

RECEIVED

NOTICE OF ERROR REPLY

DEC 14 2005

DEPARTMENT OF
WATER RESOURCES

Water rights:

37-21	37-377	37-11911 (groundwater)
37-22	37-378	37-11914 (groundwater)
37-186	37-695	37-2627A (groundwater)
37-187	37-942	
37-189	37-2405	
37-213	37-11892	
37-215D	37-11898	
37-333	37-11900	
37-351A	37-11903	
37-352A	37-20609	

Claimant: Picabo Livestock Co. Inc.
P.O. Box 748
Picabo, ID 83348
(208) 788-3530

Prepared by Brockway Engineering, PLLC

1. Describe the portion of the proposed recommendations with which you disagree (e.g. priority date, period of use, source):

Place of use

2. Describe the changes you wish to make in the proposed recommendation:

See narrative below.

3. Give a brief explanation as to why you disagree with these portions:

See narrative below.

Amended SRBA claims for all water rights owned by Picabo Livestock (as listed above) were filed with IDWR on June 24, 2004. This purpose of the amendments was solely to correct the claimed acreage within the permissible place of use to agree with the historically irrigated acreage calculated by GIS methods.

The correct acreage calculated by GIS methods is 2852.8 acres. This is acreage limit for all rights in combination that should be listed in the water rights. IDWR receipted the amended claims in June 2004 but failed to modify the new acreage limit to be claimed, keeping the older, incorrect value of 2711.3 acres.

In support of the amended claims, the following information is provided regarding the history of the acreage calculation for these rights. Also see the cover letter dated June 24, 2004 from Brockway Engineering to IDWR.

- Transfer applications 5044, 5045, and 5046 were approved in 1997. For these transfers, irrigated area calculations were made using prints of FSA photos and manually making calculations in each 40-acre tract (this was the pre-GIS era). The total irrigated area calculated manually was 2774 acres.
- As part of the 1997 transfers, 62.7 acres were moved to Golden Eagle Ranch north of Hailey, leaving 2711.3 acres irrigated – this is the acreage that was **previously** listed as the maximum combined acreage limit on the claims, prior to the June 2004 amendments.
- Transfer #69626 was approved in 2004 for the sole purpose of enlarging the permissible place of use boundary to encompass lands purchased in Section 31, T. 1 S., R. 10 E. known as the Leduc area. In the course of this transfer, an ArcView GIS calculation of irrigated acreage was made in May 2004 using the 2000 aerial photo as a base. The resulting shape file indicates an irrigated acreage (excluding the new Leduc area and excluding the acres previously moved to Golden Eagle) of **2852.8 acres**. This is 141.5 acres more than the 2711.3 acres based on the 1997 manual calculation. A comparison of the two calculations on a 40-by-40 basis confirms that it represents substantially the same area originally examined in 1997. There may be a few areas that were inadvertently omitted in 1997, but most of the differences appear to be largely a result of the greater accuracy achievable using GIS methods.

Included with this Notice of Error are the following documents:

1. Tabulation showing the 1997 and 2004 acreage calculations for each 40, and the differences are compared at the end. This was submitted to IDWR in 2004 in support of the amended claims.

2. Aerial map created in May 2004 corresponding to the tabulation. This was submitted to IDWR in 2004 in support of the amended claims. Brockway Engineering also provided IDWR the shape file entitled Place of Use Boundary, which was used IDWR staff in determining the PPU acres for the recommendations, i.e. the shape files on the Brockway 2004 photo and the IDWR 1987 recommendation photo are the same.
3. 1997 hand-drawn map outlining the 62.7 acres which were moved to Golden Eagle at that time.

In summary, the combined-use acreage limitation of 2711.3 was based on pre-GIS manual calculations and is **incorrect**. The correct combined acreage based on accurate GIS methods is **2852.5 acres**. The adjudication should use the most accurate methods in making their recommendation to the court and should not use a value which is known to be incorrect.

