

Peppersack, Jeff

From: Saxton, Craig
Sent: Friday, May 27, 2011 9:51 AM
To: Peppersack, Jeff
Subject: Preston Whitney Maps
Attachments: Preston-Whitney Acreage Calculation 1 (5-27-11).jpg; Preston-Whitney Acreage Calc Northern (5-27-11).jpg; Preston-Whitney Acreage Calculation 2 (5-27-11).jpg; Preston-Whitney Acreage Calc Southern (5-27-11).jpg

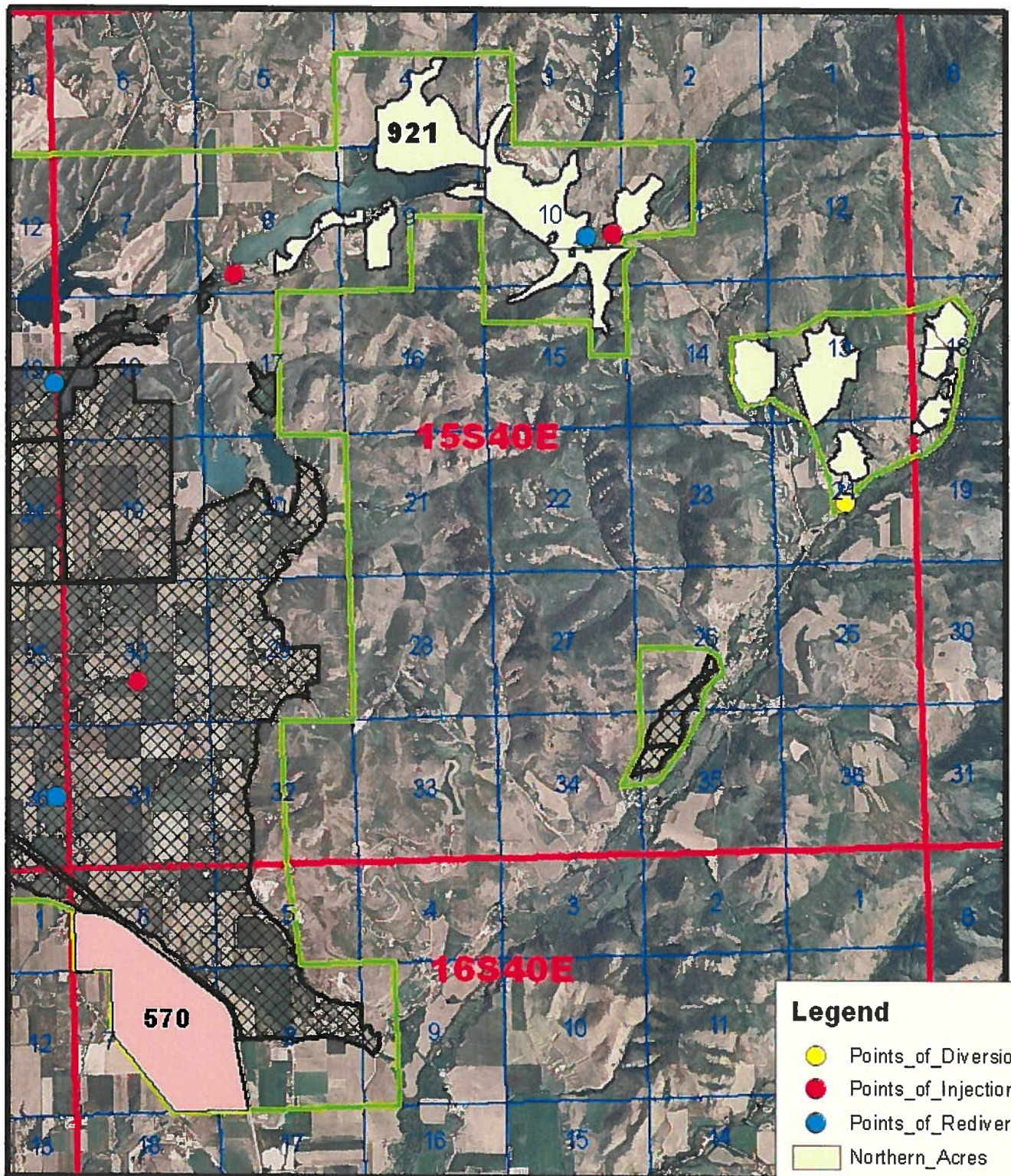
Hey Jeff,

Here are a couple of updated maps. I can print them out and bring them up to you if that is easier. I don't know what kind of printer you have up there. I also zoomed in on the Northern section and Southern sections too.

Let me know if you want anything tweaked or printed.

