

32.43 - Boundary Management Review

Ensure a Forest Service land surveyor conducts a boundary management review for the Federal and non-Federal lands that includes the legal description; acreage verification; land boundary locations, both record and field; and a determination of additional land survey needs. Document the boundary management review on the Form FS-5400-41, Land Description Verification Federal Land (sec. 39, ex. 08), and on Form FS-5400-40, Land Description Verification Non-Federal Land (sec. 39, ex. 09).

32.44 - Federal Land Status Report

Attach a copy of the Federal land status report documenting relevant title and occupancy information in the Federal land and identify the legal land status as either acquired or reserved public domain. Identify encumbrances, such as special use permits, rights-of-way, grazing allotments, withdrawals, outstanding rights, leases, and so forth on the public land using the master plats, mining claim records, land status records, the special uses database system (SUDS), and other automated record keeping systems. Address the need to reserve public access, easements, or other rights on the Federal lands.

32.45 - Water Rights Analysis

Complete a water right analysis that addresses ground or surface water rights associated with both the Federal and non-Federal lands. If necessary, request a water rights search from the State Engineer (FSM 2541.41) for the Federal and non-Federal lands. Obtain copies of all pertinent documents, such as applications, permits, decrees, certificates, or other water rights documents, that may be used in a particular State.

32.45a - Federal Lands

If the ownership of the water rights on the Federal land is in the name of the United States, determine whether the rights should be reserved or conveyed. If title to the water rights on Federal land is held by a non-Federal entity, document this outstanding right in the analysis.

32.45b - Non-Federal Lands

Provide copies of the water right documents and a description of the land to the hydrologist or water rights specialist when water rights are associated with non-Federal lands. Request the hydrologist or water rights specialist to:

1. Render an opinion of the current status and the quality and quantity of the non-Federal water rights.
2. Report alternative uses of the water as if it were in the ownership of the United States.
3. Determine the actions necessary to effectively transfer, utilize, and preserve ownership of these rights by the United States.

4. Determine the contributory value of the water rights.
5. Estimate the costs associated with the use and management of the water rights if they are acquired by the United States.