

Van Dyke, Nick

From: Fredric_Price@blm.gov
Sent: Friday, October 31, 2008 2:49 PM
To: Van Dyke, Nick
Cc: Robertson, Jean; Linda_Buck@blm.gov; Steven_Davis@blm.gov; Scott_Barker@blm.gov
Subject: Re: Release for transfer 74264 Arimo pod location

Nick,

RE: Transfer #74264 involving 43-10557

Sorry I didn't get back to you sooner, the SRBA has me stretched pretty thin. I've looked deeper into this situation and have determined that drilling a well on federal public land (43-10557) has always required an authorization from the United States (no matter when it was drilled), typically in the form of what is called a right-of-way (ROW) grant. I have researched BLM authorization records and did not find an authorization for drilling of a well on public land within NWNESW, S33, T14S, R27E. The drilling of this well without authorization constitutes a trespass on federal public land.

Since a water right cannot be established in trespass, it may be a good idea for Arimo to seek an authorization by filing a ROW application with BLM's Burley Field Office. Any ROW issued (if the application is successful) would be issued under the authority of FLPMA (1976) and not under the Act of 1866 (ditches & canals).

Fred Price
Water Rights Specialist
BLM, Idaho State Office
(208) 373-3831

43-10557, 08-01-1959, 0.23 cfs (de minimis), stockwater 43-04128, 08-09-1973, 0.12 cfs (de minimis), stockwater

"Van Dyke, Nick"
<Nick.VanDyke@idwr.idaho.gov>
07/09/2008 01:22 PM
To
<fred_price@blm.gov>
cc
"Robertson, Jean"
<Jean.Robertson@idwr.idaho.gov>
Subject
Release for transfer 74264 Arimo pod location

Mr. Price,

I spoke with you late last month about the location of one of the wells involved in this transfer being slightly off applicant's property and into BLM's. You had indicated this should not be a problem as the well has been there a long

time and that you would send IDWR a letter reiterating the okay for our records. Please let me know if you need some additional information regarding the well location/transfer application. I appreciate your assistance with this transfer.

Nick Van Dyke
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