



# 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 13, 2007

Nathaniel Arave, *Water Resource Agent*  
Eastern Regional Office  
Idaho Department of Water Resources  
900 North Skyline Drive, Suite A  
Idaho Falls, ID 83402-6105

Dear Mr. Arave:

**RE: Transfer Consent:  
Transfer #73150, 74-14980, F. James Whittaker**

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 F. James Whittaker wishes to transfer water under right 74-14980 from federal public property to land which Mr. Whittaker owns as private property. The federal public property legal descriptions are as follows:

T15N R26E S27 SWNE (5.50 acres out of 9.30 acres).

The SWNE describes land that contains both public and private land. The shapefile recommended in the Director's Report describes 9.30 acres total within the SWNE where 5.50 acres describes public land and 3.80 acres describes private land. The transfer seeks to move the 5.50 acres on public land to private land under other places of use. Since after the transfer, the SWNE will still be described as a place of use (3.80 acres), the place of use element will need to be clarified such that it is clear that federal public land is excluded. **Please include the following remark under the place of use element that reads as follows:**

**"Place of use does not include federal public land."**; or in the alternative

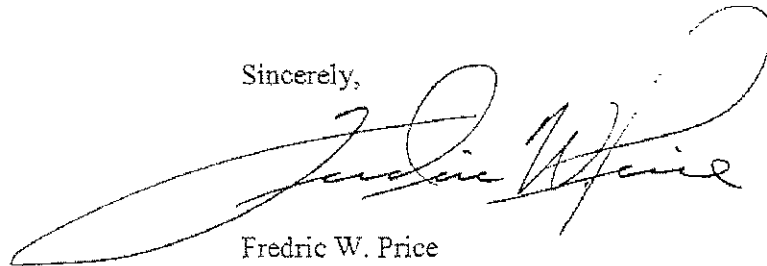
**"The use of water within SWNE, S27, T15N, R26E is limited to the E1/2 of the NE1/4 of that place of use."**

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,



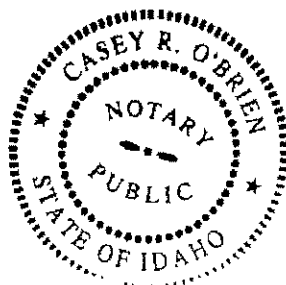
Fredric W. Price  
Water Rights Specialist

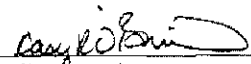
cc: F. James Whittaker, P.O. Box 240, Leadore, Idaho 83464

STATE OF IDAHO                     )  
                                                  ) ss:  
COUNTY OF ADA                    )

On this 15 day of October, 2007, 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.



  
Casey R. O'Brien  
Notary public in and for the:  
State of Idaho,  
County of Ada  
Residing at Nampa, Idaho  
My commission expires: 10-31-2009