

Mills, William

From: Price, Fredric [fwprice@blm.gov]
Sent: Friday, May 17, 2013 10:33 AM
To: Greg Sullivan
Cc: Mills, William; Brandon Anderson
Subject: Re: Protested Transfer 78405; Darrell James & Daniel Baker

Greg,

Ah, I see the playing field now. Water rights are sure interesting. It a good thing outfits like yours are around to help folks sort this stuff out. Let me know when you figure out the new transfer.

Fred

On Fri, May 17, 2013 at 8:50 AM, Greg Sullivan <greg.sullivan@brockwayeng.com> wrote:

Fred,

The Transfer 78405 cannot be amend to transfer the 13.5 acres off of BLM ground. There is simply not enough non-irrigated acres available under 36-2453A and 36-13065A to transfer. The purchase and sale contract between Mr. Baker and Mr. Smith is only 8.5 acres from these two water rights. Transfer 78405 can only remove the 8.5 acres from the current POU. Transfer 78405 cannot change aspects or characteristics of the 36-2453A and 36-13065A not pertaining to Transfer 78405. The only way to accommodate your request of removing the POU from Lot 4 is by a new transfer. If I knew of an easier or quicker solution I would recommend it to Mr. Baker and his farm management.

Greg Sullivan

Brockway Engineering

2016 N. Washington St. Suite 4

Twin Falls, Id 83301

208-736-8543

From: Price, Fredric [mailto:fwprice@blm.gov]
Sent: Thursday, May 16, 2013 5:15 PM
To: Greg Sullivan
Cc: Mills, William; Brandon Anderson
Subject: Re: Protested Transfer 78405; Darrell James & Daniel Baker

Greg,

RE: Transfer 78405

What you suggest sounds like that would work. If I understand correctly, a new transfer would address this additional issue? If that is the case, then once it is filed and IDWR gives it a number, then I could review and withdraw the current protest based on that filing.

Could the current transfer be amended to move the 13.5 acres from BLM land to the new acres instead of taking all 26.4 acres worth of water from the dry pivot corners?

Fred

On Tue, May 14, 2013 at 12:20 PM, Greg Sullivan <greg.sullivan@brockwayeng.com> wrote:

Mr. Price,

I called and talked with the current farm manager for the property adjacent to Lot 4 (NWNW) of Section 2 T07S R24E. We recognized that the POU of the water rights were on ground owned by the BLM and that is why the pivot has been adjusted so that no irrigation would be occurring on Lot 4. I discussed with the farm manager about submitting a transfer to IDWR to update the POU of 36-2453A and 36-13065A. This transfer would exclude Lot 4 from the POU. The farm manager said that he would contact Jim Baker and discuss this transfer with him.

If I can provide to you a signed copy of the transfer form to correct the place of use of 36-2453A and 36-13065A that would exclude Lot 4. Would the BLM withdraw the protest to Transfer 78405?

Greg Sullivan

Brockway Engineering

2016 N. Washington St. Suite 4

Twin Falls, Id 83301

208-736-8543

From: Mills, William [<mailto:William.Mills@idwr.idaho.gov>]
Sent: Tuesday, May 14, 2013 10:07 AM
To: Greg Sullivan
Subject: FW: Protested Transfer 78405; Darrell James & Daniel Baker

Greg,

Apparently, in order to resolve the protest the BLM will require the removal of all 13.5 acres identified in the POU's for rights 36-13065A & 36-2453A in Lot 4, (NWNW), S02, T07S, R24E, and not just the 6.9 acres identified on the transfer.

Bill

From: Anderson, Brandon [<mailto:banderson@blm.gov>]
Sent: Monday, May 13, 2013 5:07 PM
To: Mills, William
Cc: Fredric Price
Subject: Re: Protested Transfer 78405; Darrell James & Daniel Baker

Bill,

I just finished reviewing the Draft Transfer Approval Document for Transfer #78405 for Darrell James and Daniel Baker that you sent us. The Draft Transfer makes it clear that only private land will be irrigated in the NESW and SESW, T08S, R26E, S09.

During our review of the transfer it was discovered that an additional POU in Lot 4 (NWNW), S02, T07S, R24E describes BLM land (36-02453A, 36-13065A). Aerial photography indicates that the Applicant is not irrigating BLM land in the said legal land description (see attachment). Please create a 2nd Draft Transfer Approval Document for Transfer #78405 that removes the BLM land from this legal land description in Lot 4 (NWNW), S02, T07S, R24E?

Brandon Anderson

On Fri, May 10, 2013 at 5:06 PM, Price, Fredric <fwprice@blm.gov> wrote:

What do you think?

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

From: **Mills, William** <William.Mills@idwr.idaho.gov>

Date: Fri, May 10, 2013 at 4:40 PM

Subject: Protested Transfer 78405; Darrell James & Daniel Baker

To: fwprice@blm.gov

Cc: Greg Sullivan <greg.sullivan@brockwayeng.com>

Dear Mr. Price,

I have attached a PDF copy of the Draft Transfer Approval Document for Transfer #78405 for Darrell James and Daniel Baker which you protested.

On the split portions of the water rights that are being transferred to the Jeremy Smith property I have included a condition stating "Place of use does not include federal public lands" as requested in your notice of protest.

The split portions of those water rights, their parent rights and where you will find the condition on the Draft Transfer Approval Document are as follows:

36-16966 split from parent right 36-2467; Condition # 7 on pg. 6 of Draft Transfer Document

36-16967 split from parent right 36-7699; Condition # 7 on pg. 9 of Draft Transfer Document

36-16968 split from parent right 36-2453A; Condition # 7 on pg. 13 of Draft Transfer Document

36-16969 split from parent right 36-13065A; Condition # 7 on pg. 17 of Draft Transfer Document

36-16970 split from parent right 36-2668; Condition # 7 on pg. 21 of Draft Transfer Document

I have also attached a Withdrawal of Protest form for your convenience.

Please see correspondence below Per Greg Sullivan's request, of Brockway Engineering, representative for the Baker Transfer #78405 concerning this transfer.

If you have any other questions or concerns regarding this transfer please feel free to contact me via email or at 208-736-3033,

Sincerely,

Bill Mills

Water Resource Agent

Southern Region

From: Greg Sullivan [mailto:greg.sullivan@brockwayeng.com]

Sent: Thursday, May 09, 2013 2:11 PM

To: Mills, William

Cc: Yenter, Cindy

Subject: Transfer 78405

Bill,

I just talked with Jeremy Smith who is the owner of the 26.4 acres of property to be irrigated in 08S 26E Section 9 NESW and SESW. He has no intentions on irrigating any land owned by the Bureau of Land Management.

Please proceed with the transfer application and include the requested condition as stated in the Protest.

Please let me know if there is anything else that needs to be done to resolve the protest to Transfer 78405.

I have emailed Jeremy Smith the Lease Release Forms for Jim Baker and Turrett Farms to sign. As soon as I receive the originals I will send you a copy and the originals will be submitted to the Water Supply Bank.

Thank you,

Greg Sullivan

Brockway Engineering

2016 N. Washington St. Suite 4

Twin Falls, Id 83301

208-736-8543

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Brandon Anderson

(208) 373-3832

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36-02453A, 36-13065A, Darrell James and Daniel Baker

