



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

WA



Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
<http://www.id.blm.gov>

RECEIVED

JUL 22 2010

DEPARTMENT OF
WATER RESOURCES

In Reply Refer To:
7250 (933b)

July 22, 2010

Sandy Hemenway, *Senior Water Resource Agent*
State of Idaho
Department of Water Resources
State Office
P.O. Box 83720
322 E. Front St.
Boise, ID 83720-0098

Dear Ms. Hemenway:

**RE: Transfer Consent: Transfer #76469
47-00029, J. R. Simplot Self Declaration of Revocable Trust**

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (BLM), with myself as its agent, to the matters discussed herein.

I understand that J R Simplot Self Declaration Revocable Trust, wishes to transfer water under right 47-00029 from federal public property (T14S, R13E, S27, NENE (8.0 acres)) to land which J R Simplot Self Declaration Revocable Trust ("Simplot") owns as private property (T14S, R13E, S23, NWSW (8.0 acres)). The intent of the transfer is to remove acres from federal public land that are not authorized. The new legal land description (NWSW, S23), to which acres are being moved, describes both public and private land. Private land within this description is constrained to the S1/2S1/2NW1/4SW1/4, S23, T14S, R13E (10.0 acres), however Places of Use ("POU") are only described in terms of 40 acre tracts (quarter-quarter) or government surveyed lots, therefore clarification of the POU element is necessary to make it clear that the POU is limited to private land within this description. If the Idaho Department of Water Resources ("IDWR") were to include the following condition of approval (or equivalent), then BLM will not have to reobject to this "mixed ownership" issue when the Approved Transfer is communicated to the Snake River Basin Adjudication ("SRBA") Court pursuant to an Amended Director's Report attached to a Notice of Completed Administrative Procedure ("NCAP"):
"Place of use does not include federal public lands."

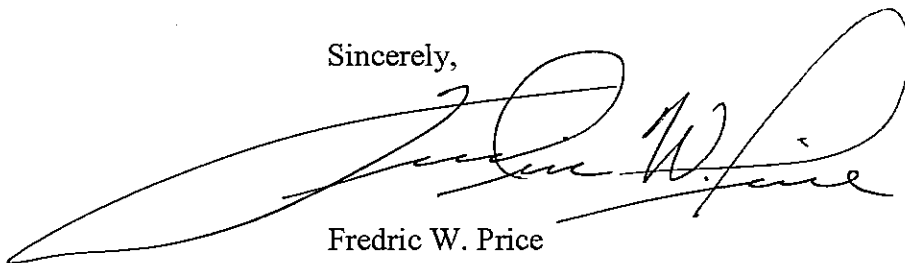
I also understand that Transfer #76469 seeks to move the Point of Diversion ("POD") from federal public property (T14S, R13E, S27, NWNENE) to land which Simplot owns as private property (T14S, R13E, S23, SWNWSW). The new 10 acre tract description for the POD (SWNWSW, S23) describes both public and private land. Private land within this description is constrained to the S1/2 of this description (5.0 acres), however PODs are only described down to the 10 acre tract (quarter-quarter-quarter) or government surveyed lot, therefore clarification of the POD element is necessary to make it clear that the POD resides on private land within this description. If IDWR were to include the following condition of approval (or equivalent), then BLM will not have to object to this "mixed ownership" issue when the Approved Transfer is communicated to the SRBA Court pursuant to an Amended Director's Report attached to an NCAP: **"Point of Diversion resides within S1/2SWNWSW, S23, T14S, R13E."**

I understand that the Idaho Department of Water Resources cannot complete such a transfer of water under a water right without the consent of the landowner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water use on federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

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 black ink, appearing to read "Fredric W. Price", is written over a horizontal line.

Fredric W. Price
Water Rights Specialist

cc: J. R. Simplot Self-Declaration of Revocable Trust
P.O. Box 27
Boise, ID 83707-0027
ATTN: Vic Conrad, *Land, Water & Asset Recovery*

Allen Merritt, *Regional Manager*
IDWR, Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Hemenway, Sandy

Subject: FW: FW: Transfer 76469 47-00029 Simplot Trust-----upon approval of the Transfer, the Adjudication Recommendation will be updated to match T76469
Attachments: 47-00029_Transfer-76469_Transfer-Consent.pdf

-----Original Message-----

From: Hemenway, Sandy
Sent: Thursday, July 22, 2010 10:18 AM
To: Spencer, Nick; Ridgeway, Renea
Cc: Hemenway, Sandy
Subject: FW: FW: Transfer 76469 47-00029 Simplot Trust-----upon approval of the Transfer, the Adjudication Recommendation will be updated to match T76469

As soon as we receive the hard copy from BLM, the transfer will be given to Shelley to approve and sign. At that time the shapefile will be migrated over to the adjudication recommendation, updating the shapefile there to match the transfer shapefile.

