



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)

January 16, 2009

Ernie Carlsen, *Water Resource Program Manager*
Eastern Regional Office
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-6105

RECEIVED
JAN 20 2009
Department of Water Resources
Eastern Region

Dear Mr. Carlsen:

**RE: Transfer Consent: Transfer #74650
22-07210, 22-07313A and 22-07313B, Val E. Schwendiman Farms, Inc.**

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 Val E. Schwendiman Farms, Inc., wishes to transfer water under rights 22-07210, 22-07313A and 22-07313B from federal public property to land which Mr. Schwendiman owns as private property (SENE (3.2 ac), NESE (31.0 ac), NWSE (13.0 ac), S03, T06N, R42E). The intent of the transfer is to remove acres from federal public land that are not authorized by the current land use authorization (LUA) issued by the U.S.D.I., Bureau of Reclamation (BOR). The map attached to the transfer accurately identifies the acres on BLM & BOR lands to be removed from the shapefile, however there is a slight difference in the number of acres defined in the transfer verses what BLM's systems calculate (see chart below). Due to this difference in calculations depending on the system used to produce them, it appears necessary to include a remark under the place of use element that reads as follows: **"Place of use does not include federal public land unless authorized in writing by the managing federal agency."**

PLACE OF USE	ACRES	
	TRANSFER	BLM CALCULATIONS
T07N, R42E, S21, NENE	7.0	7.0
T07N, R42E, S21, SENE	32.0	32.0
T07N, R42E, S21, NESE	38.0	38.1
T07N, R42E, S22, NENE	14.5	14.4
T07N, R42E, S22, NWNE	14.0	13.9
T07N, R42E, S22, SWNE	39.2	39.5

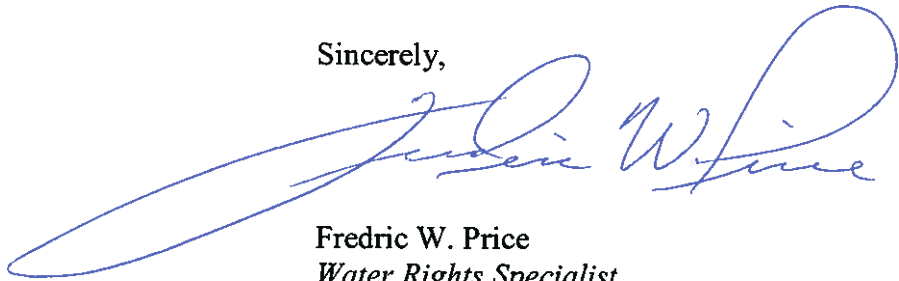
T07N, R42E, S22, SENE	39.3	39.5
T07N, R42E, S22, NENW	31.0	31.2
T07N, R42E, S22, NWNW	31.0	30.6
T07N, R42E, S22, SWNW	40.0	39.5
T07N, R42E, S23, NWNW	2.8	2.8
T07N, R42E, S23, SWNW	29.0	28.7
T07N, R42E, S23, SENW	3.1	3.1
T07N, R42E, S23, NESW	24.0	23.7
T07N, R42E, S23, NWSW	39.2	39.6
T07N, R42E, S23, SESW	38.0	38.1
T07N, R42E, S23, SWSE	12.0	12.5
T07N, R42E, S26, NWNE	23.3	23.8
T07N, R42E, S26, SWNE	35.0	35.0
T07N, R42E, S26, SENE	2.2	2.2
T07N, R42E, S26, NESW	36.1	36.7
T07N, R42E, S26, SESW	40.0	39.6
T07N, R42E, S26, NESE	1.6	1.6
T07N, R42E, S26, NWSE	11.8	12.9
T07N, R42E, S26, SWSE	7.1	7.1
T07N, R42E, S35, NWNE	27.0	26.6
T07N, R42E, S35, SWNE	39.0	39.4
T07N, R42E, S35, SENE	15.6	15.8
T07N, R42E, S35, NESE	37.4	37.7
T07N, R42E, S36, NWSW	12.8	12.4
T07N, R42E, S36, SWSW	<u>39.0</u>	<u>39.4</u>
	762.0	764.4