DATE: 12-10-06

SIGNATURE: Nick Purdy

PRINTED NAME: NICK PURDY

Picabo Livestock Acreage Reconciliation - 2004

Irrigated acreage calculation was made by hand for 1997 Transfer Nos. 5044, 5045, and 5046
 ArcView GIS used to make irrigated acreage calculation for 2004 transfer
 5/24/2004

Sec	QQ	Q		1997 acreage calculation	2004 GIS calculation	Difference	
19	NE	NE	19NENE	39	39.6	0.6	
19	SE	NE	19SENE	40	39.0	-1.0	
19	SW	SW	19SWSW	36	37.7	1.7	
19	SE	SW	19SESW	35	38.7	3.7	
19	NE	SE	19NESE	29	26.1	-2.9	
19	NW	SE	19NWSE	32	32.5	0.5	
19	SW	SE	19SWSE	31	35.3	4.3	
19	SE	SE	19SESE	35	36.8	1.8	
20	NW	NW	20NWNW	38	39.9	1.9	
20	SW	NW	20SWNW	39	39.6	0.6	
20	NE	SW	20NESW	29	30.5	1.5	
20	NW	SW	20NWSW	37	38.2	1.2	
20	SW	SW	20SWSW	15	19.1	4.1	
20	SE	SW	20SESW	24	19.0	-5.0	
20	NE	SE	20NESE	39	40.2	1.2	
20	NW	SE	20NWSE	36	36.5	0.5	
20	SW	SE	20SWSE	12	10.9	-1.1	To GE
20	SE	SE	20SESE	32	35.6	3.6	
21	SW	NE	21SWNE	40	40.3	0.3	
21	SE	NE	21SENE	27	27.5	0.5	
21	NE	SW	21NESW	40	40.3	0.3	
21	NW	SW	21NWSW	40	40.3	0.3	
21	SW	SW	21SWSW	40	40.4	0.4	
21	SE	SW	21SESW	23	36.4	13.4	
21	NE	SE	21NESE	39	40.3	1.3	
21	NW	SE	21NWSE	40	40.3	0.3	
21	SW	SE	21SWSE	33	37.5	4.5	
21	SE	SE	21SESE	24	28.1	4.1	
22	SW	NW	22SWNW	18	23.1	5.1	
22	SE	NW	22SENW	19	19.1	0.1	
22	NE	SW	22NESW	17	6.8	-10.2	To GE
22	NW	SW	22NWSW	28	36.0	8.0	
22	SW	SW	22SWSW	36	37.4	1.4	
22	SE	SW	22SESW	32	26.7	-5.3	
22	NW	SE	22NWSE	0	0.0	0.0	
22	SW	SE	22SWSE	0	0.0	0.0	
22	SE	SE	22SESE	0	0.0	0.0	
26	SW	NW	26SWNW	0	0.0	0.0	
26	NE	SW	26NESW	1	0.0	-1.0	
26	NW	SW	26NWSW	11	14.4	3.4	
26	SW	SW	26SWSW	35	36.4	1.4	
26	SE	SW	26SESW	10	3.0	-7.0	
27	NE	NE	27NENE	1	0.0	-1.0	To GE