Thanks,
c

Preston-Whitney Transfer

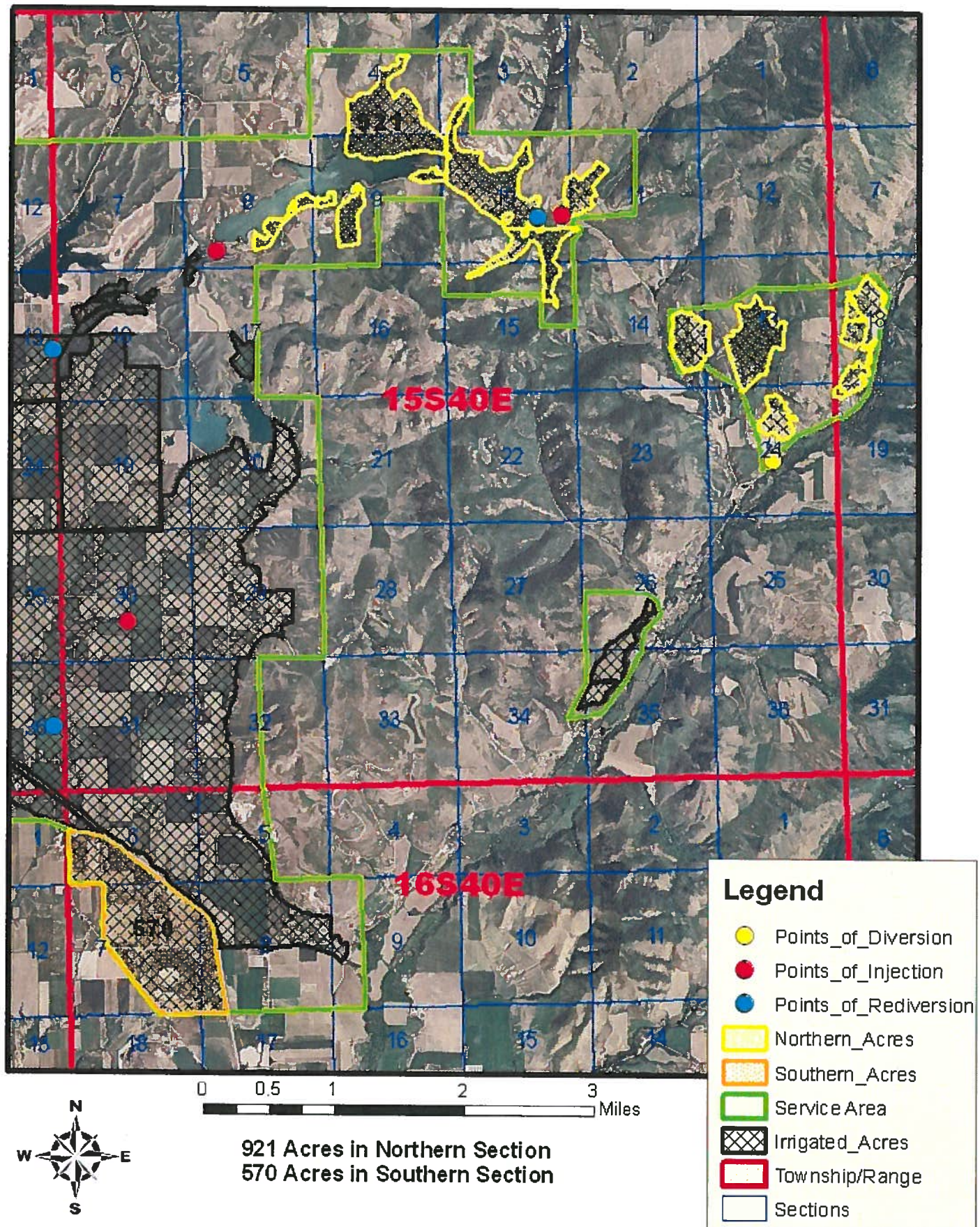


Legend

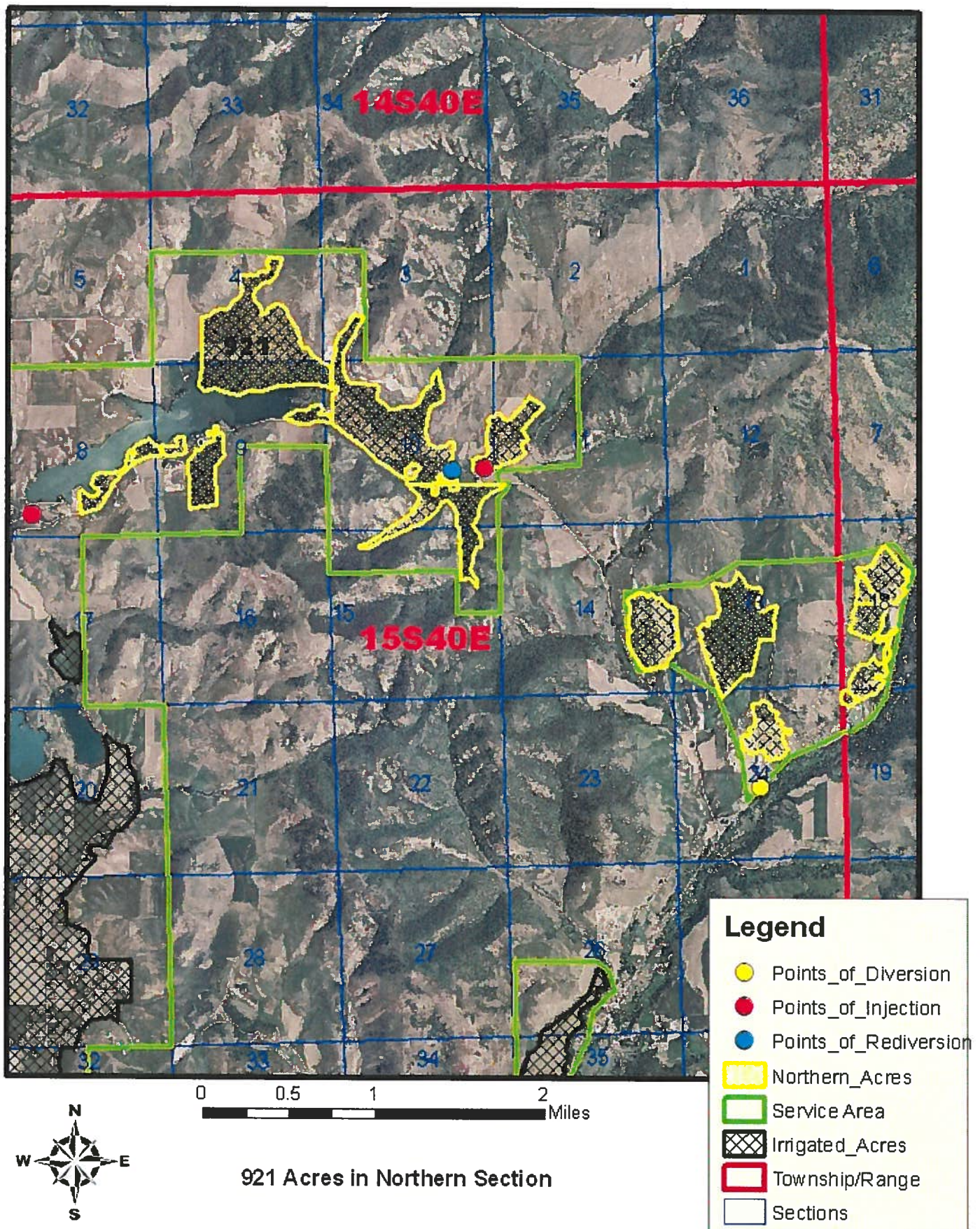
- Points_of_Diversion
- Points_of_Injection
- Points_of_Rediversion
- Northern_Acres
- Southern_Acres
- Service Area
- Irrigated_Acres
- Township/Range
- Sections

