

GEM VALLEY SURVEY

SURE BOUNDARIES

GOOD NEIGHBORS

Gem Valley Survey
1930 Ivins Road
Bancroft, Idaho 83217

Phone 208-425-9035
Fax 208-425-9035
Cell 208-681-1163

November 28, 2006

Ernie Carlson
Program Manager
Idaho Department of Water Resources
900 North Skyline Dr, Suite A
Idaho Falls, Idaho 83402

29 - 30
29 - 31
29 - 2379
29 - 13320
29 - 13321

RECEIVED
NOV 30 2006
Department of Water Resources
Eastern Region

Subject: Carl Phillips Water Right Chesterfield, Idaho.

Greetings Mr. Carlson;

Much of my land surveying work is in Caribou County these days. I have been retained by Mr. Carl Phillips, and have prepared a fence line survey for him. The purpose of this survey is to establish a boundary line by agreement between him and his neighbors. The Idaho Department of Water Resources mapping department does not recognize Mr. Phillips' ownership of the eastern "200 feet" of the lands granted to him under Warranty Deed instrument No. 134386, as recorded in the official records of Caribou County, Idaho. See attached G.I.S. map.

This easterly "200 feet" dimension was obtained by measuring, that is scaling with a ruler or an electronic distancing program, from the conceptual section lines generated in what is known as the Geographic Coordinate Data Base to the easterly limits of Mr. Phillips' lands as depicted on a satellite image, being occupied and maintained to date to a fence line coursing north and south. There is no record of survey on the ground to corroborate the I.D.W.R.'s "200 feet" dimension.

The Bureau of Land Management provides the data mapping of the conceptual depiction of the state of Idaho section lines through the Geographic Coordinate Data Base. The G.C.D.B. has very limited intended uses and explicit disclaimers for inappropriate uses posted on the B.L.M.'s web site at www.id.blm.gov/cadastral/gcdb/index.htm. The introduction of the G.C.D.B. covers some areas in which it is not to be used. **"The G.C.D.B. has NO LEGAL SIGNIFICANCE** and should not be used for purposes ...such as: restoration of lost corners, establishment of direction, trespass resolution, legal descriptions, etc. which require legal boundary surveys by qualified surveyors." To sum up, a B.L.M. Employee Tim Quincy stated, "The G.C.D.B. makes a pretty Picture and is not for measuring distances".

October 6, 2006, I.D.W.R. mapper Mr. Mike Sasell and I discussed the usage of the G.C.D.B. and that measuring from it is not an intended use of the G.C.D.B. by the

Carl Phillips
Job No. 206047
November 28, 2006

Page 1

B.L.M. He said that I.D.W.R. knew this, but had no other way to rectify the G.C.D.B. and bring it in line with true ground locations than to survey the entire state, which was financially prohibitive. In reviewing the G.C.D.B. with Mr. Sasell, we found other landowners east across the entire Chesterfield Valley appear to be off this "200 feet".

Will they in time also be forced to have their lands surveyed to maintain their present water rights?

The preliminary data I have of the area suggests that county roads and fence lines in the area are reasonably located with in the record 5280 feet as set forth in the original survey of 1875 by Deputy Surveyor General George W. Newman.

The acreage on the "face" of the deed granting ownership in the land should count for something.

It would seem that the I.D.W.R. has a "200 foot" misalignment of the G.C.D.B., an electronic mapping system, with the county roads and lines of possession on the ground.

This sets a precedent that bodes ill for the private landholder by unnecessarily creating boundary line and ownership conflict that did not previously exist with adjoining land owners; and, further in causing them to incur considerable time and expense in resolving legal description discrepancies in order to protect the place of use of their water rights. This may bring catastrophic political consequences for the I.D.W.R.

The G.C.D.B. is being miss used by measuring distances from an electronic map as if measuring true distances on the ground in order to check legal descriptions.

Is there some other way the I.D.W.R. can preceed without placing such a heavy burden on the private landowners of the state of Idaho?

Sincerely,



Wade Olorenshaw
Professional Land Surveyor, PLS 9169

A copy of the forgoing document has been mailed/served on the persons listed below:

Persons:	Method of Service
Randy Budge & T. J. Budge Racine Olsen Nye Budge & Bailey 201 E. Center Street Pocatello, ID 83204-1391	email
Ernie Carlson Program Manager Idaho Department of Water Resources 900 North Skyline Dr, Suite A Idaho Falls, Idaho 83402	U. S. Mail
Carl Phillips 2884 W 1400 S Aberdeen, ID 83210	U. S. Mail
Board of Professional Engineers And Professional Land Surveyors Dave Curtis, Executive Director 55535 W. Overland Road Boise, Idaho 83705-2728	email

