



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>



In Reply Refer To:
7250 (933b)

July 15, 2013

RECEIVED
JUL 16 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Allen D. Merritt, P.E., Regional Manager
Idaho Department of Water Resources (IDWR)
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Dear Mr. Merritt:

RE: Withdrawal of Protest (Transfer No. 78405) and Consent to Transfer (Transfer No. 78635):

- Application for Transfer No. 78405 involving water rights 36-13065A, 36-02453A, 36-02467, 36-02668 and 36-07699.
- Application for Transfer No. 78635 involving water rights 36-02453A and 36-13065A f/b Darrell James Baker

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 the original Application for Transfer No. 78405 (received by IDWR on 01/29/2013) because: it included Places of Use (POU) that described mixed ownership between BLM and private within the NESW and SESW, S09, T08S, R26E and a POU that describes land that is solely owned by the BLM within Lot 4 (NWNW), S02, T07S, R24E.

The Applicant and BLM wish to resolve the protest involving Transfer No. 78405 by:

- 1) By the filing of a settlement agreement which limits the use of water within NESW and SESW, S09, T08S, R26E to privately owned land by including the following condition ("Place of Use does not include federal public lands."); and
- 2) The filing of Transfer 78635 (received by IDWR on 6/4/2013) that removes the acres describing BLM land within Lot 4 (NWNW), S02, T07S, R24E.

Brockway Engineering provided Application for Transfer 78635 via letter dated 06/03/2013, which was prepared in response to BLM's protest. The Application for Transfer resolves BLM's protest by: (1) Removing the POU described on BLM land in Lot 4 (NWNW), S02, T07S, R24E; and (2) Limits the POU to the private portion of the listed legal land description by including the following condition ("Place of use does not include federal public lands.").

I hereby withdraw BLM's protest based on the Amended Application for Transfer No. 78405 filed on 04/02/2013, and consent to the moving of acres off BLM land in Transfer No. 78635, so that IDWR can continue processing the transfers.

Withdrawal of Protest (No. 78405); Consent to Transfer (No. 78635)

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,



Gary A. Madenford
Water Right Team Leader

cc Darrell James Baker
533 E. 240 Lane N.
Rupert, Idaho 83350

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301

Steve Davis, Hydrologist
U.S.D.I., BLM
Burley Field Office (MS-220)
15 East 200 South
Burley, Idaho 83318

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 78405 IN THE) **SETTLEMENT AGREEMENT**
NAME OF DARRELL JAMES BAKER AND)
DANIEL BAKER INVOLVING WATER)
RIGHTS: 36-02453A, 36-02467, 36-02668,
36-07699 and 36-13065A.

The United States of America (hereinafter "Protestant") and Darrell James Baker and Daniel Baker (hereinafter "Applicants") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management (hereinafter "BLM") protest of Application for Transfer 78405 as follows:

STIPULATION

WHEREAS, the BLM has filed a protest of Application for Transfer 78405, because the place of use description includes two legal land descriptions which contain both private and public land (NESW, SESW, S09, T08S, R26E); and

WHEREAS, the Protestant and the Applicants wish to resolve their dispute regarding this water permit application;

THEREFORE, the Protestant and the Applicants stipulate and agree as follows:

1. The parties stipulate and agree that the water permit application should be approved by the Idaho Department of Water Resources ("IDWR"), provided the following condition shall be included in the respective approved water right transfer, should such transfer be issued by IDWR: "Place of use does not include federal public lands."

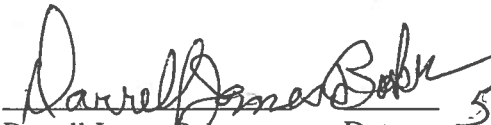
2. The parties agree and stipulate that the condition described above resolves BLM's protest by clarifying the place of use element such that it is clear the place of use excludes federal public land.

3. The Protestant hereby withdraws its protest upon acceptance and approval of this Agreement by IDWR.

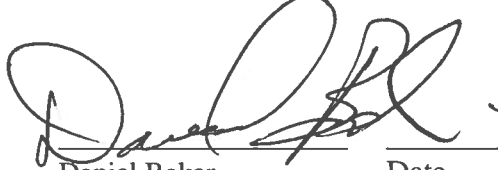
Respectfully submitted,

APPLICANTS:

Darrell James Baker and Daniel Baker



Darrell James Baker Date 5-10-13



Daniel Baker Date 5-10-13

PROTESTANT:

U.S.D.I., Bureau of Land Management



Fredric W. Price Date 07-15-2013
Water Rights Specialist

CERTIFICATE OF SERVICE

I certify that on 7/15, 2013, I served a true and correct copy of foregoing **SETTLEMENT AGREEMENT; TRANSFER #78405** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

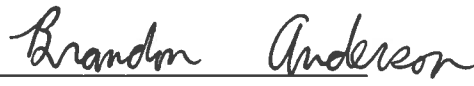
Original to:

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

Copies to:

Darrell James Baker and Daniel Baker
533 East 240 Lane N.
Rupert, ID 83350

Steve Davis, Hydrologist
U.S., Department of the Interior,
Bureau of Land Management,
Burley Field Office
15 East 200 South
Burley, Idaho 83318


Person serving documents