921 Acres in Northern Section (green)
570 Acres in Southern Section (pink)

Preston-Whitney Transfer



Preston-Whitney Transfer



Memorandum

Date: April 19, 2011

To: Jeff Peppersack

From: Craig L. Saxton

Re: Preston Whitney Irrigation Co – Service area

I spoke with Michael Verdun, Nick Van Dyke, and Bill Kramer about resources available to help establish the number of acres historically irrigated within the Preston Whitney Irrigation Co. service area boundary. The main source of information I found was a GIS shapefile that represents 1976 irrigated ground. The shapefile was built by overlaying mylar onto 1976 DOQQ and tracing the irrigated acres. Then that mylar map was digitized and converted into a shapefile that we can use in our current Arc10 GIS software.

Additional resources available:

- 1992 black and white DOQQ
- 2006 True Color
- 2009 True Color
- 1976 U2 air photos. This photography shows irrigated ground in red. They aren't scanned or rectified, but they could be. I was able to scan it and I am sure someone in GIS could rectify it if we asked. I have attached an example of this photo to this memo.

FSA photo's: I was unable to find any FSA photography older than what we have available with our current air photo inventory.

Previous Licenses:

- 13-2108 - POU description on license issued in 1939
- License 13-2288A was licensed for **10449** acres in 1995.
- License 13-2289 was licensed for **10720** acres in 1972.

In 1971, on the field examination, the field examiner stated that the acres were, "...computed from ASCS main aerial photos."

Acreage Calculations:

I made a couple of different calculations to get some ballpark numbers for acreage.

I created a shape file using the POU description for 13-2108 issued in 1939. I then intersected the 1939 service area boundary with the 1976 shape file of irrigated acres traced from 1976

DOQQ, and ended up with **11977 acres** of irrigated ground. Note that the 1939 POU description is very similar to the current Preston Whitney Irrigation Co service area boundary that we have on record.

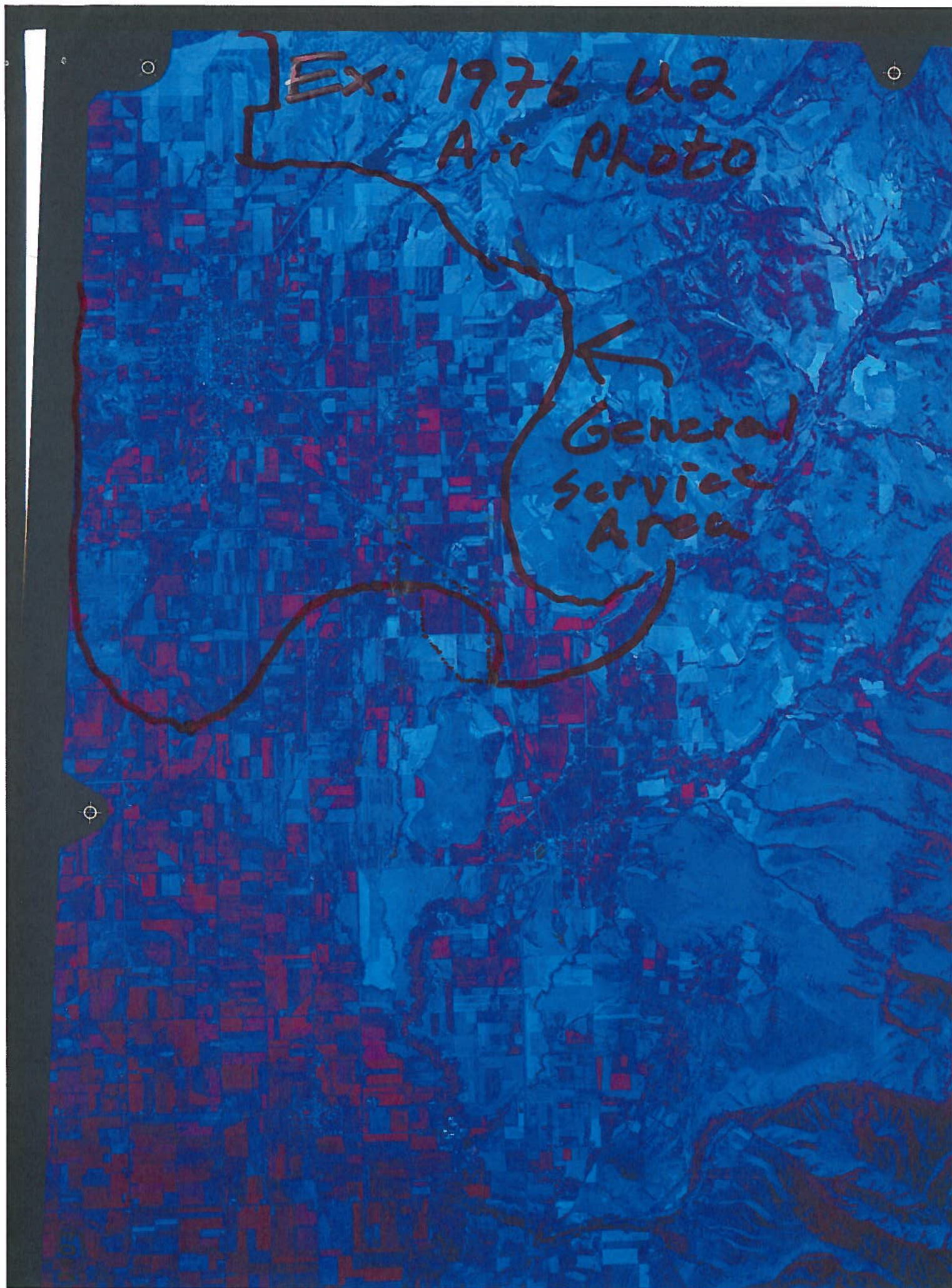
I then did the same procedure but this time I intersected the 1976 irrigated acreage shapefile with the current "Preston Whitney Irrigation Company" boundary. **Total acres = 12880.**

