



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)

September 23, 2009

Kay Walker, *Senior Water Resource Agent*
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

SEP 24 2009

WATER RESOURCES
WESTERN REGION

Dear Ms. Walker:

RE: Transfer Consent:
Transfer #75758, 02-02053, J.R. Simplot Co.; and
Transfer #75905, 02-02053, J.R. Simplot Co.

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 (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that J.R. Simplot Co., wishes to transfer water under right number 02-02053 from federal public property to lands that are not federal public land. J.R. Simplot Co. seeks to accomplish this pursuant to two separate transfers in order to move all the acres that presently describe federal public land. The federal public property legal description is as follows:

T04S R02E S25 SWSW (15.63 ac on BLM, 12.37 ac on private, for 28.0 ac total).

BLM objected to a mixed ownership Place of Use (POU) described as SWSW, S25, T04S, R02E (28.0 acres). This legal land description contains both public and private land, and the IDWR recommendation in the Snake River Basin Adjudication (SRBA) of this right included 15.63 acres on BLM within this 28.0 acre POU.

The acres describing federal public land managed by BLM within this legal land description were conveyed from Simplot to BLM in a deed, but the deed did not reserve the water as intended, so BLM recently issued a Water Right Quitclaim Deed (IDI-33181/Quitclaim No. ID-2009-0001) to Simplot for the water. In order to resolve BLM's objection, Simplot also filed these two applications for transfer to move the water off of BLM land to two parcels of private land: (1) 8.0 acres via transfer #75758; and (2) 7.63 acres via transfer #75905 for a total of 15.63 acres off BLM.

Transfer # 75758 (Amended):

This transfer seeks to move 8.0 acres of the 15.63 total acres on BLM from the SWSW, S25, T04S, R02E to the SESE, S18, T06S, R05E. The SESE is entirely composed of two different government surveyed lots (Lot 12 and Lot 13). The N1/2 SESE would be described as Lot 12 and contains the entirety of the 8.0 acres intended by the transfer. Please describe this POU as Lot 12 (SESE), S18, T06S, R05E in order to make it clear only private land is intended. The S1/2 SESE describes federal public land administered by BLM.

This transfer leaves behind 20.0 acres within the SWSW, S25, T04S, R02E, where 7.63 of these acres still describe BLM land within this mixed ownership POU.

Transfer # 75905:

This transfer seeks to move the remaining 7.63 acres of the 15.63 total acres on BLM from the SWSW, S25, T04S, R02E to the NENW, S33, T05S, R04E which describes private land.

This transfer leaves behind 12.37 acres within the SWSW, S25, T04S, R02E and zero acres will describe BLM land within this mixed ownership POU.

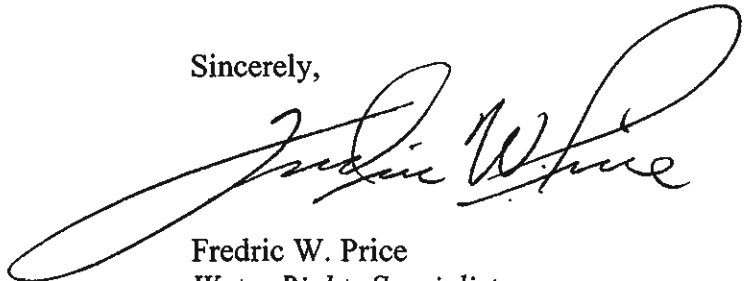
Upon completion of both of these transfers, all of the acres on BLM will have been moved to private land. Since there will still be 12.37 acres describing private land within the SWSW, S25, T04S, R02E, and this POU contains both public and private lands, please include a condition in the completed transfers for 02-02053 that reads: "Place of use does not include federal public lands."

I understand that the Idaho Department of Water Resources cannot complete such a transfer of water under a water right without the notarized 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 notarized 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", written over a horizontal line.

Fredric W. Price
Water Rights Specialist

cc: J.R. Simplot Co., P.O. Box 27, Boise, Idaho 83707

STATE OF IDAHO

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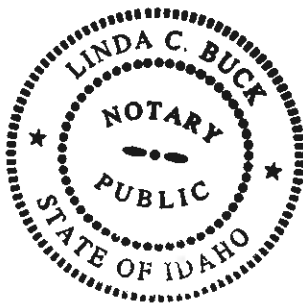
) ss:

COUNTY OF ADA

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On this 23rd day of September, 2009, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W. PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



A handwritten signature in cursive script, appearing to read "Linda C. Buck", written over a horizontal line.

Linda C. Buck

Notary public in and for the:

State of Idaho,

County of Ada

Residing at Mountain Home, Idaho

My commission expires: 12-21-2011