

From: Edl, Michele
Sent: Monday, July 30, 2012 12:54 PM
To: 'dlbackus@consultant.com'
Subject: 65-13335

Mr. Backus,

I have reviewed the backfile for water right 65-13335. The place of use for the permit was for lot 18 Pine Tree Ranch #11, which is physically in the NWNE. But the Public Land Survey (PLS) grid address was listed on the permit as being in the NENE. The permit was internally inconsistent.

The beneficial use field exam report includes photos of your property and the available taxlot layer shows your property is in NWNE. The field examiner appears to have found your property and recommended 2 acres of irrigation use there. However, the examiner lists the place of use in the PLS address consistent with the PLS address on the permit, not the actual, physical address that he found for the place of use.

The place of use inconsistency was not recognized at the time that the license was issued. The license has been issued showing the place of use in the NENE; not your property in NWNE.

I have attached a screen shot from my computer showing the difference. On the left I have highlighted the taxlots in your name. On the right I have highlighted the authorized place of use for your water right license.



Backus 65-13335
POU.jpg

There are at least two approaches for getting this problem resolved.

- 1) IDWR may be able to correct the license. To initiate that action requires a letter from you petitioning us to make the correction.
- 2) A transfer acting on the water right may be required. Transfers change the elements of a water right and the place of use is an element of a right. The law states your place of use is in the NENE while you are actually using the water in the NWNE.

I recommend you start with option 1). And I encourage you to take steps to address this problem as soon as possible.

Now to the question that prompted your call:

I do find that PTR Inc has a water right for irrigation use on 83 acres, and shows your property as a portion of the place of use covered by the water right #65-3225. PTR Inc may be related to the PTR South Irrigation District entity who contacted you.

You may be entitled to a portion of water right 65-3225 by virtue of owning several pieces of the authorized place of use. A water right is appurtenant to the land it is used upon. And unless the deed was very specific when the place of use property was subdivided and sold, the covering water right is usually split proportionately, among the new property owners. You may wish to consult an attorney before signing the document that PTR has sent to you.

I hope this information helps you to take appropriate action. And although your property falls under the jurisdiction of the Western Region office, I am willing to act as the point of contact for you with the Department.

Michele Edl, Associate Engineer
287-4946



- Layers**
- ☒ Water Right POD
 - ☐ Taxlots
 - ☒ Water Right POU
 - ☒ PLSS
 - ☐ Township/Range
 - ☒ Sections
 - ☒ COQ
 - ☐ DRG
 - ☒ Imagery
 - ☐ 1987
 - ☐ 1992 1 meter
 - ☐ 2011 1 meter
 - ☐ Bing Maps Aerial
 - ☒ 2009 1 meter
 - ☐ 2006 2 meter
 - ☐ 2006 1 meter
 - ☐ 2004 1 meter

