

Kachina Chapter 28



INTERNATIONAL RIGHT OF WAY ASSOCIATION

Newsletter

OCTOBER, 2007

www.irwaaz.com

### 2007 Kachina Chapter Executive Board

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**PDC Chair**

Mark Keller, SR/WA  
602.236.8164  
mark.keller@srpnet.com

#### November Board Meeting



Wednesday, Nov 7, 2007



4:45pm



3rd Floor Conference Room



Az State Land

Confirm your attendance with  
Caroline at carolinet@acqsl.com

#### December Board Meeting



Wednesday, Dec. 5th, 2007



4:45pm



3rd Floor Conference Room



Az State Land

Confirm your attendance with  
Caroline at carolinet@acqsl.com

#### NOVEMBER LUNCHEON

**Date:** Tuesday, November 13, 2007

**Time:** 11:30 am

**Location:** Doubletree Guest Suites / 320 North 44<sup>th</sup> Street / Phoenix, Arizona 85008

**Menu:** Caesar Salad with Crisp Romaine Lettuce and Garlic Croutons  
Marsala Melon with Floral Olive Oil and Citrus  
Marinated Italian Vegetable Tray  
Baked Penne Pasta with Fire Roasted Garlic Alfredo and Romano Cheese  
Chicken Romano with Mozzarella Cheese, Fresh Basil and Marinara Sauce  
Tomato Basil Breadsticks  
Cappuccino Bars  
Iced Tea, Coffee, Decaf and Hot Tea

**Cost:** \$25.00 (Please have exact change or your check made out to 'IRWA Kachina Chapter 28')

**Speaker:** TBA (we're still seeking a speaker for this luncheon. If you have any suggestions, please let me know).

**RSVP Deadline:** Thursday, November 8<sup>th</sup> @ 5pm. No reservations will be taken after this date.



Oh No, Mr. Bill.....

## **PRESIDENT'S MESSAGE**

Caroline Tillman, R/W-RAC, Chapter President



Boy to we have some great luncheon meetings to look forward to in November and December. We are thinking about a Round Table Discussion and guess who our guest speakers are? All of you! We want to know what's going on in your neck of the woods. What projects are you working on? What do you see coming down the pike for the next year or so? Any interesting cases you would like to share with the rest of us? Certainly, with everyone having been so busy this past year, I think it would be interesting to share a bit about what we have been up to. I also have several updates to share with you from International to bring you up to speed on what they are doing.

The Chapters revised Bylaws were distributed to you last month for your review. We will be distributing a ballot via email for you to complete and mail back to the chapter or to bring with you to the November Luncheon. Once they are approved by the membership, we will forward them on to International for their final approval. We will also have ballots available at the luncheon for voting as well.

International has advised that they will be sending an email to all members that will allow us to renew our memberships online. This year you will have the option to remove the \$10.00 donation to the RWIEF if you elect to, however, we have seen some improvements in the RWIEF over the past year, so as your president, I would encourage you to consider making this donation.

That's all folks...I look forward to seeing you on November 13!



## Region 1 Happenings

Chris Banks, SR/WA, Region 1 Vice-Chair

The Region 1 Fall Forum was held on October 6, 2007 in San Jose California. The Forum was hosted by Chapter 42 at the Hotel Valencia on Santana Row, a beautiful redevelopment area. The Forum was attended by representatives from each Chapter within the Region (Arizona, California and Nevada). The weather was gorgeous and the accommodations at the hotel were very comfortable.

Now on to business! Our Region Chair, Carolyn Carrica from Reno Chapter 46 presided over the business meeting (the Forum). At the Forums which are held twice a year, the Chapters have an opportunity (and a responsibility) to discuss Chapter items of interest and concern. Each Chapter presented their semi-annual report that detailed the present condition of their chapter, describing in detail the Strengths, Weaknesses, Opportunities and Threats (SWOT) that they are experiencing. Chapter 28 was represented by our President, Caroline Tillman, and me (I served as proxy for our Chapter's President-Elect, Cate Chamberlain, who was unable to attend). These reports can be viewed on our Region 1 website at <http://region1.irwachapter46.org/pages/ChapterReports.html>.

Keith Shorey, our Region's representative to the International Education Foundation, reported that the IR/WA is working hard to update the courses to be more in tune with today's adult learner. At this time, several IR/WA courses can be taken online. The number of online courses will increase over time, making it more convenient for a member to get the courses needed to obtain or renew their SR/WA designation. The courses being presented at the local level are also being revised to correct and update the material. You can tell by the cover of the course manual if it has been updated – if it is in color it is new. Black and white covers indicate that the course is under construction. If you are interested in obtaining your SR/WA and need to know which courses are coming up in your area, please contact the Chapter's Education Chair, Kaye Bockmann at 602-236-3129.