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 that is not authorized in writing by the United States. 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,



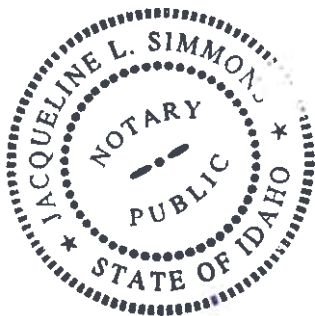
Fredric W. Price
Water Rights Specialist

cc: Val E. Schwendiman Farms, Inc.; 9633 E. Hwy 33; Newdale, ID 83436
Kristin Moore, Water Rights Analyst, Rocky Mountain Environmental;
482 Constitution, Suite 303; Idaho Falls, ID 83402
Jerry R. Rigby, Rigby, Andrus & Moeller, Chtd.; P.O. Box 250, Rexburg, ID 83440

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

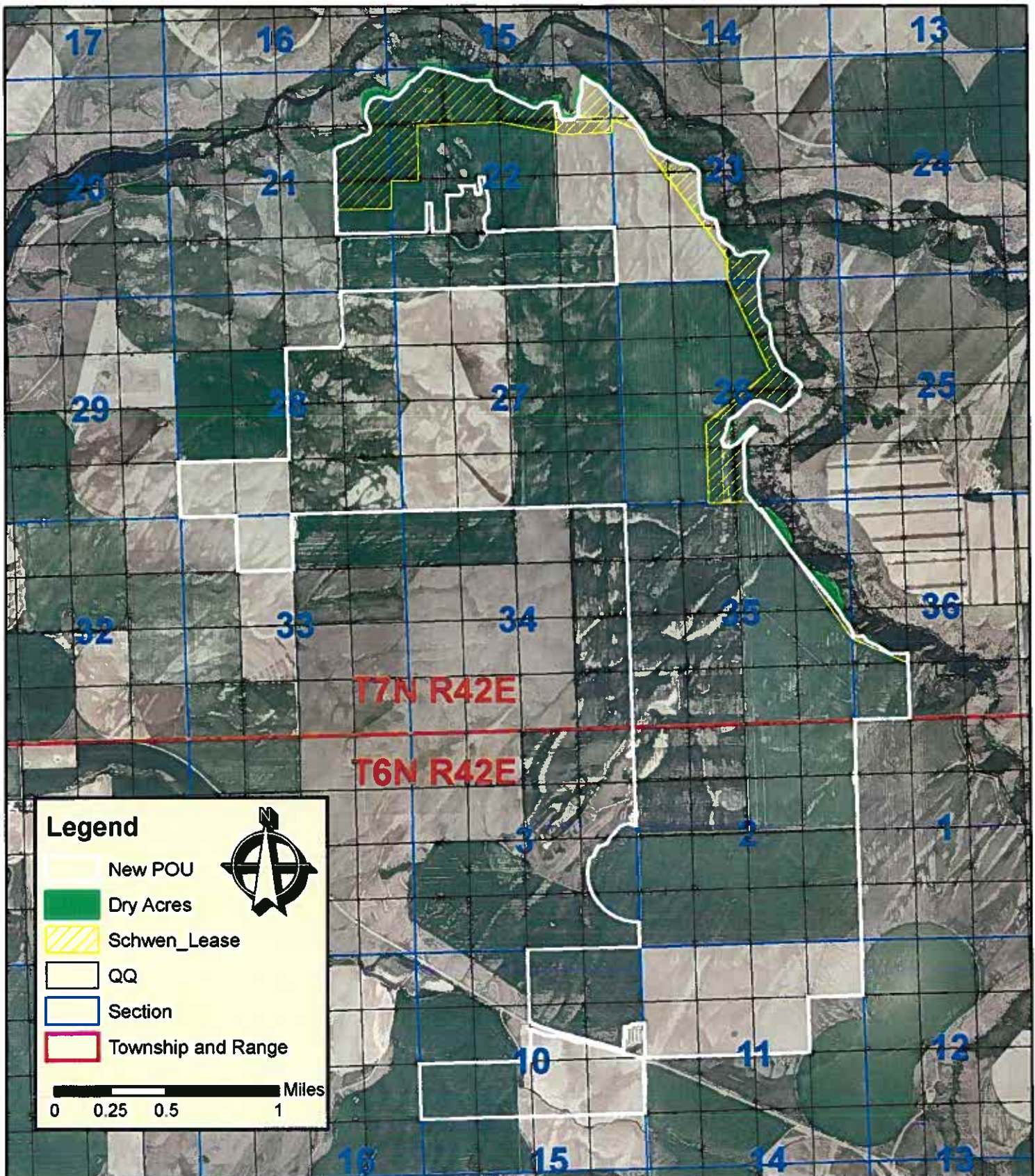
On this 16th day of January, 2009, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W. PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed 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.



