

Skaggs, Pam

From: Grimm, Angie
Sent: Wednesday, October 29, 2008 9:17 AM
To: Skaggs, Pam
Cc: Lester, Steve; Saxton, Craig
Subject: FW: Transfer Consent: Transfer No. 74954, 67-07321 (Amstutz)

Attachments: 67-07321_Transfer-74954_Consent.pdf



67-07321_Transfer
-74954_Conse...

Pam,

Steve requested I get a consent letter from the BLM for the Amstutz transfer recently approved. I emailed Fred Price and received the following. I printed out the letter and Denise will be scanning the letter and associated documents into power docs for this transfer. She will mail the "hard copies" to you as soon as they are scanned and in power docs. Let Steve or I know if we need to do anything further on this one.

Thanks,
Angie

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

From: Fredric_Price@blm.gov [mailto: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)

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@idw
r.idaho.gov>

To

<Fred Price@blm.gov>

10/27/2008 11:05
AM

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/IDSO/ID/BLM/DOI]



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)

October 28, 2008

RECEIVED

OCT 30 2008

WATER RESOURCES
WESTERN REGION

John Westra, *Western Regional Manager*
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

(E-mailed
10/29/08)

Dear Mr. Westra:

**RE: Transfer Consent:
Transfer #74954, 67-07321, James C. Amstutz**

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 James C. Amstutz, wishes to transfer water under right 67-07321 from federal public property to land which Mr. Amstutz owns as private property. The federal public property legal description is as follows:

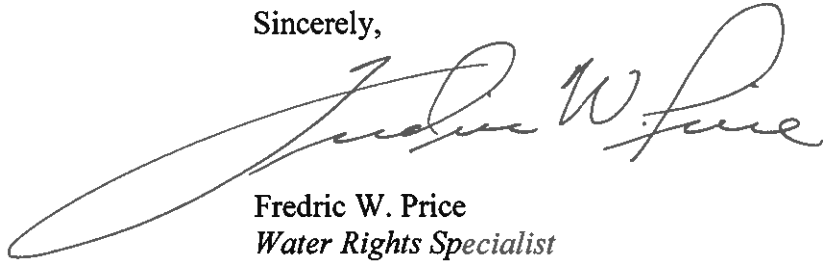
T12N R01W S10 SESE (12.0 acres).

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,



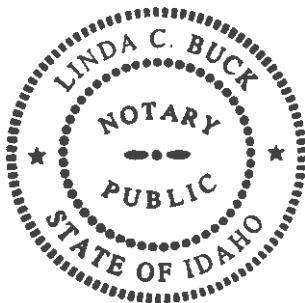
Fredric W. Price
Water Rights Specialist

cc: James C. Amstutz, 1649 N. Crane Road, Midvale, ID 83645

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 28th day of October, 2008, 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.



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