27	NW	NE	27NWNE	22	20.3	-1.7	To GE
27	SW	NE	27SWNE	28	28.9	0.9	
27	SE	NE	27SENE	8	0.0	-8.0	To GE
27	NE	NW	27NENW	38	36.5	-1.5	
27	NW	NW	27NWNW	24	18.0	-6.0	
27	SW	NW	27SWNW	32	31.8	-0.2	
27	SE	NW	27SENW	26	22.2	-3.8	
27	NE	SW	27NESW	14	14.6	0.6	
27	NW	SW	27NWSW	21	24.5	3.5	
27	SW	SW	27SWSW	1	0.6	-0.4	
27	SE	SW	27SESW	11	12.0	1.0	
27	NE	SE	27NESE	25	30.5	5.5	
27	NW	SE	27NWSE	15	16.2	1.2	
27	SW	SE	27SWSE	32	32.3	0.3	
27	SE	SE	27SESE	32	36.0	4.0	
28	NE	NE	28NENE	27	20.0	-7.0	
28	NW	NE	28NWNE	23	24.2	1.2	
28	SW	NE	28SWNE	31	33.7	2.7	
28	SE	NE	28SENE	26	28.7	2.7	
28	NE	NW	28NENW	14	17.3	3.3	To GE
28	NW	NW	28NWNW	21	22.5	1.5	To GE
28	SW	NW	28SWNW	40	40.4	0.4	
28	SE	NW	28SENW	35	37.7	2.7	
28	NE	SW	28NESW	38	40.4	2.4	
28	NW	SW	28NWSW	40	40.4	0.4	
28	SW	SW	28SWSW	29	31.7	2.7	
28	SE	SW	28SESW	39	38.0	-1.0	
28	NE	SE	28NESE	40	40.4	0.4	
28	NW	SE	28NWSE	39	40.4	1.4	
28	SW	SE	28SWSE	32	36.3	4.3	
28	SE	SE	28SESE	12	6.4	-5.6	
29	NE	NE	29NENE	24	28.9	4.9	
29	NW	NE	29NWNE	38	38.4	0.4	
29	SW	NE	29SWNE	40	40.3	0.3	
29	SE	NE	29SENE	40	40.3	0.3	
29	NE	NW	29NENW	33	33.5	0.5	
29	NW	NW	29NWNW	25	27.0	2.0	
29	SW	NW	29SWNW	31	33.2	2.2	To GE
29	SE	NW	29SENW	40	40.3	0.3	To GE
29	NE	SW	29NESW	37	35.6	-1.4	To GE
29	NW	SW	29NWSW	3	0.0	-3.0	
29	SE	SW	29SESW	0	0.0	0.0	
29	NE	SE	29NESE	40	40.3	0.3	To GE
29	NW	SE	29NWSE	38	38.6	0.6	To GE
29	SW	SE	29SWSE	3	2.8	-0.2	To GE
29	SE	SE	29SESE	31	28.9	-2.1	To GE
30	NE	NE	30NENE	29	30.1	1.1	
30	NW	NE	30NWNE	34	35.4	1.4	
30	SW	NE	30SWNE	36	40.3	4.3	
30	SE	NE	30SENE	17	31.1	14.1	

30	NE	NW	30NENW	12	18.2	6.2	
30	NW	NW	30NWNW	2	2.0	0.0	
30	SE	NW	30SENW	20	15.3	-4.7	
30	NE	SE	30NESE	22	37.5	15.5	
30	NW	SE	30NWSE	34	40.4	6.4	
30	SW	SE	30SWSE	0	34.7	34.7	
30	SE	SE	30SESE	0	40.4	40.4	} Red = Leduc new area
31	NE	NE	31NENE	0	40.2	40.2	
31	NW	NE	31NWNW	0	15.4	15.4	
31	SE	NE	31SENE	0	40.2	40.2	
33	NE	NE	33NENE	4	4.9	0.9	
33	NW	NE	33NWNW	21	19.0	-2.0	
33	NE	NW	33NENW	5	4.4	-0.6	
33	SE	NW	33SENW	0	0.0	0.0	
34	NE	NE	34NENE	40	40.3	0.3	
34	NW	NE	34NWNW	40	40.3	0.3	
34	NE	NW	34NENW	27	34.5	7.5	
34	NW	NW	34NWNW	1	0.5	-0.5	
35	NW	NW	35NWNW	40	41.0	1.0	
35	SW	NW	35SWNW	20	25.4	5.4	