Sandy

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Thursday, July 22, 2010 9:35 AM
To: Hemenway, Sandy
Cc: Sherman_Beazer@blm.gov; Conrad, Vic E; gloria.baimbridge@usdoj.gov; david.negri@usdoj.gov; Spencer, Nick; Ridgeway, Renea
Subject: RE: FW: Transfer 76469 47-00029 Simplot Trust-----upon approval of the Transfer, the Adjudication Recommendation will be updated to match T76469

Sandy,

I just sent a runner over to your office to deliver the Transfer Consent Letter (see attached copy) and put a hardcopy in the mail to Vic Conrad (Simplot) and Allen Merritt (IDWR-Southern Region).

Thanks,

Fred

(See attached file: 47-00029_Transfer-76469_Transfer-Consent.pdf)

"Hemenway,
Sandy"

<Sandy.Hemenway@
idwr.idaho.gov>

07/21/2010 11:32
AM

<Sherman_Beazer@blm.gov>

To

cc

"Conrad, Vic E"
<Vic.Conrad@simplot.com>, "Price,
Fred (BLM) "
<Fredric_Price@blm.gov>, "Hemenway,
Sandy"

<Sandy.Hemenway@idwr.idaho.gov>

Subject

RE: FW: Transfer 76469 47-00029
Simplot Trust-----upon approval of
the Transfer, the Adjudication
Recommendation will be updated to
match T76469

Scott,

I just updated our shapefile to match the snapped version. You are right, it was hard to tell the difference, but Michael Ciscell mentioned that sometimes it has to do with the different versions of ArpMap used between departments.

Once we receive your approval letter, the snapped version will be migrated and the Adjudication Recommendation shapefile will be updated.

Thanks,
Sandy

-----Original Message-----

From: Sherman_Beazer@blm.gov [mailto:Sherman_Beazer@blm.gov]

Sent: Wednesday, July 21, 2010 10:45 AM

To: Hemenway, Sandy

Cc: Price, Fred (BLM) ; Vic.Conrad@simplot.com

Subject: Re: FW: Transfer 76469 47-00029 Simplot Trust-----upon approval of the Transfer, the Adjudication Recommendation will be updated to match T76469

Sandy,

Thanks for sending the shapefiles. It is hard to tell, but I snapped 3 vertices to GCDB. If we could use this shape, then BLM is ready to send the transfer consent letter over to IDWR. Let me know.

(See attached file: 47-29_Simplot_TrustT76469_snapped.shx)(See attached file: 47-29_Simplot_TrustT76469_snapped.dbf)(See attached file: 47-29_Simplot_TrustT76469_snapped.prj)(See attached file: 47-29_Simplot_TrustT76469_snapped.sbn)(See attached file: 47-29_Simplot_TrustT76469_snapped.sbx)
(See attached file: 47-29_Simplot_TrustT76469_snapped.shp)(See attached file: 47-29_Simplot_TrustT76469_snapped.shp.xml)

Thanks,
Scott Beazer
Water Rights Specialist
Phone: (208) 373-4022
Fax: (208) 373-3839

Hemenway, Sandy

To: Hemenway, Sandy
Subject: FW: Transfer 76469 47-00029 Simplot Trust-----upon approval of the Transfer, the Adjudication Recommendation will be updated to match T76469
Attachments: 47-29_Simplot_TrustT76469.shx; 47-29_Simplot_TrustT76469.dbf; 47-29_Simplot_TrustT76469.prj; 47-29_Simplot_TrustT76469.shp; 47-29_Simplot_TrustT76469.shp.xml; img-719055859.pdf; screen shot of POU if approved7.20.2010.docx; 47-29_01.pdf

