



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
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OCT 21 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

In Reply Refer To:
7250 (933b)

October 21, 2010

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

Dear Mr. Merritt:

RE: Withdrawal of Protest:
Application for Transfer #75835
01-00023A, Southwest Irrigation District

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.

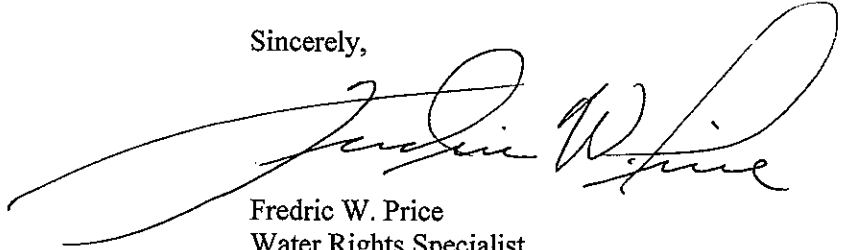
BLM filed the protest because the proposed place of use description in terms of the digital boundary and the generation of a land list from that boundary included federal public land. BLM worked with IDWR to adjust the digital boundary to exclude federal land, however it was still generating a land list that included federal land. We discovered that there had been an upgrade to the Global Coordinate Data Base (GCDB) data which is graphical data defining lines for quarter-quarters (i.e. 40 acre tracts) and government surveyed lots. This improved data caused a shift in some of the lines so that the digital boundary appeared to now intrude on federal land. Now that we were using the same data set, further adjustments were made to the digital boundary to exclude federal land. Realizing that there would be future upgrades to this data, a modified U42 remark (i.e. "Place of use does not include federal public lands.") was proposed to address this emerging issue as follows: "Regular, technological updates to the Public Land Survey System (PLSS) geographic information system data (i.e. GCDB), may cause slight shifts in quarter-quarter lines as precision improves; however, the place of use shall continue to be interpreted as not including federal public lands." BLM's new concern was that future upgrades to GCDB data would create possible unintended interpretations of the digital boundary, unfortunately IDWR did not agree with the necessity of the modified remark and believes that the U42 remark will control future interpretations of the digital boundary. I don't know that I agree with that statement as it will be a court who interprets the boundary if there were a future legal issue and not IDWR, however there has been a sufficient record

established in this case to make clear the parties intentions regarding the removal of federal public land from the digital boundary.

At the Pre-Hearing Conference, Southwest Irrigation District concurred with the latest description of the digital boundary which excludes federal public land using the latest GCDB data and to the inclusion of the U42 remark, therefore BLM's protest is resolved, and I hereby withdraw BLM's protest so that processing of the application for transfer may proceed.

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 cursive script, appearing to read "Fredric W. Price".

Fredric W. Price
Water Rights Specialist

cc William A. Parsons
P.O. Box 910
Burley, Idaho 83318