

Stanton, Jim

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Tuesday, July 29, 2003 5:29 PM
To: jstanton@idwr.state.id.us
Cc: Valdon Hancock; Craig Sheely; jfreitag@idwr.state.id.us
Subject: Transfer No. 70685

In the matter of Mr. Roy Woods transfer no. 70685 to correct the legal location, both the POD and POU, of his ground water on his private land from the NENESE Sec, 15, to the SESENE of Sec. 15, we have no problem with this transfer. We would offer that if the Department is supportive of this effort to correct this legal description that other information should also be considered.

The private land within the Sawtooth National Forest where this water right is located is actually and legally recorded in the records of the United States and Blaine County as HES (Homestead Entry Survey) 123. We reference Blaine County PARCEL NO. 05N17015791H A from the SRBA Directors Report Recommendation. HES 123 is part of the actual legal survey of the property. The Public Land Survey (PLS) sections, township and range are merely projected onto a predominately unsurveyed area. The projected quarter-quarters and Section do help identify the location on maps, but they are not legal surveyed locations. Mr. Woods property is part of HES 123. We would suggest that the Department look into this matter and include as part of this transfer to correct the legal description something to the effect that 'the POD and POU are on private land within HES 123', retaining the projected SESENE of Section 15 for the well and NESE and SENE as POUs.

This would clarify that when someone places their quarter-quarter template on a USGS map, or tries to draw in the quarter-quarters on a map, that the SESENE will put them close to the correct location, but even more precisely, the portion of HES 123 in the projected SESENE is where this well and the SENE and NESE where the water use is located. We can provide USGS and BLM Master Title Plat information to the Department to substantiate this information if you desire. However, I understand you may already have government survey lot information in your system because it is being used in the SRBA. If you have any questions about this matter, please contact me. Thank you.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

Boise, ID 83706