Summary of Research:

In order to get the best acreage calculation we need to know or determine the historic service area boundary and then we would probably need to scan that 1976 U2 photography and go in and digitize the acres cutting out roads, houses, etc to get a more accurate calculation. This would take several days I assume.

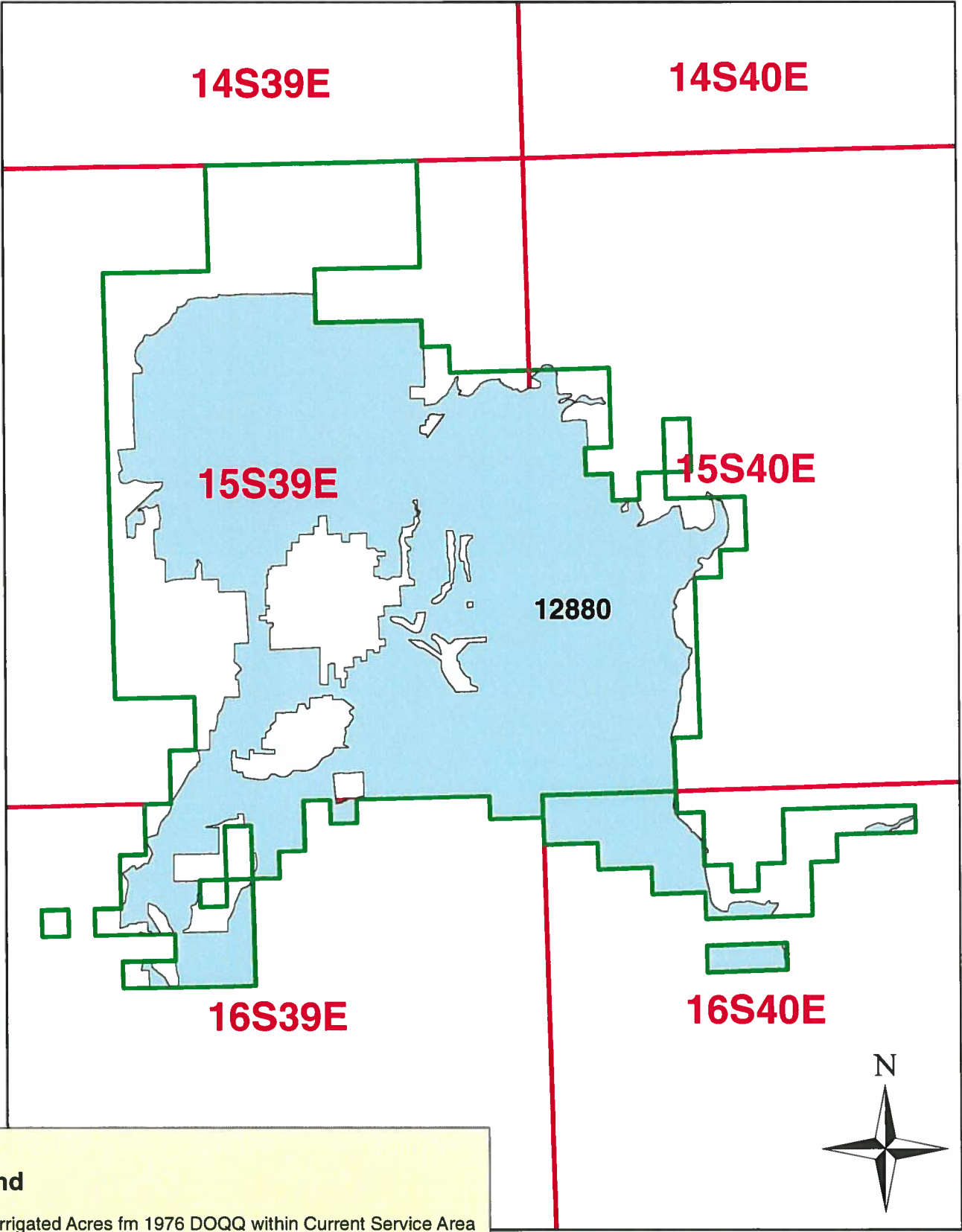
Ex: 1976 U2
Air Photo

General
Service
Area



Preston Whitney Irrigation Company Reference Map

This map represents the number of acres irrigated in 1976 that fall within the current Preston Whitney Irrigation Co. service area Bndy



