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RECEIVED

DEC 11 2006

DEPARTMENT OF
WATER RESOURCES

December 7, 2006

Idaho Department of Water Resources
Adjudication Bureau
PO Box 83720
Boise, ID 83720-0098

Re: Notice of Error for 37-509

Gentlemen:

Enclosed please find a notice of error for the above numbered proposed recommendation. Please feel free to contact me if you have questions or if I can provide you with any additional information.

Yours truly,

A handwritten signature in cursive script, appearing to read "Dave", written in black ink.

David B. Shaw

Enc.

cc: Dan Olmstead

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05/31/2005

DEPARTMENT OF
WATER RESOURCES

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/15/2006

Water right number: 37-509

The R. Daniel Olmstead Revocable Trust and John D Pierce

PO Box 827

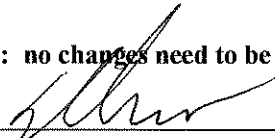
Bellevue, ID 83313

Telephone Number: (949) 640-9270

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
We disagree with the quantity of water, the number of irrigated acres and the points of diversion.
We don't believe an accomplished change in POU has occurred but believe an accomplished change in POD has occurred.
2. Describe the changes you wish to make in the proposed recommendation:
The attached 2006 photo shows about 64.5 acres of irrigation instead of the 61 in the proposed recommendation.
The full 2.6 cfs should be recommended for aesthetics and wildlife.
The alternate point of diversion for the well in SE ¼ SE ¼ NW ¼ Sec 12 Twp 1N Rge 18E should be included.
3. Give a brief explanation as to why you disagree with these portions:
The management of this ranch has not been consistent in recent history and that has impacted the amount of irrigation that occurred in any given year. The ranch was decreed water for the entire parcel and that full amount of water has been diverted historically. The attached 2006 photo shows irrigation under present management and should be the basis for the acreage to be decreed even though the acreage is less than for the original decree. The 2006 photo also shows the more luscious, dense vegetation in the wildlife and aesthetic area than in similar areas that do not receive the benefit of applied water. As noted above, the full amount of this right has historically been diverted and the 2006 photo shows the extent of that beneficial use, both for irrigation and for the aesthetic and wildlife area. The reduced diversion in the proposed recommendation will not meet the needs of the aesthetic and wildlife area and the full decreed amount should be recommended.

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/7/06

SIGNATURE: 

Please print your name: David B. Shaw
Agent

IDWR Regional Office 322 E Front St., Boise, ID 83720-0098

Swiftsure Ranch



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WATER RESOURCES