The 54th Annual Education Conference will be held in Austin, TX, June 22-25, 2008. [Chapter 74 - Region 2](#) will serve as the host chapter, with Larry O'Neal, SR/WA, Randy Williams, SR/WA, and Randall Kopfer, SR/WA, acting as co-chairs for this event. The registration for the Conference should begin on December 15, 2007. If you have ever attended an International Conference I don't need to tell you this, but for you first-timers, be sure to make your hotel reservations immediately when the registration and conference information hits the International **website** (<http://www.irwaonline.org/>). The Conference planners reserve a limited block of rooms and once those are gone, you may end up in a hotel away from the conference.

If you attended the 2007 Conference in Sacramento and want to see the photos taken there, time is short. Because they are on a temporary site, they will be removed shortly. You can find them at <http://irwa.imagefolio.com/cgi-bin/ImageFolio4/imageFolio.cgi>. Download them and enjoy them forever. See you at the next luncheon.



# November trial date set for condemnation case

From The Arizona Republic, October 9, 2007  
Submitted by Mark Keller, SR/WA

## SCOTTSDALE –

Scottsdale will meet the Toll Brothers developers in court on Nov. 6 in what may be the largest condemnation case in Arizona history.

At stake is about \$85 million that Toll says Scottsdale should pay for land it condemned for the McDowell Sonoran Preserve.

The trial was planned for this week, but Toll delayed it when a key attorney withdrew because of illness.

The developer had hoped to reschedule the trial for early next year, but Maricopa County Superior Court Judge Paul Katz said the case was ready to go.

"A delay until after the first of next year is unnecessary and would unduly prejudice the city of Scottsdale and city taxpayers, who have twice by initiative approved the acquisition of the subject property," Katz wrote, in part.

Katz will open the trial of *City of Scottsdale v. Edmunds-Toll Construction Co.* at 8:30 a.m. Nov. 6 in the court's Northeast Regional Center, 18380 N. 40th St.

Scottsdale acquired about 383 acres of land near Bell Road and 104th Street to build the Gateway entrance into the preserve.

The city started condemnation soon after Toll bought 800 acres of state trust land in 2002 for about \$85,000 an acre. Scottsdale had made clear to bidders that the city would take about half the property.

Negotiations over the value of the land repeatedly broke down over the ensuing years, leading to next month's trial.

Scottsdale has offered Toll more than \$100,000 per acre, but Toll attorneys said the fair market value of the land is closer to \$320,000 per acre.

Toll attorneys pointed to nearby properties selling for the higher price as a true evaluation of the land's worth.

Bob Cafarella, the city's preserve director, said the city has always agreed to pay fair market value for the land.

"The issue is what fair market value is," he said.

## EDUCATION

Kaye Bockmann, Education Chair

It's time to start planning for the 2008 Chapter 28 IRWA courses!!

To start off the year, I am pleased to announce -

**February 12-15**  
City of Peoria City Hall

C-502 Business Relocation (2 day) - An intermediate level course for relocation assistance practitioners or an advanced course for multi-disciplined professionals, Business Relocation presents the step-by-step processes necessary to relocate a business, from the initial interview stage to final claim work. Learn how to apply provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act toward the successful relocation of business.

C-803 Eminent Domain Law Basics of Right of Way Professionals (2 day) - Eminent Domain Law Basics familiarizes students with the basic theories behind, and practical aspects of, the various laws, rules and regulations applicable to acquisition of private property for public use through exercise of the power of eminent domain. This course covers the following topics: introduction to eminent domain, primary sources of law, breakdown and analysis of the modern rule, just compensation and legal aspects of valuation, and the roles of right of way professionals in eminent domain.

C-901 Engineering Plan Development and Application (1 day) - Designed as an engineering course for non-engineers, Engineering Plan Development and Application presents engineering fundamentals and practical applications of information contained in engineering drawings. This course covers the following topics: topographic and property information on plans, interrelationship of plan, profile and cross-section sheets, horizontal and vertical alignment of a centerline, aerial photogrammetry, plane coordinates, utility line crossings of highways, contour line characteristics, calculating earthwork, and interpretation of right of way plans.

