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Department of Water Resources
Eastern Region

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Attorneys for Applicant Telford Lands, LLC

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 76286 IN THE
NAME OF TELFORD LANDS, LLC

NOTICE OF ERRATA

INTRODUCTION

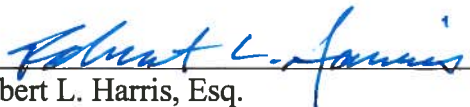
Telford Lands, LLC ("Telford" or "Applicant"), by and through their counsel of record, Robert L. Harris of Holden Kidwell Hahn & Crapo PLLC, hereby submits this Notice of Errata submitted in regards to the Telford's recently-filed *Petition for Reconsideration of the Hearing Officer's Preliminary Order Denying Application* filed on July 1, 2011. At the end of the first full paragraph at page 31 of the Petition for Reconsideration, the sentence did not contain a reference to a transmissivity value. The sentence, with the correction in italics, should read as follows:

At a pumping period of 100 continuous days, the drawdown is plotted, and shows a range of 7-8 feet of drawdown to neighboring wells at 500,000 ft²/day, to 13-15 feet of drawdown to neighboring wells *at a transmissivity of 130,000 ft²/day*.

Attached is a corrected page 31, and we request that it be substituted for the previously-submitted page. We also note that on pages 11 and 21 of the *Petition for Reconsideration*, there

is reference to "*Petition for Rehearing*." The reference should be a "*Petition for Reconsideration*." We apologize for these errors, but desire the record to be clear.

DATED this 18th day of July, 2011


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
Attorneys for the Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of July, 2011, I served a copy of the following described pleading or document on the parties listed below by mailing or hand delivery, with the correct postage thereon, a true and correct copy thereof.

DOCUMENT SERVED: **NOTICE OF ERRATA**

INDIVIDUALS SERVED:

Idaho Dept. of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

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development of the water resource, and benefit the Big Lost River Valley at a time when businesses in the valley have moved on, and buildings have been shuttered. In the meantime when supplies drop, the establishment of reasonable pumping levels will protect existing water users. Further, prior appropriation can be enforced under the Department's conjunctive management rules, and thereby provide a remedy to prior appropriators. If the standard articulated by the Hearing Officer is that an applicant must disapprove injury even in severe drought conditions in the Big Lost River valley, the Hearing Officer has effectively signaled the end of any additional transfers to fully develop that water resource during times of plenty.

In light of the fact that the Hearing Officer has agreed with the Wood approach, and similar to the Hearing Officer's replication of the Wood model, Higgs has likewise replicated that model, with the boundaries that the Hearing Officer found to be appropriate on the east and west sides of the Big Lost River Valley (but without the southern boundary for the reasons set forth above), but with transmissivity values that are within the range of reasonableness set forth above. Exhibit 4 shows predicted drawdown at a transmissivity of 130,000 ft²/day. Exhibit 5 shows predicted drawdown at a transmissivity of 200,000 ft²/day. Exhibit 6 shows a predicted drawdown at a transmissivity of 330,000 ft²/day. Exhibit 7 shows a predicted drawdown at a transmissivity of 500,000 ft²/day. At a pumping period of 100 continuous days, the drawdown is plotted, and shows a range of 7-8 feet of drawdown to neighboring wells at 500,000 ft²/day, to 13-15 feet of drawdown to neighboring wells at a transmissivity of 130,000 ft²/day.

While this data is helpful, it does nothing without something to compare it to in terms of a reasonable pumping level. This is the role of the Department, and we request that the Hearing Officer determine such a reasonable pumping level and determine whether this new evidence would demonstrate injury to the protestants.

In short, we request that the Hearing Officer reconsider his prior findings of fact, understanding of the Higgs approach, Mr. Wood's conclusion of an estimated drought drawdown of 123.5 feet despite the maximum 75 foot water level drop evidenced by historic data, the Wood model with increased transmissivity values, as well as the other errors identified above, and reverse the *Preliminary Order* and allow Telford to utilize his full water right with a new well at a location surrounded by his existing wells.