



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

September 11, 2012

DAVID AND SALLIE BACKUS
41 RIVER RD
GARDEN VALLEY ID 83622

RE: Water Right License No. 65-13335

Dear Right Holders:

The Department of Water Resources has received your request, dated August 6, 2012, to correct an inconsistency in the place-of-use description of the above water right. I have reviewed the contents of that water right file. And I have compared the Public Land Survey System (PLSS) address for the place-of-use of that water right with the Bureau of Land Management's General Land Office Records for the area. I have determined that it would premature for the Department to make the change you request.

The current Public Land Survey System (PLSS) address for the place-of-use of water right 65-13335 is the NENE quarter-quarter of Township 10 North, Range 4 East, section 34. While the PLSS address for your property (lot 18 of Pine Tree Ranch Subdivision No. 11) appears to be within the NWNE quarter-quarter of Township 10 North, Range 4 East, section 34. This inconsistency between the property address and the place-of-use address has been carried forward from the permit, through the licensing process and multiple changes in water right ownership.

The Department of Water Resources bases our PLSS addresses on the Bureau of Land Management's official survey records. The Department uses the BLM's Geographic Coordinate Data Base information to generate virtual PLS gridlines which our computers project over aerial photography. The screen shot that I provided you on July 30, 2012, shows that lot 18 is near the virtual line which separates the NWNE from the NENE.

When I reviewed the BLM's General Land Office Records for the area, I found that this area has not been surveyed to the level of detail that is needed to definitively answer the question of whether your property is in the NWNE or in the NENE. There is some confidence that the north, south, east and west corners of section 34 are located with minimal accuracy but that confidence does not cascade downward to the aliquot (the quarter-quarter) subdivisions. The BLM and the IDWR may agree that your property is located within the northeast quarter of section 34, but we cannot say for certain whether

it's located in the NW or the NE quarter-quarter. When the official survey is completed, your property may be in NWNE or it may be in the NENE. Until that survey is accomplished, the ownership of water right 65-13335 will be determined by the documents which convey the property described as lot 18, Pine Tree Ranch Subdivision No. 11. I am placing a copy of this letter in the water right file for future reference.

If you have any additional questions, please contact me at (208) 287-4946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Edl".

Michele Edl
Associate Engineer

Cc: WR file 65-13335