

Cox, Sharla

From: Price, Fredric [fwprice@blm.gov]
Sent: Tuesday, January 20, 2015 4:34 PM
To: Whitney, Rob
Cc: Cox, Sharla; Rebecca Lazdauskas; Deena Teel; Jordan, Blake
Subject: Unauthorized Water Use: irrigation of 13.08 acres where decrees only allow for 7.0 acres
Attachments: 79230.rtf; 34-02315etal_Unauthorized-Water-Use_T04N-R26E-S29-SWSW.pdf; 34-02419A_Trans-79230_BLM-Protest-Withdrawal_01-20-15.pdf

Rob,

RE: Unauthorized Water Use: irrigation of 13.08 acres where decrees only allow for 7.0 acres
T04N, R26E, S29, SWSW

It appears from 2013 NAIP imagery that Standlee Family Limited Partnership is irrigating more ground (6.08 acres) in the SWSW, S29 than they have water rights for. The following Partial Decrees (PD) only allow 7.0 acres of irrigation within T04N, R26E, S29, SWSW and yet 13.08 acres is being cultivated: 34-02315, 34-02358A, 34-02417A, 34-02419B, 34-02429B, 34-02472A and 34-12419.

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

----- Forwarded message -----

From: Price, Fredric <fwprice@blm.gov>
Date: Tue, Jan 20, 2015 at 4:29 PM
Subject: Fwd: FW: Draft approval document for protested transfer 79230 (StandLEE Family LTD Partnership)
To: "Jordan, Blake" <Blake.Jordan@idwr.idaho.gov>
Cc: Gary Madenford <gmadenford@blm.gov>, Deena Teel <dteel@blm.gov>, Rebecca Lazdauskas <rlazdauskas@blm.gov>, sharla.cox@idwr.idaho.gov

Blake,

RE: BLM Protest: Transfer #79230 (34-02419A), Standlee Family Limited Partnership

IDI-037742, Unauthorized Pivot Crossing (T04N, R26E, S29, SWSW)
Unauthorized Water Use in T04N, R26E, S29, SWSW (irrigating 13.08 ac when PDs only allow 7.0 ac)

I am so sorry that I completely missed your previous emails! Normally that is a very good way to reach me!? I was speaking with Sharla recently about other matters and she asked me about this transfer and why I was ignoring IDWR. I searched while we were on the phone and found all three of your emails unopened. I lost a critical staff members during that time period that upset my apple cart.

Anyway, the Draft Transfer Approval resolves the technical aspects of BLM's protests by inclusion of two standard IDWR remarks (see below):

Cox, Sharla

From: Price, Fredric [fwprice@blm.gov]
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Blake,

RE: BLM Protest: Transfer #79230 (34-02419A), Standlee Family Limited Partnership

IDI-037742, Unauthorized Pivot Crossing (T04N, R26E, S29, SWSW)

Unauthorized Water Use in T04N, R26E, S29, SWSW (irrigating 13.08 ac when PDs only allow 7.0 ac)

I am so sorry that I completely missed your previous emails! Normally that is a very good way to reach me!? I was speaking with Sharla recently about other matters and she asked me about this transfer and why I was ignoring IDWR. I searched while we were on the phone and found all three of your emails unopened. I lost a critical staff members during that time period that upset my apple cart.

Anyway, the Draft Transfer Approval resolves the technical aspects of BLM's protests by inclusion of two standard IDWR remarks (see below):

(1) "Place of use does not include federal public lands." The irrigation pivot crosses BLM land, therefore this remark would cause any irrigation of BLM to be inconsistent with their water rights and a violation of state law;

(2) "This right does not grant any right-of-way or easement across the land of another." Four wheels of the irrigation pivot cross BLM land, however this disturbance of federal public land is not authorized by BLM pursuant to a right-of-way (ROW). Inclusion of this remark means that the water right itself does not allow Standlee to trespass on BLM with its pivot, even though they are trespassing on BLM. Without a ROW from BLM, Standlee would be limited to a 3/4 pivot sweep and have to use it like windshield washer blades in order for the pivot to not cross BLM land.

Attached is a letter withdrawing BLM's protest based on the draft transfer approval.

Because the transfer applicant has not approached BLM with a ROW application for a dry-pivot crossing authorization, BLM will have to pursue formal trespass proceedings.

It also appears that the applicant is irrigating more ground (6.08 acres) in the SWSW, S29 than they have water rights for. The following Partial Decrees (PD) only allow 7.0 acres of irrigation within T04N, R26E, S29, SWSW and yet they are irrigating 13.08 acres: 34-02315, 34-02358A, 34-02417A, 34-02419B, 34-02429B, 34-02472A and 34-12419. I'll need to make Tim Luke's section aware of the unauthorized water use.

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From: Jordan, Blake <Blake.Jordan@idwr.idaho.gov>

Date: Tue, Jun 17, 2014 at 7:36 AM

Subject: FW: Draft approval document for protested transfer 79230 (StandLEE Family LTD Partnership)

To: "fwprice@blm.gov" <fwprice@blm.gov>

Hi Fred,

Checking back with you to see if you have looked over the draft approval for transfer 79230?

Let me know if you have any questions.

Thanks,

Blake

From: Jordan, Blake

Sent: Wednesday, May 21, 2014 10:16 AM

To: 'fwprice@blm.gov'

Subject: FW: Draft approval document for protested transfer 79230 (StandLEE Family LTD Partnership)

Hi Fred,

Just wondering if you have had the chance to look over the draft approval for transfer 79230?

Thanks,

Blake

From: Jordan, Blake

Sent: Tuesday, May 13, 2014 8:57 AM

To: 'fwprice@blm.gov'

Subject: Draft approval document for protested transfer 79230 (StandLEE Family LTD Partnership)

Hi Fred,

Attached is a draft approval document for transfer 79230. Per your request two conditions of approval were added to the water right which limits the use of water to privately owned land.

- 1) “ Place of use does not include federal public land”
- 2) “ This right does not grant any right-of-way or easement across the land of another”

If these conditions of approval are satisfactory and you wish to withdraw your protest then you can email me the withdraw of protest.

Let me know if you have any questions

Thanks,

Blake