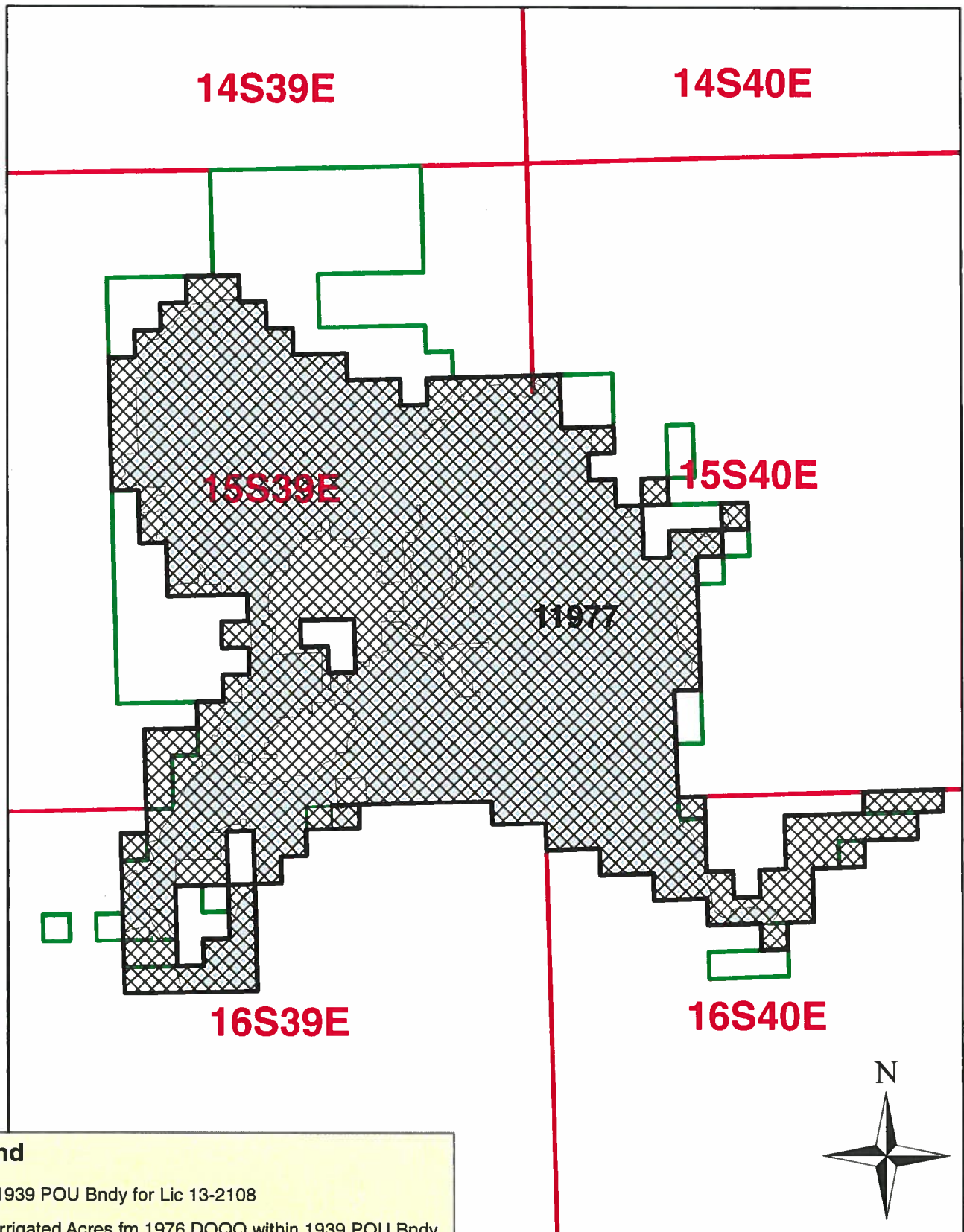
Legend

-  Irrigated Acres fm 1976 DOQQ within Current Service Area
-  Current Preston Whitney Irr Co Service area Bndy
-  Township/Range

Total Irrigated Acres = 12880

Preston Whitney Irrigation Company Reference Map

This map represents the number of acres irrigated in 1976 that fall within the 1939 POU described in license 13-2108



Legend

-  1939 POU Bndy for Lic 13-2108
-  Irrigated Acres fm 1976 DOQQ within 1939 POU Bndy
-  Current Preston Whitney Irr Co Service area Bndy
-  Township/Range

Total Irrigated Acres = 11977



RECEIVED

MAR 30 2011

DEPARTMENT OF
WATER RESOURCES

March 29, 2011

Idaho Department of Water Resources
The Idaho Water Center
322 E Front St
Boise, ID 83720-0098

Attention: Interim Director Gary Spackman

*Subject: Protestant Exhibits, Preston-Whitney Irrigation Company Transfer No.
75705.*

Dear Mr. Spackman,

As agreed last Friday, March 25 at the Preston-Whitney Irrigation Company hearing in Preston, Idaho, enclosed are Protestant Exhibits No. 124 (Places of Use and Points of Diversion map) and 125 (Storage Reservoirs map). These include 24" x 24" maps as presented at the hearing. Also included is a copy of the section of Exhibit 125 that I marked during the hearing. Smaller format versions of these are copied to Robert Harris and Andy Waldera.

Please let me know if you have any questions regarding these documents or require anything further.