Course Facilitators will be announced at a later date. As always, I appreciate your thoughts on the February Courses and input in future Courses.

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## PDC

Mark Keller, SR/WA, Chair

### New SR/WA's-Completed all requirements

Caroline Tillman, SR/WA  
Rebekah Lewis, SR/WA

### Recertified

Beverly Francy, SR/WA

### SR/WA Candidates

Michelle Tiller  
Don Solon  
Reginald Rector

### Certification Candidates

Lari Beth Kirkendall  
Doug Koriner

## Conservation Easements, A Strategy to Check Development, Preserve River Flow (by: Joe Gelt)

Submitted by Gregg Tuttle

The following article was published in the Sept-Oct 2007 issue of the *ARIZONA WATER RESOURCE*, (Volume 16, Number 1; page 2.) (*The newsletter of the Water Resources Research Center, College of Agriculture & Live Sciences, the University of Arizona.*)

An incentive-based approach to conservation

Yet another conservation easement has been worked out along the Babocomari River, making the fourth such agreement in the area since January. The total area now protected stands at 1,410.2 acres and 4.61 miles of river.

What is occurring along the Babocomari River reflects a national trend: the increased use of conservation easements as a strategy to protect natural resources. According to the Land Trust Alliance the amount of land protected by local and state land trusts using easements doubled to 6.2 million acres between 2000 and 2005.

In brief, a conservation easement is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land for the purpose of protecting its conservation values. By agreeing to an easement landowners give up some of the rights associated with the land; they still own the land, however, and can pass it to heirs or sell it, with the easement in force.

Many and varied are the lands protected by conservation easements: coastlines; farm and ranchland; historical or cultural landscapes; scenic views; streams and rivers; trails; wetlands; wildlife areas; and working forests. In Arizona, a state anxious to preserve its few remaining flowing rivers, conservation easements are especially useful as a river management tool. Any river with private ownership of land along side it that has conservation value is a candidate for conservation easement.

### Conservation easement along the San Pedro

Consider the San Pedro River: with its reduced flows raising concerns, the river is a veritable active easement area, with many conservation easements having been negotiated with more in the works. Experiences along the San Pedro demonstrate the workings of conservation easements as well as their possibilities and effectiveness as a river management tool.

The Brophy family, owners Babacomari Ranch, has been a willing partner to working out conservation easements. The ranch is located along the Babocomari River, a key tributary to the San Pedro River. In the recent agreement, mentioned above, The Nature Conservancy purchased an easement protecting 487.3 acres of grasslands that contain valuable wetland habitat. Over time, Fort Huachuca will reimburse TNC \$1.9 million for the easement.

Earlier this year Fort Huachuca purchased two other ranch easements, adjacent to one another, for \$830,000 to block development along the Babocomari River corridor. Later the Bureau of Land Management purchased a third ranch easement for \$2.7 million that protects 674.6 acres including three and one-half miles of the Babocomari River channel.

In allowing an easement, a property owner accepts an obligation. Tom Collazo, TNC associate state director, explains: "Every conservation easement is acquiring a partial interest in a property and what type of partial interest you acquire depends on your conservation objects and what you can reasonable negotiate with the landowner, what the landowner is willing to give up in other words."

The main conservation objective along the San Pedro is to limit water use, with property owners relinquishing water rights by accepting a conservation easement. The U.S. Geological Survey has identified the shallow aquifer underlying the Babocomari River as one of the most important contributors to the San Pedro aquifer in the upper San Pedro Valley.

Collazo says the TNC views the Babacomari ranch easements "as the first installment of a much larger, longterm program to protect as much of the Babocomari River corridor and watershed as possible. ... The Brophy family has identified about 16,000 acres of ranch they would like to see placed under conservation easements."

Continued on next page....

## Department of Defense involved with easements

Of the three key players involved in purchasing the ranch easements

— The Nature Conservancy, the Bureau of Land Management and Fort Huachuca, the fort might stand out as an unlikely partner in a conservation deal. Part of its interest in the easements, however, is preventing development that would encroach on the fort and interfere with its operations. Confronting economic pressures, ranch owners and landowners are increasingly in need of financial resources to maintain their operations. By selling an easement they needn't resort to selling their land for development. Fort Huachuca has an interest in preventing development.

Fort Huachuca also has a natural resource interest in establishing conservation easements. The fort is legally obligated under an agreement with the U. S. Fish and Wildlife Service to offset water withdrawals with water recharge by 2011 as part of an effort to conserve endangered and threatened species dependent upon the Upper San Pedro River ecosystem. The water savings resulting from the easements count as credits toward the army's goal of reducing groundwater pumping.