From: Hemenway, Sandy
Sent: Tuesday, July 20, 2010 2:08 PM
To: Vic.Conrad@simplot.com; Sherman_Beazer@blm.gov; Price, Fred (BLM)
Cc: Hemenway, Sandy
Subject: FW: Transfer 76469 47-00029 Simplot Trust-----upon approval of the Transfer, the Adjudication Recommendation will be updated to match T76469

Vic/Fred/Scott (Sherman),

Attached are Arc Map, 2- pdf files (one is the draft map for the Transfer approval, the other 2 are imagery shots), and there is also a Word document where the draft map for the transfer approval is shown. We do not have Lotus here at our department, so after talking to Michael Ciscell, I have included every means of showing the new Place of Use (upon approval of the transfer). All lands have been checked, and there is no BLM property included on the draft map for the Transfer approval.

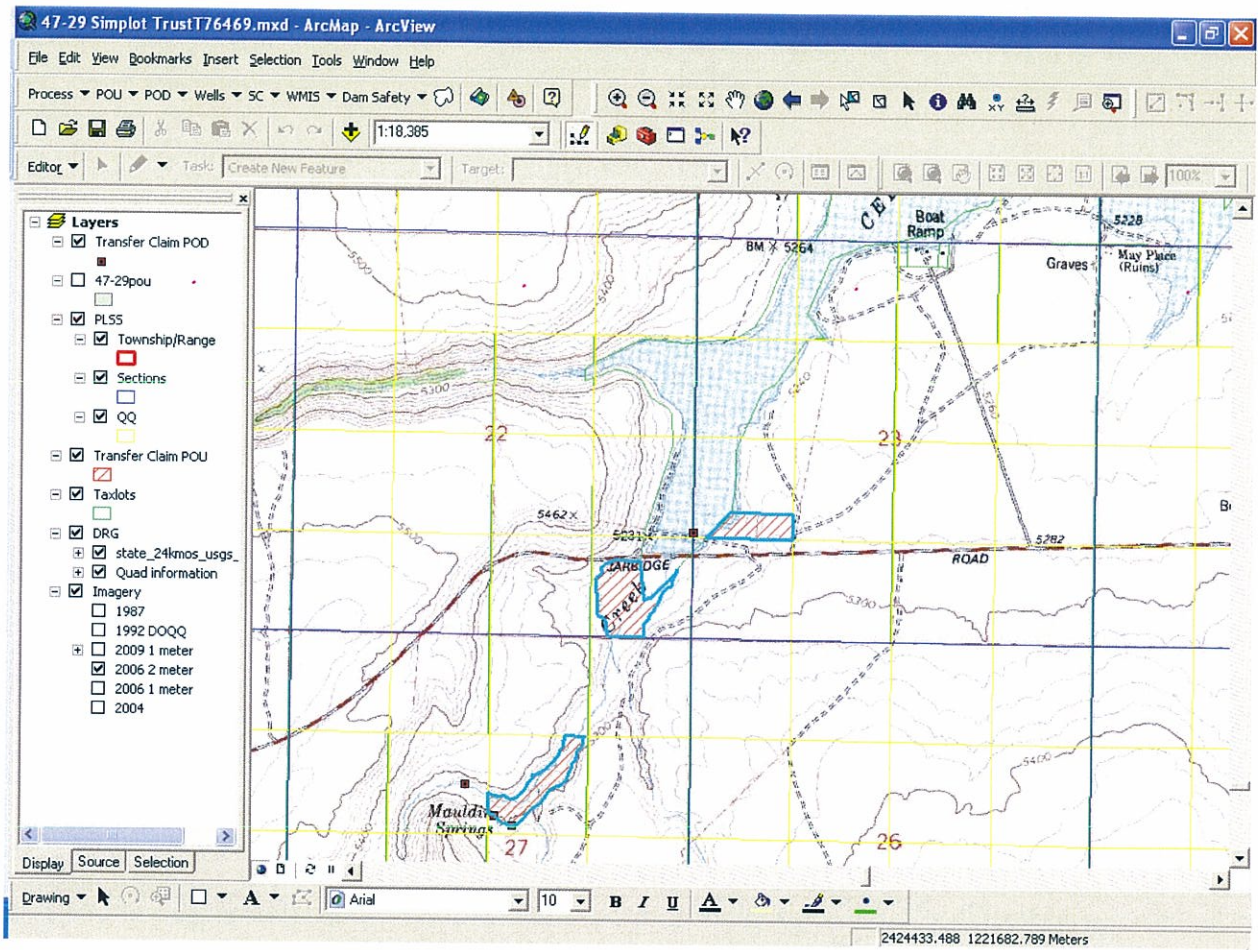
Once the Transfer has been approved, the shape will be changed/updated on the Adjudication Recommendation to reflect the same shape (it will be migrated over).

