

Cefalo, James

From: Keen, Shelley
Sent: Thursday, March 31, 2011 8:27 AM
To: Cefalo, James
Subject: FW: Application 75-14636
Attachments: BLM MTP 26N 21E.jpg; USGS Quad 75-14636.jpg

James

I'm forwarding some input from Steve Spencer of the USFS regarding Application 75-14636. It would probably suffice to add a condition explaining that the POU is actually HES 91, assuming that is correct, and perhaps also adding condition U42.

Thanks.

Shelley

From: Steven M Spencer [<mailto:sspencer@fs.fed.us>]
Sent: Wednesday, March 30, 2011 3:58 PM
To: Keen, Shelley
Subject: Application 75-14636

Shelley,

I'm reviewing application 75-14636. I would appreciate your assistance in getting this information to the appropriate people. It is clear to me that this water right is intended to be on private land however it is never specifically stated. The location is immediately west of Hwy 93 just north of Gibbonsville. This is remote rugged territory that is primarily National Forest System (NFS) land with a menagerie of patented homestead entry's and mineral surveys that are private land. Complicating this is the fact that the area is unsurveyed land, meaning that actual survey of the land by government surveyors marking the corners and recording their surveys has never occurred. There are actually no Public Land Survey Sections, Townships or Ranges established. Right now much of the survey information we rely on up there are the best projections available of where those corners, etc would be.

However, there is a legal survey for the private patented lands in accordance with the land law of the time. For the private land upon which 75-14636 is located that is part of Homestead Entry Survey (HES) 91. I think it would be appropriate, advisable and beneficial to have on the permit and subsequent license that this water right is on private land that is part of HES 91. Then there would be no question about the intent and location of the water right.

This application mentions 75-02091D. I've looked at the documents available on the Departments site for original parent right 75-02091. Within this information I was able to look at several documents, correspondence and maps for original license 17747 that reference homestead, HES, unsurveyed land and so forth. In in effort to acknowledge and preserve this old information as well as to be more precise with 75-14636 I would encourage the Department to consider this situation and include a suitable reference to it in the record and for .

Attached are a portion of the pertinent BLM MTP and USGS quad. The MTP show that the private land is probably part of HES 91. The USGS quad show the section 'projections' with dotted lines.

We do not desire to file a protest against this application. Nor is it intended for this to be a protest. We simply request your consideration of these circumstances for the future management and administration of this water right.

If you have any questions about this matter please contact me. Thank you.

Steve Spencer
Water Use Specialist (208) 365-7055
USDA Forest Service (208) 365-7037 FAX
1805 Highway 16, Room 5 e-mail: sspencer@fs.fed.us
Emmett, ID 83617

22
596

23
476

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26
401

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34

35
547

36

SEE SUPPLEMENTAL PLAT
NO 1

SEE SUPPLEMENTAL PLAT
NO 1

MS 1132

775371
D/C

HES 432
102.72

1 3293 HWY

HES 91
88.33

540312
D/C

HES 97
52.48

675141
D/C

HES 98
58.47
582436
D/C

MS 1443

376225
D/C

HES 549
70.75

MCCARTHY
LODE

28939
D/C

MS 1217

MS 1

349

24

MS 2294

MS 692

19041
D/C

573
D/C

28383
D/C

MS 1129
29426
D/C