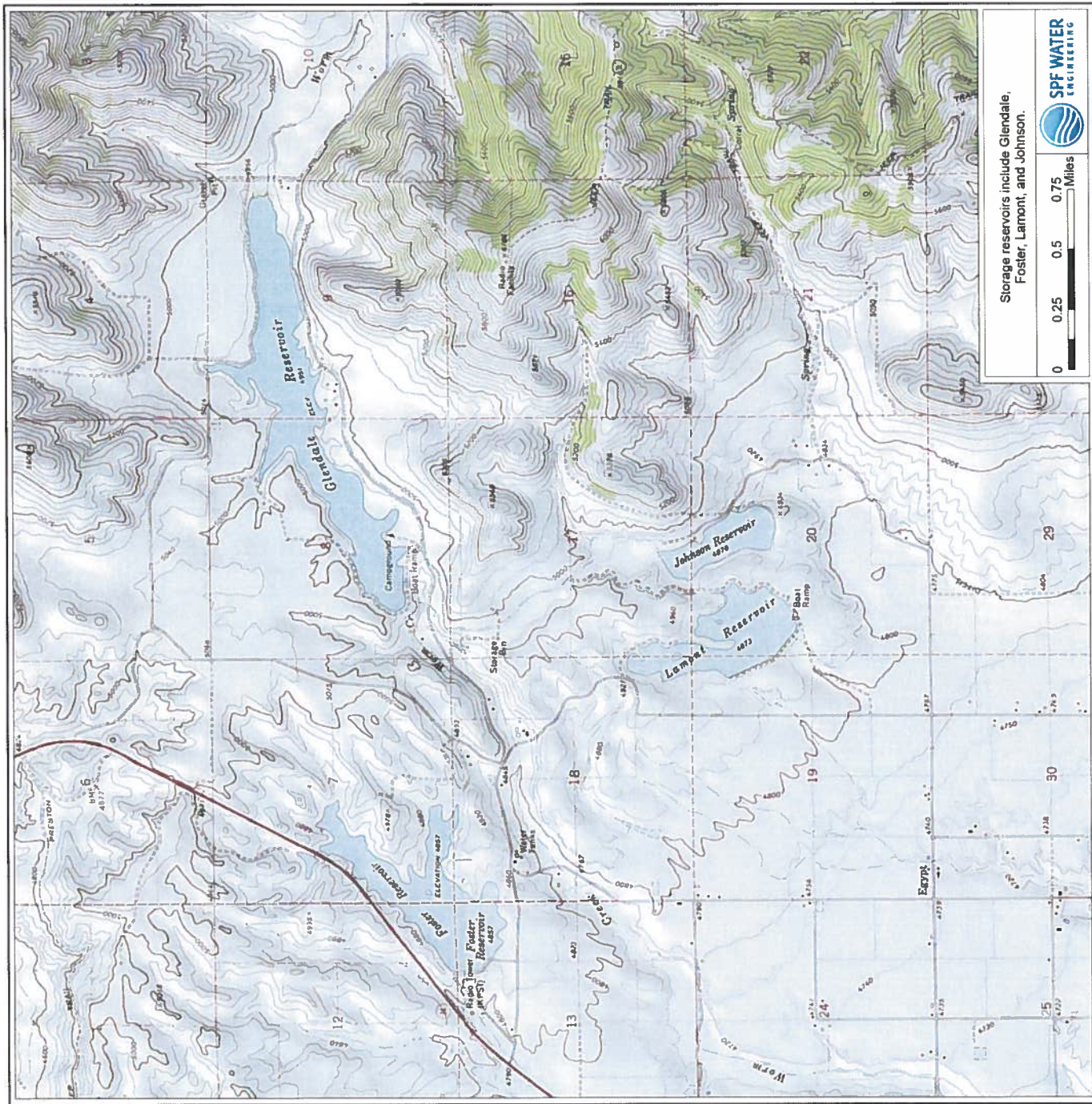
Sincerely,

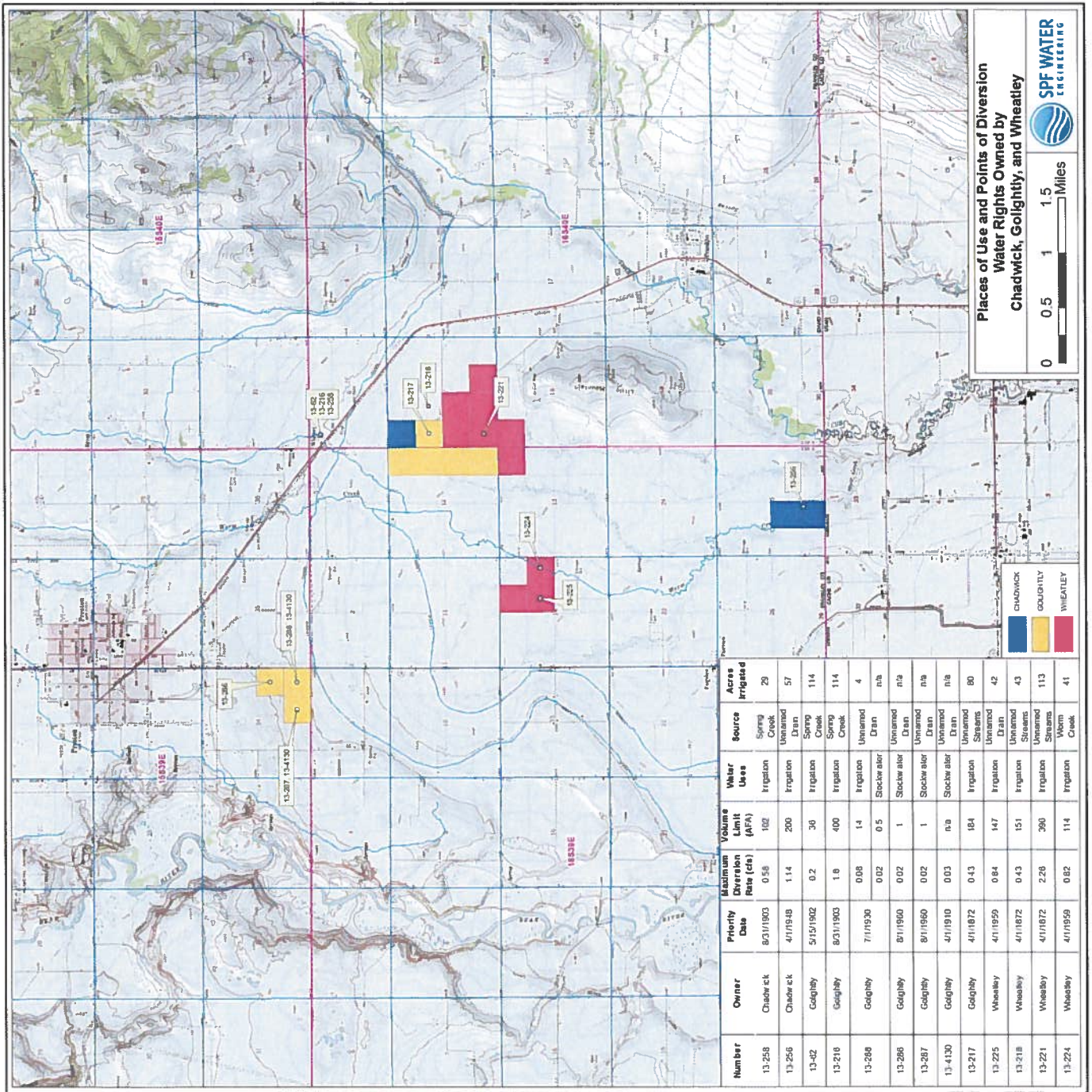
A handwritten signature in black ink that reads "Scott King". The signature is fluid and cursive, with the first and last names being clearly legible.

Scott N. King, P.E.
Supervising Engineer

cc: Robert Harris / Holden, Kidwell, Hahn & Crapo, P.L.L.C.
Andrew Waldera / Moffatt Thomas Barrett Rock & Fields, Chtd.

File: 272.0150





Number	Owner	Priority Date	Maximum Diversion Rate (cfs)	Volume Limit (AF/A)	Water Use	Source	Acres Irrigated
13-258	Chadwick	8/31/1903	0.58	182	Irrigation	Spring Creek	29
13-256	Chadwick	4/1/1948	1.14	200	Irrigation	Unnamed Drain	57
13-402	Goughly	5/15/1902	0.2	36	Irrigation	Spring Creek	114
13-216	Goughly	8/31/1903	1.8	400	Irrigation	Spring Creek	114
13-268	Goughly	7/1/1930	0.08	14	Irrigation	Unnamed Drain	4
13-286	Goughly	8/1/1960	0.02	0.5	Stockwater	Unnamed Drain	n/a
13-287	Goughly	8/1/1960	0.02	1	Stockwater	Unnamed Drain	n/a
13-4130	Goughly	4/1/1910	0.03	n/a	Stockwater	Unnamed Drain	n/a
13-217	Goughly	4/1/1872	0.43	184	Irrigation	Unnamed Streams	80
13-225	Wheatley	4/1/1959	0.84	147	Irrigation	Unnamed Drain	42
13-218	Wheatley	4/1/1872	0.43	151	Irrigation	Unnamed Drain	43
13-221	Wheatley	4/1/1872	2.28	360	Irrigation	Unnamed Streams	113
13-224	Wheatley	4/1/1959	0.82	114	Irrigation	Warm Creek	41

