



United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
 Shoshone Field Office  
 400 West F Street  
 Shoshone, Idaho 83352-5284  
 (208) 732-7200



In Reply Refer To:  
 2540 (IDT030) P  
 IDI-37287

July 6, 2012

FED EX DELIVERY

DECISION

Magic Triangle LLC	:	
Drew Gibson	:	Color-of-Title Application
142 S Santa Cruz Ave Suite A	:	IDI-37287
Los Gatos, CA 95030-6712	:	

Payment of Purchase Price Required  
Publication Authorized

The Bureau of Land Management, Shoshone Field Office (BLM), has completed a Categorical Exclusion (CX, DOI-BLM-ID-T030-2012-0027-CX) for a Class 1 Color-of-Title claim (IDI-37287) filed on March 8, 2012 by the Magic Triangle LLC pursuant to the Color-of-Title Act of December 22, 2928 (45 Stat. 1069), as amended by the Act of July 28, 1953 (67 Stat. 227; 43 U.S.C. 1068a) to claim the following described 1.14 acres of land:

Boise Meridian, Blaine County Idaho,  
 Township 3 North, Range 18 East,  
 Section 8: Lots 1-13.

The CX is available at the following website: [https://www.blm.gov/epl-front-office/eplanning/nepa/nepa\\_register.do](https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do) or at the Shoshone Field Office.

It has been determined that the Magic Triangle LLC has a bona fide claim of Class 1; i.e. public land held in good faith and in peaceful adverse possession by the claimant, their ancestors or grantors, under claim or color of title for more than 20 years, on which valuable improvements have been placed. Accordingly, the land is offered to the Magic Triangle LLC subject to the following conditions:

1. The purchase price of the land has been determined to be \$ 1.43 (1.25 X 1.14 acres) based upon a recent appraisal of the fair market value of the land and deducting the equities of the applicant. The Color-of-Title Act requires that the property be sold for no less than \$1.25 per acre.
2. In accordance with regulations at 43 CFR 2541.5, a Notice for Publication will be published in the Idaho Mountain Express (591 1<sup>st</sup> Ave N, PO Box 1013, Ketchum, Idaho 83340): Such notice will be published in the said newspaper once a week for four consecutive weeks. The Magic Triangle LLC will be responsible for reimbursing the BLM for the cost of the publication. It's estimated that the publication costs will be \$223.45.

A cost worksheet for the purchase price and publication costs is enclosed. Please submit the requested amount of \$224.88 within 30 days from receipt of this decision. Payment(s) can be made by certified check, cashier's check, money order or by wire transfer. Enclosed is an instruction sheet on how to pay with a wire transfer. Checks will need to be made payable to the Department of Interior, Bureau of Land Management and submitted to the following:

Bureau of Land Management  
Tara Hagen, Realty Specialist  
400 West F Street  
Shoshone, ID 83352

If the Magic Triangle LLC fails to comply with the above conditions within the time allowed the application will be rejected. Upon receipt of the purchase price and publication costs BLM will issue a patent to the subject property in the name of the Magic Triangle LLC. The patent will contain the following terms, conditions and reservations:

1. A reservation of a right-of-way to the United States for ditches or canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945);
2. A reservation to the United States of all mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe;
3. Those rights for an access road granted to Drew and Katie Gibson, their successors and assigns, by right-of-way IDI-27547, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as to Lots 2, & 3 of Section 8, T. 3 N., R. 18 E., Boise Meridian.
4. A condition that the conveyance be subject to all valid existing rights of record;
5. A notice and indemnification statement under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(W)), indemnifying, and holding the United States harmless from any release of hazardous materials that may have occurred; and
6. Additional terms and conditions that the authorized officer deems appropriate.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2541.1-2(a) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,

- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Tara Hagen, Realty Specialist, at (208) 732-7205 or via email at [thagen@blm.gov](mailto:thagen@blm.gov).



Holly Hampton  
Acting Field Manager

3 Enclosures:

1. Gimlet Color-of-Title Cost Worksheet (1p)
2. Instruction Sheet - How to Pay BLM with a Wire Transfer (1p)
3. Information on Taking Appeals to the Interior Board of Land Appeals (1p)

cc:

Idaho Department of Fish and Game  
Blaine County Land Use Services  
Ingrid Hibben Trust, Ingrid Hibben  
Drew & Kay Gibson  
Cook California Rev Trust, Robert Cook  
Michael & Madelene Citrone  
Steven James Bareilles

Idaho Prop Pers Resid Trust, Roger & Kathy Sanger  
Nancy Swaney  
Jack Flammer Jr.  
Kneeland, Korb, Collier & Legg, PLLC  
Stewart Title Guaranty Company  
Lubovski Wygle Fallowfield, Barry Lubovski  
Congressman Mike Simpson's Office, Laurel P. Sayer

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

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- 1. NOTICE OF APPEAL**..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
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- 2. WHERE TO FILE**..... Bureau of Land Management  
Shoshone Field Office  
400 West F Street  
Shoshone, ID 83352
- NOTICE OF APPEAL**.....
- WITH COPY TO SOLICITOR**..... Regional Field Solicitor  
960 Broadway, Suite 400  
Boise, ID 83712
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- 3. STATEMENT OF REASONS**..... Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR**..... Regional Field Solicitor  
960 Broadway, Suite 400  
Boise, ID 83712
- 
- 4. ADVERSE PARTIES**..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
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- 5. PROOF OF SERVICE**..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(e)).
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- 6. REQUEST FOR STAY**..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.
- Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

#### 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

##### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2006)