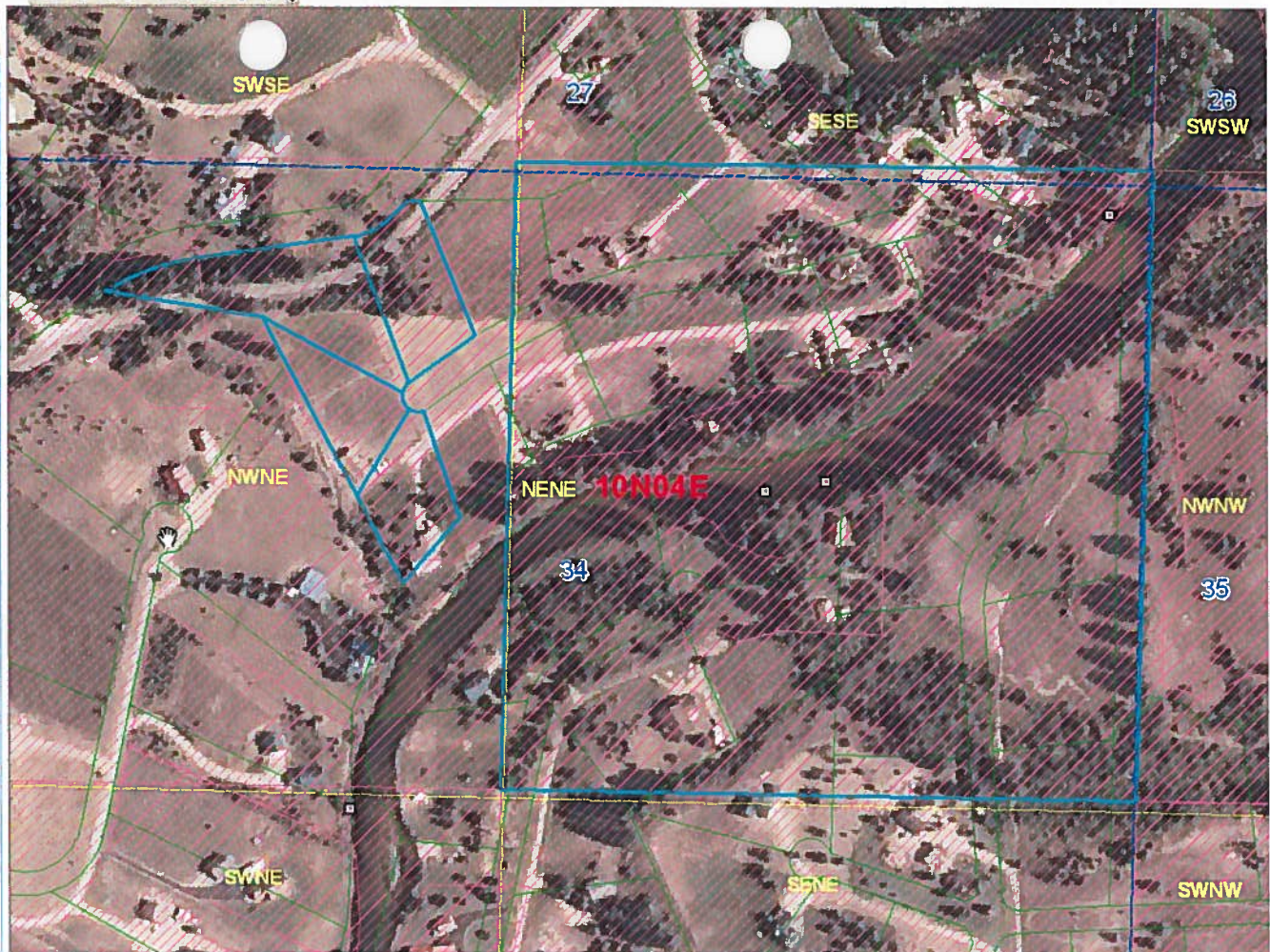


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Table



Taxdots

ID	UPDATED	PRI	OWNER	ADDRESS1	A	CITY	ST	ZIPCODE	P_ADDRESS	P_ZIPCODE	SUB_NAME	LEGAL1	LEGAL2
79953	3/8/2012	RP054110000210	BACKUS SALLIE R & BACKUS DAVID L	37415 N 104TH PL		SCOTTSDALE	AZ	85262-3475			PINE TREE RA T10N R4E PINE TREE RANCH 11	LOT 21 SEC 34	
79954	3/8/2012	RP054110000208	BACKUS DAVID L & BACKUS SALLIE R	37415 N 104TH PL		SCOTTSDALE	AZ	85262-3475			CLOUSEKAS T10N R4E PINE TREE RANCH 11	LOT 2 CLOUSEKASTEN SUB SEC 34	
79955	3/8/2012	RP054110000198	BACKUS DAVID L & BACKUS SALLIE R	37415 N 104TH PL		SCOTTSDALE	AZ	85262-3475	43 RIVER RD	83622-000	CLOUSEKAS T10N R4E PINE TREE RANCH 11	LOT 1 CLOUSEKASTEN SUB SEC 34	
79957	3/8/2012	RP054110000180	BACKUS DAVID L & BACKUS SALLIE R	37415 N 104TH PL		SCOTTSDALE	AZ	85262-3475	41 RIVER RD	83622-000	PINE TREE RA T10N R4E PINE TREE RANCH 11	LOT 18 SEC 34	