If you have any further questions, please give me a call or email.

Thanks,
Sandy
287-4920

Sandy.hemenway@idwr.idaho.gov

**This week, I'm in the office Monday thru Thursday 5am – 3pm.



screen shot attached to email

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Monday, July 19, 2010 6:09 AM
To: Sherman_Beazer@blm.gov
Cc: Fredric_Price@blm.gov; Vic.Conrad@simplot.com; Hemenway, Sandy
Subject: RE: Transfer 76469 Adjudication Recommendation 47-00029 Simplot Trust
Attachments: img-719055859.pdf

Scott,

I will have to get with Michael Ciscell/GIS, and get back with you on resending the shapefile. In the mean time, I scanned a shot so you'd be able to see what we are showing for the place of use for Transfer 76469, if it is approved.

I will be out in the field today, so will get with Michael first thing tomorrow. Sorry for the delay.

Thanks,
Sandy Hemenway
Sr. Water Resources Agent
(208) 287-4920
Sandy.hemenway@idwr.idaho.gov

-----Original Message-----

From: Sherman_Beazer@blm.gov [mailto:Sherman_Beazer@blm.gov]
Sent: Friday, July 16, 2010 9:18 AM
To: Hemenway, Sandy
Cc: Fredric_Price@blm.gov; Hemenway, Sandy; Vic.Conrad@simplot.com
Subject: RE: Transfer 76469 Adjudication Recommendation 47-00029 Simplot Trust

Sandy,

Our lotus system could not recognize the picture/screen shot. It just came across as a big box. Is there another format you could send it in?

Thanks,
Scott Beazer
Water Rights Specialist
Phone: (208) 373-4022
Fax: (208) 373-3839

"Hemenway, Sandy"
<Sandy.Hemenway@i
dwr.idaho.gov>

07/15/2010 04:49
PM

<Fredric_Price@blm.gov>

<Vic.Conrad@simplot.com>,
<Sherman_Beazer@blm.gov>,
"Hemenway, Sandy"
<Sandy.Hemenway@idwr.idaho.gov>

To

cc

Subject
RE: Transfer 76469 Adjudication
Recommendation 47-00029 Simplot
Trust

Here's a screen shot of what the shapefile looks like for the place of use, if the transfer is approved.

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Thursday, July 15, 2010 12:09 PM
To: Hemenway, Sandy
Cc: Vic.Conrad@simplot.com; Sherman_Beazer@blm.gov
Subject: Fw: Transfer 76469 Adjudication Recommendation 47-00029 Simplot Trust

Sandy,

We are prepared to provide IDWR with a Transfer Consent Letter once the shapefile is tweaked to exclude federal public land.

Fred

----- Forwarded by Fredric Price/IDSO/ID/BLM/DOI on 07/15/2010 11:59 AM

Sherman
Beazer/ISO/ID/BLM
/DOI

07/07/2010 01:57
PM

To
Vic.Conrad@simplot.com
cc
Fredric Price/ISO/ID/BLM/DOI@BLM
Subject
Transfer 76469 Adjudication
Recommendation 47-00029 Simplot
Trust

, Vic, '

BLM is ready to send IDWR a Transfer Consent letter but IDWR's shapefile intrudes onto BLM within the N1/2S1/2NW1/4SW1/4 a little bit. Attached is a shapefile that cuts the NW1/4SW1/4 into 4 equal parts North/South. Could you work with IDWR to adjust the shapefile to only include private land in the S1/2S1/2NW1/4SW1/4? The transfer submitted to IDWR was fine but IDWR's implementation (i.e. shapefile) gives BLM a little heartburn.

