.
2016 N Washington St, Suite 4; Twin Falls, ID 83301
Steven R. Davis; USDI-BLM, Burley Field Office;
15 East 200 South; Burley, ID 83318

Mills, William

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Wednesday, August 03, 2016 7:21 AM
To: Mills, William; Skinner, Corey
Subject: FW: Jack Flammer Transfers 79984 & 80971 involving 37-00159D
Attachments: 37-00159D_BLM-Protest-Withdrawal-Trans-79984_Consent-Trans-80971_08-02-2016.pdf

From: Price, Fredric [mailto:fwprice@blm.gov]
Sent: Tuesday, August 02, 2016 3:48 PM
To: Merritt, Allen <Allen.Merritt@idwr.idaho.gov>
Cc: Zach Latham <zach.latham@brockwayeng.com>; Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: Re: Jack Flammer Transfers 79984 & 80971 involving 37-00159D

Allen,

RE: Jack Flammer Transfers 79984 & 80971 involving 37-00159D

Attached is a scanned copy of BLM's conditional withdrawal of its protest of Transfer 79984 and conditional consent to Transfer 80971. Hardcopy original is in the mail.

Transfer 80971 resolves BLM's protest to Transfer 79984, provided that 80971 is approved before 79984. Transfer 80971 seeks to move acres of water describing BLM land to private land, therefore the attached letter also provides the necessary consent from the owner of the pre-transfer place of use, in order to, facilitate the transfer.

Idaho Power withdrew its protest of Transfer 79984 pursuant to a notice dated 07-24-2015, therefore BLM is the only remaining protestant (now resolved). Transfer 80971 was uncontested.

Fredric W. Price
Water Rights Specialist
BLM, Idaho State Office, ID-933b
1387 S. Vinnell Way, Boise, ID 83709
(208) 373-3831
fwprice@blm.gov

On Tue, May 31, 2016 at 11:50 AM, Greg Sullivan <greg.sullivan@brockwayeng.com> wrote:

Fred,

See attached documents for an amendment for Transfer 79984 in which BLM protested. This amendment is simply re-arranging the 5.0 acres of water right 37-159D.

Brockway Engineering is submitting to IDWR at this time a transfer to move the remaining 2.0 acres of 37-159D that is located on BLM property to property owned by Ed Lawson. I am sending you this email and

copies of the submitted documents to keep you informed on the progress that has been made to remove all portions of 37-159D from BLM property.

Greg Sullivan

Brockway Engineering

2016 North Washington Street, Suite 4

Twin Falls, Idaho 83301

208-736-8543