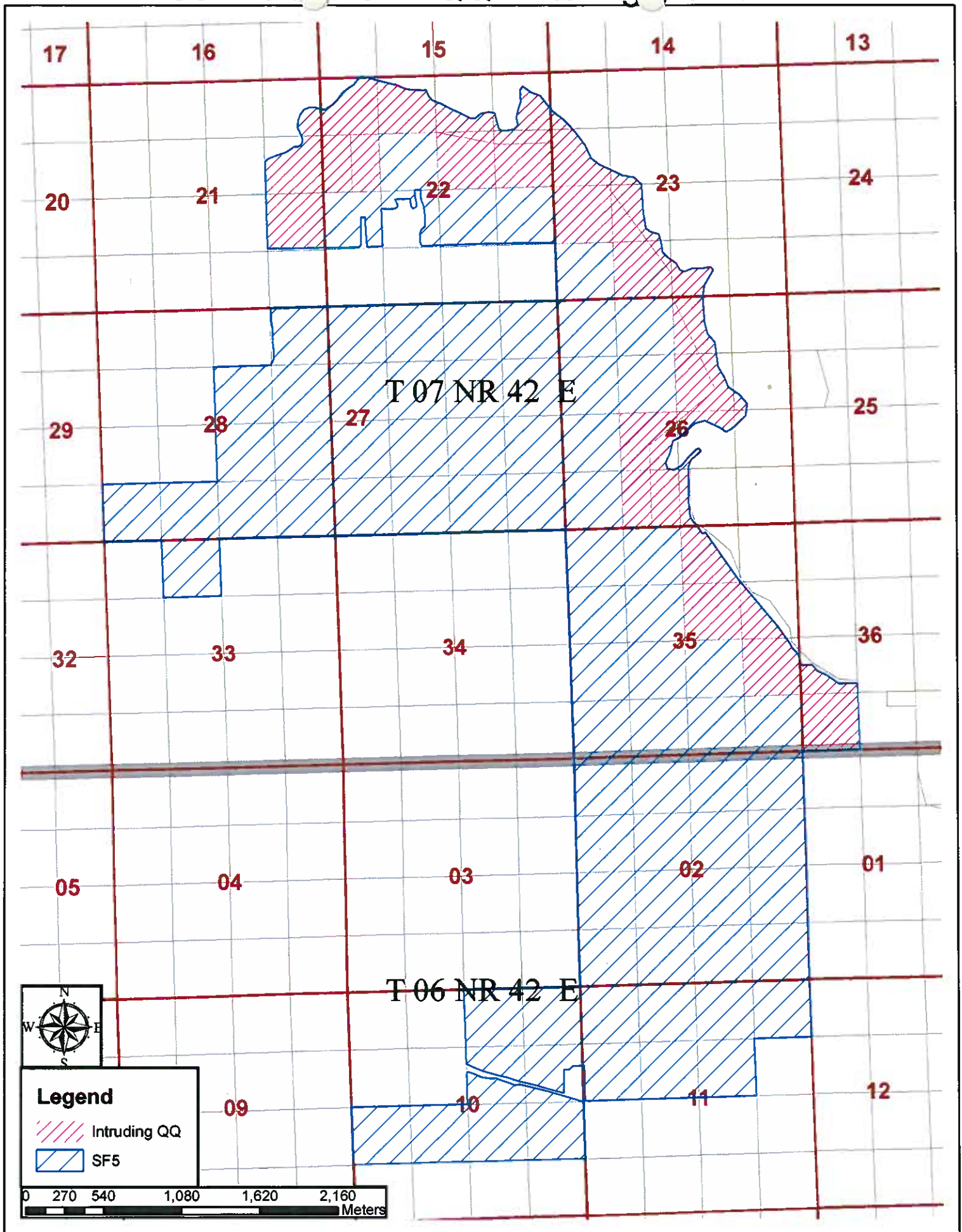
Jacqueline L. Simmons
Jacqueline L. Simmons
Notary public in and for the:
State of Idaho,
County of Ada
Residing at Boise, ID, Idaho
My commission expires: 04-07-2011