Total acreage:	2774	3052	
		2881.1	w/o Leduc

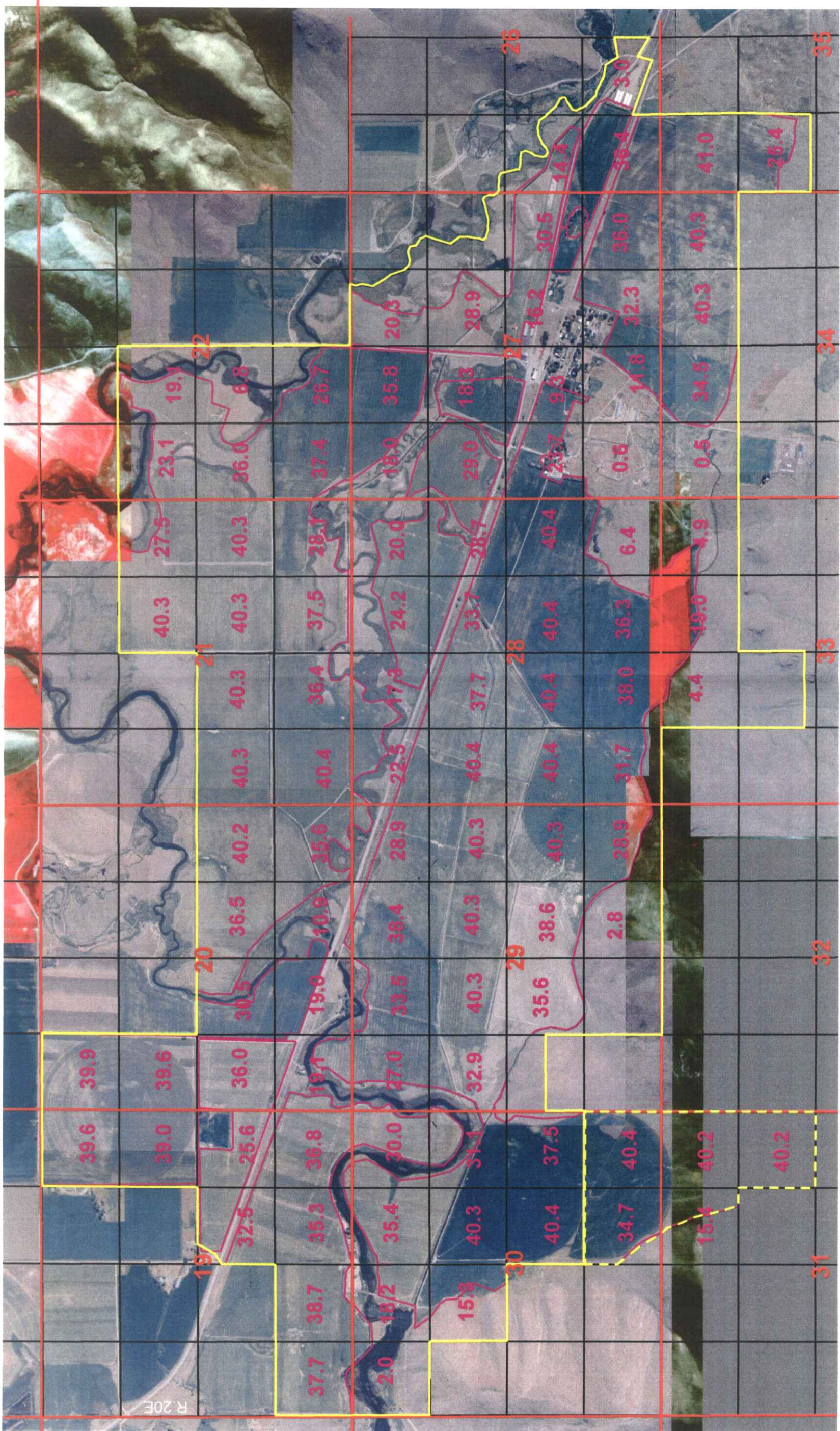
Irrigated area calculation after moving acres to Golden Eagle:	2711.3	2852.8
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Note:

2774 - 62.7 = 2711.3

2881.1 - 28.3 = 2852.8 (only 28.3 acres of the 62.7 transferred are in the 2881.1 number)

Difference in irrigated acreage, accounting for move to Golden Eagle:	141.5 acres
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R. 20E



- LEGEND**
- Property boundary and Existing PPU Boundary
 - New land to be included in PPU
 - Place of Use Boundary
 - Section lines
 - Section 40's

PICABO LIVESTOCK
Irrigated Acreage
T. 01S., R. 20E.

