

Grimm, Angie

From: Fredric_Price@blm.gov
Sent: Tuesday, October 28, 2008 4:08 PM
To: Grimm, Angie
Cc: Ridgeway, Renea; Bromley, Chris; Sherman_Beazer@blm.gov; Linda_Buck@blm.gov
Subject: Transfer Consent: Transfer No. 74954, 67-07321 (Amstutz)

Attachments: 67-07321_Transfer-74954_Consent.pdf



67-07321_Transfer
-74954_Conse...

Angie,

RE: Transfer Consent: Transfer No. 74954, 67-07321 (Amstutz)

The approved transfer you sent me removes the 12.0 acres on BLM land within SESE, S10, T12N, R01W by redistributing those acres to private land places of use. It appears the transfer was approved without a consent letter, but attached is a copy of a Transfer Consent Letter that is being mailed out today.

It is true that BLM generally cooperates with the removal of public land by transfer as a way to resolve an objection even though there is technically nothing to transfer (i.e. trespass portion is void). Although, I did oppose someone's (Basin & Range) attempt the other day to acquire some trespass water for purposes of transfer.

Thanks for sending me a copy of the transfer as the application wasn't available on-line when I went to create this letter back on the 1st of August, and then promptly forgot about it in the interim.

Once your Adjudication Bureau sends an NCAP communicating the completed transfer to the court, then BLM will advise DOJ whether it can withdraw BLM's objection or not.

Fred

(See attached file: 67-07321_Transfer-74954_Consent.pdf)

"Grimm, Angie"
<Angie.Grimm@idwr.idaho.gov>

10/27/2008 11:05
AM

<Fredric_Price@blm.gov>

To

cc

Subject

Transfer No. 74954 Water Right
67-7321 (Amstutz) Consent for
removal of right

Fred,

Good morning. As you are aware, the Department is in the process of resolving an objection filed by the BLM to the recommendation for water right 67-7321 (James C. Amstutz owner) in the SRBA. The reason for the BLM's objection is a portion of the Place of Use (PU) recommended by the Department is on BLM land. To resolve this issue, Mr. Amstutz filed an Application for Transfer (Transfer application no. 74594) to remove the BLM land from the water right's PU. Processing of a transfer proposing to remove a water right, or portion thereof, from land not owned by the applicant requires consent of the land owner from which the right is to be removed. It is my general understanding the BLM would consent to the removal of this water right from their land as it is the basis for their objection to the recommendation of the right. This transfer application was processed accordingly. However, if that is not the wishes of the BLM, please let me know. Otherwise, Department policy requires documentation of the BLM's knowledge and consent to the removal of a portion of right 67-7321 from their land to allow for processing of this transfer. This requirement was looked over during the processing of this transfer, most likely as a result of the clear nature of the SRBA objection. However it is a requirement none the less. Therefore, I am requesting the BLM provide a letter or email consenting to the transfer, or information to the contrary as is appropriate. Once this documentation is received, processing of this transfer will be complete and further resolution in the SRBA matter can be sought. I have attached a copy of the transfer approval for your reference. If you have any questions, please feel free to call me at (208) 334-2190 or reply to this email. I apologize for this oversight. I appreciate your attention in this matter and look forward to your response.

Thanks,
Angie

Angela Grimm
Water Resource Agent, Sr.
IDWR-Western Region
2735 Airport Way
Boise, ID 83705
(208) 334-2190

<<AmstutzTransfer74954Approval.pdf>> [attachment "AmstutzTransfer74954Approval.pdf" deleted by Fredric Price/IDS0/ID/BLM/DOI]