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

MAR 31 2011

DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

March 29, 2011

John W. Barrett
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns
Michael E. Thomas

Patricia M. Olsson
Christine E. Nicholas
Bradley J. Williams
Lee Radford
Michael O. Roe
Nancy J. Garrett
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Kimberly D. Evans Ross
Jon A. Stenquist
Mark C. Peterson
Tyler J. Anderson

Andrew J. Waldera
Dylan B. Lawrence
Paul D. McFarlane
C. Edward Cather III
Benjamin C. Ritchie
Noah G. Hillen
Matthew J. McGee
David J. Dance
Mindy M. Willman

Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Eugene C. Thomas, 1931-2010
Kirk R. Helvie, 1956-2003

Director
Idaho Department of Water Resources
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

Re: Transfer No. 75705
MTBR&F File No. 23868.0000

Dear Director:

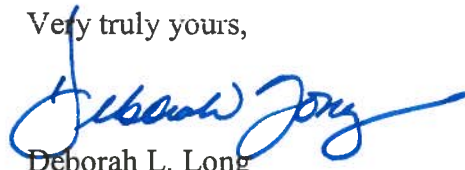
Enclosed for filing in the above-referenced matter is the following original document:

1. Notice of Service of First Supplemental Answers and Responses to Preston-Whitney Irrigation Company's First Set of Discovery Requests to Protestants

Please conform the copy of this document and return it via the enclosed self-addressed, postage prepaid envelope. *Done SRA*

Thank you for your assistance.