Earlier TNC had worked with Fort Huachuca to acquire easements along the San Pedro River in the Palominas area, where the river crosses the border into the United States from Mexico. In that situation, TNC acquired property, then, through conservation easements, restricted groundwater pumping and development. It then resold the property to private buyers with the easements reserved. The fort paid for the easements and received credit under its biological opinion for the number of acre feet of water the easements reduced. In the San Pedro watershed, 7,762 acres are set aside as easements, held by the TNC, BLM and the Bureau.

## Three-Links Farm conservation easement

In 2002 TNC purchased the Three-Links Farm, an alfalfa farm that pumps more than 3,200 acre-feet per year. Located about 15 miles north of Benson, the farm includes more than six-miles of San Pedro River, with rare cotton weed-willow riparian habitat.

At the time of purchase, the San Pedro was not flowing year round on the entire farm or for miles downstream.

TNC purchased the property intending to restore and enhance both groundwater levels and surface flows through about 20 miles of the river.

Collazo says, "We turned off the pumps, and we have seen dramatic recovery of stream flow not only on the property but for quite a ways down river as well and subsequently a dramatic increase in cottonwood- willow habitat and willow flycatcher populations and number of other riparian related species."

TNC is financing the purchase by reselling portions of the property to private owners, bound with a conservation easement.

The easement greatly limited the residential development rights and restricted groundwater pumping. Property that could have been divided into hundreds of house lots was limited to ten homes. Easements reduced the 3,200 acre-feet of water used annually on the farm by 90 percent to 300 acre feet, a net saving of 2900 acre feet per annum.

The easements were sold to the Bureau of Reclamation for mitigation credit applicable to work it undertook to modify Roosevelt Dam. That project resulted in the flooding of habitat of the Southwest willow flycatcher, an endangered species. The purchase of the Three-Links Farm easements will protect habitat of the endangered bird, offsetting the loss at Roosevelt Lake.

## Cost of Conservation Easements

The costs of conservation easements vary. Cost is decided by having an appraiser determined the value of the land without the easement and then its value with an easement. The difference between the two appraisals is the cost of the easement. Generally an easement diminishes the value of property from 20 to 80 percent; the average is about 50 percent.

The appraisal value depends on the market condition of the property and the type and severity of the restriction the easement imposes on the property. In the case of the Three-Links Farm a fairly substantial amount of the purchase value of the property was represented by the easement.

The value of property with an easement can be an issue when property taxes are determined. An owner of property reduced in value due to an conservation easement might not unreasonably expect that the property tax should be reduced.

In Arizona, county assessors have generally not agreed. Some states have adopted legislation requiring that property tax assessments

must take the diminished development potential into account.

With funds usually in short supply, organizations need to prioritize areas for their conservation easement efforts. TNC is focusing on the Verde and San Pedro rivers, although its activities along the Verde has so far been mostly purchases rather than working out easements. It is an area, however, considered ripe for further conservation easement activity.

Collazo explains: "You focus your resources on a few places where you can retire a lot of water use or preclude a lot of new water use. You need a private landowner community predisposed to want to work with you, and you need partners, the public and political support for the funding.

"We evaluated where are all the ingredients are present, and those two rivers seem to be the places where we can see things coming together."



Gregg Tuttle, Manager  
SRP Land Department  
Surveys Division

## Surveyor's Corner



This month's article is copied from the September 2007 issue of "*SURFACE MATTERS*" the Newsletter of the Arizona Geographic Information Council.

See: <http://agic.az.gov/>

Visit the State Map Library!

Ladies and gentlemen, step up and witness an unparalleled collection of historic wonders! Inside you can glimpse the distant past, revisit the world of your childhood, even look back on last year. I'm talking about the two-dimensional rendering of our three-dimensional world, the unequaled marvels of Arizona's very own State Map Library!

This glorious treasure trove of information is divided up into two parts, the Arizona collection and the U.S. Federal Depository collection.

The Arizona collection starts with historical maps of the Arizona territory and goes clear up to the present day. You can see Arizona before the Civil War, when it was a horizontal shape that took up the southern half of what's now Arizona and New Mexico. You can follow the growth of our streets and highways – this collection has every highway map published by the state's Department of Transportation since it began in the 1920s! Are you interested in water history? The library has acres of irrigation maps. You can watch the shifting boundaries of the counties on early county maps. And there are plenty of city maps going back generations so you can look at a sprawling metropolis of today and see what it looked like when it was little more than a one-horse town. The library has all kinds of unique historical sheets that can't be found anywhere else.