Application for Transfer of Water Rights Val E Schwendiman Farms Inc



The New Place of Use represented on this map reflects the shape contained in the IDWR database with the addition of approximately 47 acres in Section 3 of T6N R42E. These acres have been included in the place of use as a result of the application for transfer. Total area does not exceed the originally recommended acreage of 3934.2 acres.

Schwendiman - QQ Entering US Land



BLM CALCULATIONS

FID	Shape *	Id	QQ	Agency	Section	GIS_Acres
3	Polygon	0	NENE	BOR	21	7.045897
4	Polygon	0	SENE	BOR	21	31.97709
12	Polygon	0	NESE	BOR	21	38.148248
0	Polygon	0	NWNE	BLM	22	13.940354
1	Polygon	0	NENW	BLM	22	31.215069
2	Polygon	0	NWNW	BLM	22	30.583658
13	Polygon	0	SWNW	BLM	22	39.533509
14	Polygon	0	SWNE	BLM	22	39.516763
15	Polygon	0	NENE	BLM	22	14.416126
16	Polygon	0	SENE	BLM	22	39.500283
5	Polygon	0	NWNW	BLM	23	2.756078
6	Polygon	0	SWSE	BLM	23	12.480141
7	Polygon	0	SENW	BOR	23	3.110394
8	Polygon	0	SWNW	BOR	23	28.660185
9	Polygon	0	SESW	BLM	23	38.101264
10	Polygon	0	NW/SW	BLM	23	39.621113
11	Polygon	0	NESW	BLM	23	23.73607
17	Polygon	0	NWNE	BLM	26	23.750428
18	Polygon	0	SWNE	BLM	26	34.948567
19	Polygon	0	SENE	BLM	26	2.221984
20	Polygon	0	NESE	BLM	26	1.573584
21	Polygon	0	NWSE	BLM	26	12.935314
22	Polygon	0	NESW	BLM	26	36.678926
23	Polygon	0	SESW	BLM	26	39.616584
24	Polygon	0	SWSE	BOR	26	7.130772
25	Polygon	0	NWNE	BOR	35	26.601166
26	Polygon	0	NENE	BOR <i>snapping issue</i>	35	~~0.004479~~
27	Polygon	0	SWNE	BOR	35	39.431166
28	Polygon	0	SENE	BOR	35	15.75831
29	Polygon	0	NESE	BOR	35	37.674841
30	Polygon	0	NW/SW	BOR	36	12.394594
31	Polygon	0	SW/SW	BOR	36	39.363254