



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>



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APR 11 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

(Via E-mail)

In Reply Refer To:
7250 (933b)

April 11, 2014

Allen Merritt, Regional Manager
Idaho Department of Water Resources (IDWR)
Southern Regional Office
650 Addison Ave. W., Ste 500
Twin Falls, Idaho 83301-5858

Dear Mr. Merritt:

RE: Withdrawal of Protest:
Amended Transfer No. 78891 (Albion 12 Investments, L.L.C.)

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.

BLM protested Application for Transfer No. 78891 because it sought to add a Point of Diversion (POD) on BLM land (T12S, R25E, S21, NENWSW) to three water rights (45-00256A, 45-00284C, 45-00286) which didn't previously describe this POD. Introduction of a new water right into an existing water facility on federal land requires an authorization from BLM.

IDWR investigated the POD in the field and GPS'd the diversion and determined that the POD is actually located within the SWSENW, S21, T12S, R25E which is privately owned land. Based on this new information the transfer applicant submitted an Amended Transfer No. 78891 to IDWR on April 7, 2014 that corrects the POD (formerly described on BLM land) description to the correct location on private land within SWSENW, S21, T12S, R25E, and thereby resolves BLM's protest.

Based upon the filing of Amended Transfer No. 78891 on April 7, 2014 and for the reasons stated above, I hereby withdraw BLM's protest so that the issues are narrowed for the Pre-Hearing Conference to be just concerning the remaining protest by Grant Clark.

If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3828 or at the address provided above.

Sincerely,



Gary A. Madenford
Water Rights Team Leader (ID-933b)

cc William A. "Bill" Parsons (ISB #849)
PARSONS, SMITH, STONE, LOVELAND AND SHIRLEY, LLP
P.O. Box 910
Burley, Idaho 83318-0910
REPRESENTING:
Albion 12 Investments, L.L.C. (Transfer Applicant)

Michael P. Tribe (ISB #6816)
ROBINSON & TRIBE
615 H St
P.O. Box 396
Rupert, Idaho 83350-0396
REPRESENTING:
Grant Clark (Protestant)

G. Erick Powell, Ph.D., P.E.
Brockway Engineering, P.L.L.C.
2016 Washington St, N, Ste 4
Twin Falls, Idaho 83301-3082
-Professional assistance to applicant

Steven R. Davis, Hydrologist
Jennifer N. Sonner, Land Law Examiner
U.S.D.I., BLM
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