(See attached file: Sec23_quarters.shx)(See attached file: Sec23_quarters.dbf)(See attached file: Sec23_quarters.sbn)(See attached file: Sec23_quarters.sbx)(See attached file: Sec23_quarters.shp)(See attached file: Sec23_quarters.shp.xml)

Thanks,
Scott Beazer
Water Rights Specialist
Phone: (208) 373-4022
Fax: (208) 373-3839

separate email string below

"Hemenway, Sandy"
<Sandy.Hemenway@idwr.idaho.gov>
07/15/2010 07:10
AM

"Hemenway, Sandy"
<Sandy.Hemenway@idwr.idaho.gov>,
<Vic.Conrad@simplot.com>

To

cc

"Price, Fred (BLM) "
<Fredric_Price@blm.gov>

Subject

RE: Transfer 76469 Adjudication
Recommendation 47-29 Simplot Trust

Hi Vic,

Any information on this topic yet? I thought I would touch base with you about this transfer. I am in the office today until 5pm (in and out of meetings, with no meetings from 1 - 5pm).

Thanks,
Sandy Hemenway
Sr. Water Resource Agent

IDWR/State Office, Boise
(208) 287-4920
Sandy.hemenway@idwr.idaho.gov

From: Hemenway, Sandy
Sent: Wednesday, June 23, 2010 6:06 AM
To: Vic Conrad (Vic.Conrad@simplot.com)
Cc: Price, Fred (BLM) ; Hemenway, Sandy
Subject: FW: Transfer 76469 Adjudication Recommendation 47-29 Simplot Trust

Hi Vic,

On Monday, I had the draft transfer approval completed. In Shelley Keen's review of the transfer approval, he asked if I had documentation stating it was ok with BLM to transfer 8 acres from property BLM owned to property Simplot Trust owned. Since there was none in the file I sent the following email to Fred Price. In the Administrative Memo #24 it states that it is the "applicant's responsibility to supply additional information requested." For this reason, I am requesting Simplot Trust to submit some form of documentation from BLM stating that they approve of this transfer for 8 acres and point of diversion, to be received by the Department on or before July 15, 2010. It can be in the form of an email, etc.

Here is the contact information for Fred Price, so you can follow up with him:
(208)373-3831
Fredric_Price@blm.gov

If you have any additional questions, please contact me directly.

Thanks,
Sandy Hemenway
Sr. Water Resource Agent
IDWR/State Office
322 E Front St./PO Box 83720
Boise, ID 83720
(208) 287-4920
Sandy.hemenway@idwr.idaho.gov

From: Hemenway, Sandy
Sent: Monday, June 21, 2010 12:57 PM
To: Price, Fred (BLM)
Cc: Hemenway, Sandy
Subject: Transfer 76469 Adjudication Recommendation 47-29 << File: 76469 Simplot Trust TransferApproval.RTF >> << File: img-618115132.pdf >>

Fred,

I am currently working on a transfer application submitted by Simplot Trust 47-29, who has a status conference scheduled with the SRBA court, and BLM on 9/14/2010 at 10:30am, due to an objection from BLM. In the transfer, Simplot Trust is proposing to transfer 8 acres (0.16 cfs) and a point of diversion to property currently owned by the applicant/owner/Simplot.

Before I can complete the processing of this transfer, I need to find out

following:

(1) Will the proposed 8 acres place of use, and point of diversion being moved/transferred to T14S R14E Sec 23 NWSW be objected to by BLM (currently both the POU/POD are located on the Adjudication Recommendation at T14S R13E Sec 27 NENE). I have attached a Draft Transfer Approval, Review Notes, and the location on Arc Map indicating the new area for the 8 acres.

(2) Has there already been some type of written or verbal agreement made between BLM and Simplot Trust allowing this change, and if so could I have a copy of the document?

If you have any questions, please do not hesitate to contact me directly.

This week, I am in the office Monday thru Thursday 5:00am - 3:00pm.

Thanks,

Sandy Hemenway

Sr. Water Resource Agent

IDWR/State Office

PO Box 83720 or 322 E. Front St.