There's so much more! The map library doesn't throw away *anything*.

When an old map is superseded by a new one, they keep both.

It has a nearly complete set of pre-1940 topographic maps, plus the complete run of the regular 7.5-minute USGS topo maps.

It also has FEMA flood insurance maps for the whole state ranging from the early 1980s up to today. And speaking of insurance maps, you can find here a large collection of the famous Sanborn fire insurance maps dating from 1890 to 1945. These are detailed city maps complete with building footprints. They have lots of annotation detailing the number of stories each building had, what type of heating system, information about the windows, and other such useful things.

The originals were in color, but the library has black & white copies online and on microfilm. There is also a set of aerial photos available, though the library doesn't normally collect aerial photography. From the Land Department they got a complete set of early-1970s, 1:24,000-scale orthophotos covering the entire state.

Now, what of the other part of the collection, the Federal maps? Here too we have a marvelous multiplicity of fascinating finds. The library gets all kinds of publications from Federal agencies, which allows our national government to better serve the public at large. In this vein you will find forestry maps from across the country, every surface management and minerals map from the Bureau of Land Management, and topographic maps from all 50 states. You'll find stacks of geological maps from the U.S. Geological Survey that cover the United States, the moon, *and* the planets! Nautical and aeronautical maps are here, too. The collection even includes maps of other countries that were published by the CIA.

The map library's inventory is stupefying in its vastness and mind-boggling in its depth, containing upwards of 80,000 individual pieces and spanning 400 years. The oldest map is a rendering of central Mexico from 1579. Another map, from 1785, shows California as an island!

Continued on next page....

## Surveyor's Corner continued

You might be wondering, what sort of folk come to the map library? All sorts, of course! Anyone seeking knowledge. It's open to the public, after all. You'll meet real estate people, sometimes from out of state, researching the histories of particular parcels of land. You'll encounter archaeologists poring over ancient sites. If your family has deep roots in Arizona, you can look up your genealogy in the state archives and then come downstairs to the map library to see where your ancestors traveled. Federal agency people, state agency people, legislative people, and plain old normal people come in to look up all manner of historical things.

When you get here, don't just walk up to the librarian and say, "Show me everything on Yuma County." That won't fly. "Everything" is way too much. Instead, have an idea of what part of the state you're interested in, what time period, and what type of information you're looking for. That way the librarian will be able to point you more easily in the right direction. Oh, and you can't check anything out. It's not a lending library. Many of the materials are unique and the collection is too valuable to let people walk off with things.

When is it open? Three hours per day, from 11:00 'til 2:00 on weekdays. There's only one map librarian and she has additional duties to perform, so the map library has limited hours. However, she's very accommodating and happy to help. You can call and make different arrangements if your work is vital and you absolutely can't get there during normal hours. At any rate she's glad to have people come down and use the library, even if you just want to look randomly at different maps. You're the public, it's a public library, and that's what it's for!

You should be aware that it's down in the basement level of the State Capitol building. Being down there protects it from the executive hubbub on the upper floors. It's well lit, airy and very inviting.

After you visit, but before you leave the Capitol building, you must make a second stop. On the ground floor on the east side of the building is the *U.S.S. Arizona* Memorial Museum. It's a respectful tribute to the brave men who were lost with that fine ship.

So, ladies and gentlemen, now you've heard all about the Arizona State Map Library and the treasures that await within. Go have a look!

### Further Information: State Map Library

The map library is located on the basement level of the State Capitol at 1700 W. Washington St., Phoenix. It is open to visitors from 11:00 AM to 2:00 PM Monday-Friday.

Arizona State Library, Archives and Public Records

Map Librarian: Julie Hoff

Web: [www.lib.az.us](http://www.lib.az.us)

Email: [Research@lib.az.us](mailto:Research@lib.az.us)

Phone: 602-926-3878 1-800-228-4701 (within Arizona only)

Well, that's it for this issue from "*The Surveyor's Corner*."

If anyone has feedback or comments, please feel free to share them.

As always, I am interested in the opinions from, the readers of the Kachina Chapter 28 Newsletter. *Please keep sending in those questions.*

*Until next time, Thanks for reading about land surveying & land surveyors;*

*(And now, mapping history!)*

*Gregg Tuttle, AZ/RLS # 11121;*

*Manager, SRP LAND-Surveys Division*