Boise, ID 83720-0098

OFFICE: (208) 287-4920

CELL: (208) 761-0280

FAX: (208) 287-6700

Email: sandy.hemenway@idwr.idaho.gov[attachment

"47-29_Simplot_TrustT76469.shx" deleted by Sherman Beazer/ISO/ID/BLM/DOI] [attachment "47-29

Simplot_TrustT76469.mxd" deleted by Sherman Beazer/ISO/ID/BLM/DOI] [attachment "47-

29_Simplot_TrustT76469.dbf" deleted by Sherman Beazer/ISO/ID/BLM/DOI] [attachment "47-

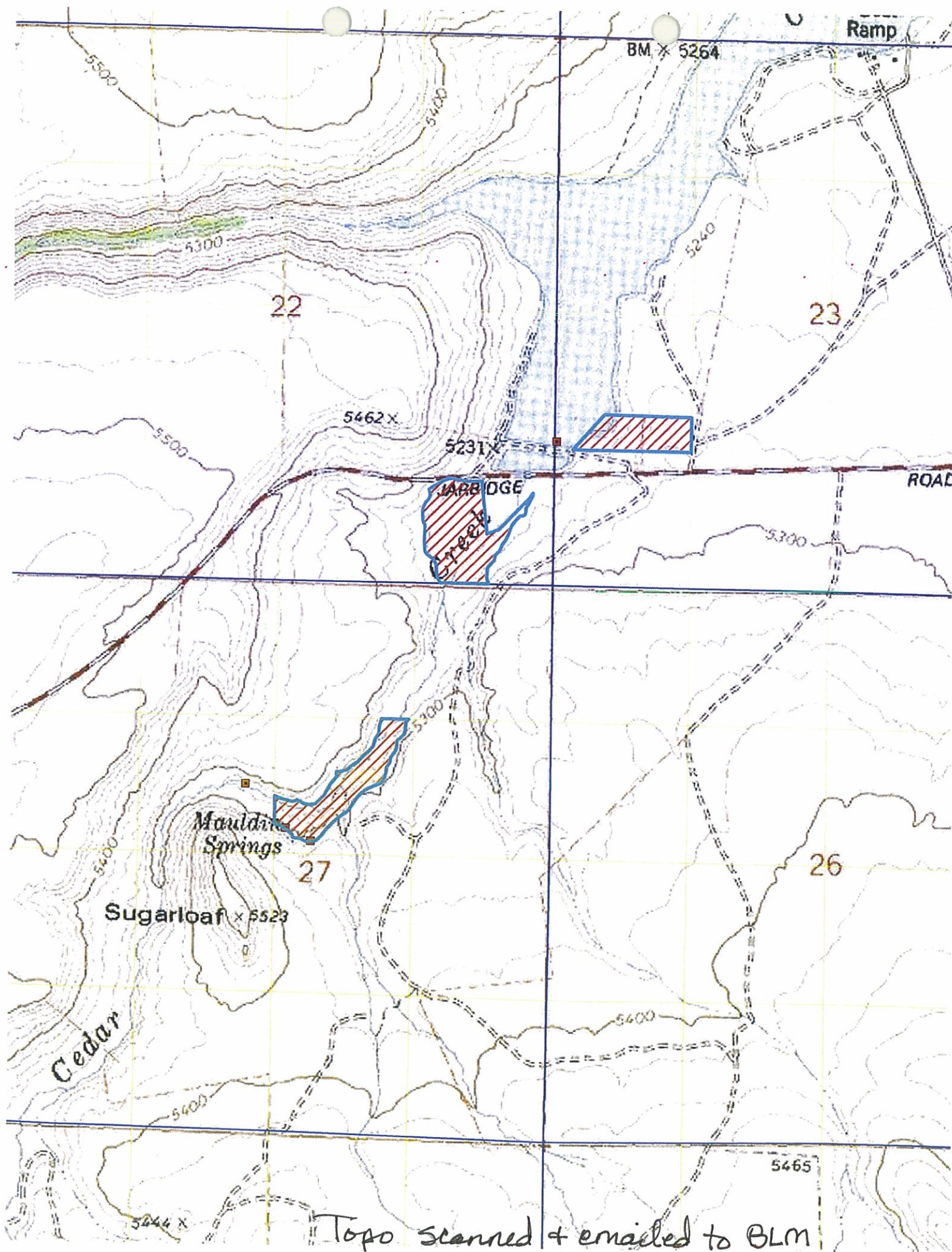
29_Simplot_TrustT76469.prj" deleted by Sherman Beazer/ISO/ID/BLM/DOI] [attachment "47-

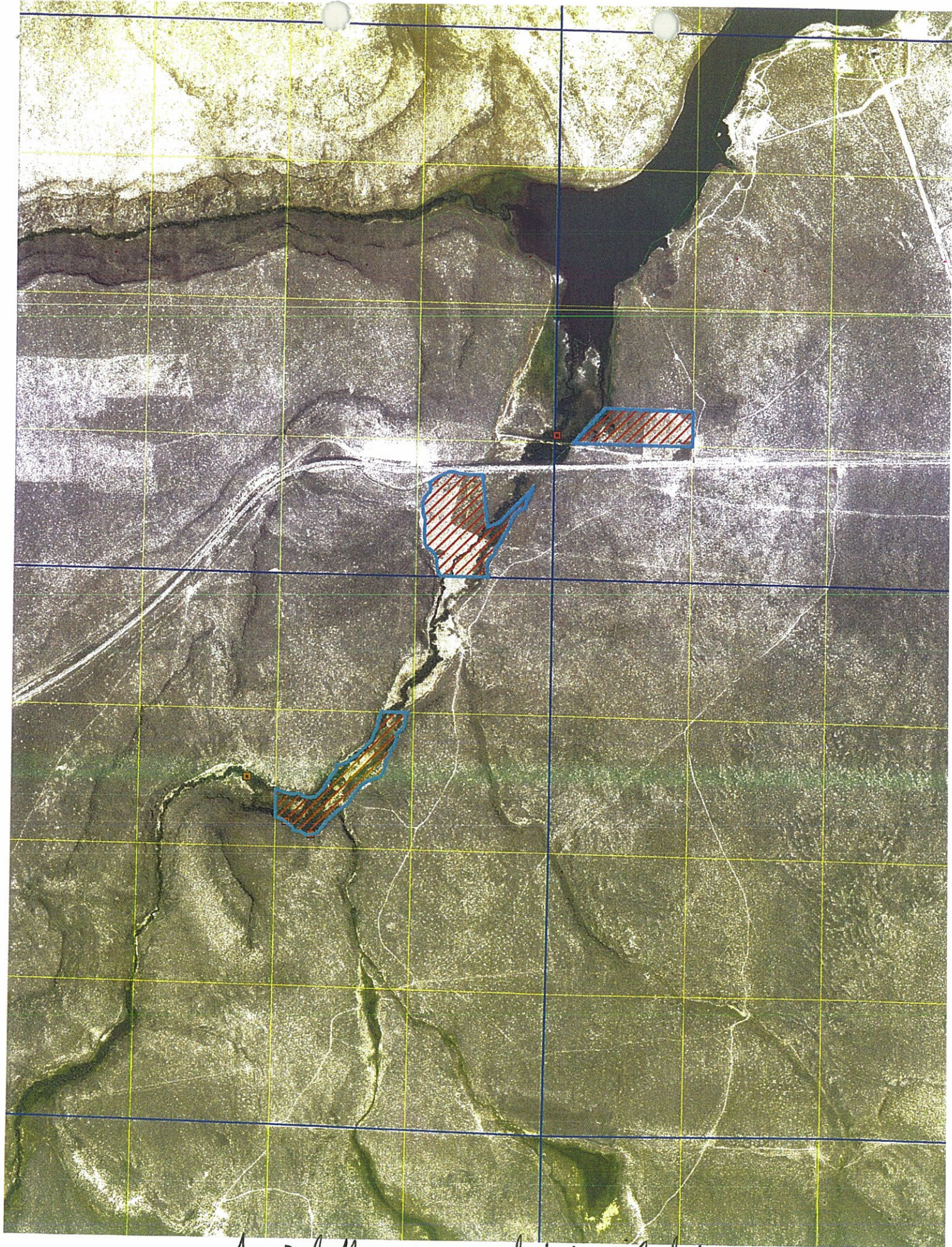
29_Simplot_TrustT76469.sbn" deleted by Sherman Beazer/ISO/ID/BLM/DOI] [attachment "47-

29_Simplot_TrustT76469.sbx" deleted by Sherman Beazer/ISO/ID/BLM/DOI] [attachment "47-

29_Simplot_TrustT76469.shp" deleted by Sherman Beazer/ISO/ID/BLM/DOI] [attachment "47-

29_Simplot_TrustT76469.shp.xml" deleted by Sherman Beazer/ISO/ID/BLM/DOI]





Aerial Map scanned & emailed to BLM