Very truly yours,



Deborah L. Long
Administrative Assistant to
Andrew J. Waldera

/dll
Enclosure

RECEIVED
MAR 31 2011
DEPARTMENT OF
WATER RESOURCES

Attorneys for Protestants Eldon and Mary Ann Goliightly,
individually and as Trustees of E & M Trust; Grant Chadwick,
Trustee of the Chadwick Trust; Bert and Laura Wheatley,
Seth and Beth Wheatley, and Wheatley Properties, LLC

Scott L. Campbell, ISB No. 2251
Andrew J. Waldera, ISB No. 6608
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
23868.0000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.
75705 IN THE NAME OF PRESTON-
WHITNEY IRRIGATION COMPANY

NOTICE OF SERVICE OF FIRST
SUPPLEMENTAL ANSWERS AND
RESPONSES TO PRESTON-WHITNEY
IRRIGATION COMPANY'S FIRST SET OF
DISCOVERY REQUESTS TO PROTESTANTS

I HEREBY CERTIFY that on 14th day of March, 2011, a true and correct copy

of FIRST SUPPLEMENTAL ANSWERS AND RESPONSES TO PRESTON-WHITNEY IRRIGATION
COMPANY'S FIRST SET OF DISCOVERY REQUESTS TO PROTESTANTS and the foregoing
NOTICE OF SERVICE were served by the method indicated below, and addressed to the

following:

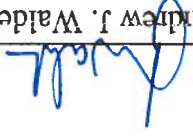
NOTICE OF SERVICE OF FIRST SUPPLEMENTAL ANSWERS AND RESPONSES TO
PRESTON-WHITNEY'S FIRST SET OF DISCOVERY REQUESTS TO PROTESTANTS - 1 Client: 1974235.1

Robert Harris
HOLDEN KIDWELL HAHN & CRAPO
P.O. Box 50130
Idaho Falls, ID 83405

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
ATTN: Fredric W. Price
1387 S. Vinnell Way
Boise, ID 83709

☒ U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile

☒ U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile



Andrew J. Waldera

TESTIMONY LOG

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 75705 in the name of)
Preston-Whitney Irrigation Co.)
_____)

March 23-25, 2011
Beginning at 9:00 a.m. (MDT)
Hearing Officer: Gary Spackman

DIGITAL AND TAPE INFORMATION:

DIGITAL TRACK	DIGITAL LOCATION	TAPE NO. & TIME STAMP	TAPE LOCATION	TESTIMONY DESCRIPTION
NO.	HRS-MIN-SEC	From To	FROM	
6001	0	60	tape 1	Start recording
	09:58	349		Lyle Porter testimony
	41:17	1320		Lyle Porter - describe transfer
	55:52	1796		PW service Area
	1:48:13	3720		break
	1:48:14	3721		continue Lyle Porter
	2:06:18	4480		changes to PW system over time
01	2 56:42	7078		change tape
02	0	0	tape 2	begin after lunch
	26:52	806		X-exam Lyle Porter
	1:15:00	2400		break
	1:49:00	3720		continue X-exam Lyle Porter
	2:28:04	5442		re-exam Lyle Porter
	2:33:54	5734		questions by Gary Spackman
	2:49:01	6562		follow up by Harris
	2:50:15	6635		re-X exam of Lyle Porter
	2:52:09	6747		follow up Harris
	2:53:54	6851		Carl Swainston testimony
	3:01:00	0	tape 3	change tape - continue testimony
	3:14:30	400		X-exam Carl Swainston
	3:21:09	616		Regen Wheeler testimony
	3:38:50	1212		X-exam of Wheeler
	3:46:03	1466		end for day
03	0	1478		begin 3/24/11 Jensen testify
	33:18	2796		X-exam of Jensen
	56:16	3880		re-exam of Jensen

DIGITAL TRACK	DIGITAL LOCATION	TAPE NO. & TIME STAMP	TAPE LOCATION	TESTIMONY DESCRIPTION
NO.	HRS-MIN-SEC	TO	FROM	
003	57:20	3940		re - x exam
	59:59	4085		Gary Spedman questions
	1:05:30	0	tape 4	change tape
	1:06:30	33		Walden recess - Jensen
	1:11:47	191		break
	1:12:05	195		Mendenhall testimony
	1:17:58	372		x-exam Mendenhall
	1:22:18	501		Derrick Kimball testimony
	1:28:57	700		x-exam Kimball
	1:43:00	1140		break
	1:43:27	1154		Protestant Testimony
	1:50:48	1387		Seth Whedley testimony
	2:24:22	2527		x-exam Whedley
		3998		lunch
004	0	4008		continue Whedley testimony
	15:33	4670		x-exam recess ^{re-cross} re-direct Whedley
	32:00	5450		Eldon Golightly testimony
	49:15	0	tape 5	change tape
	1:43:42	1696		break
	1:50:55	1936		continue Golightly exam
	2:38:02	3676		x-exam Golightly
	3:32:57	6244		re-direct Golightly
	3:33:50	6300		re-cross
	-	6346		end for day
005	0	0	tape 6	begin 3/25/11 Scott King testimony
	1:18:41	2529		break; WR discussion - King
	2:16:58	4882		break, continue King exam
	2:48:10	0	tape 7	new tape; continue King exam
	3:02:11	420		lunch
006	0	431		Cross examine Scott King
	1:10:24	2753		break - continue x-exam King
	1:36:10	3737		re-direct King
	1:49:32	4301		Chuck Brochay Jr testimony

HEARING ROSTER OF ATTENDANCE

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 75705 IN THE NAME OF PRESTON-WHITNEY IRRIGATION COMPANY	)))))	March 23, 2011 Beginning at 9:00 a.m. Hearing Officer: Gary Spackman
--	-----------------------	--

NAME	ADDRESS	REPRESENTING
<i>Robert L. Harris</i>	<i>PO Box 50130 Idaho Falls, ID 83406</i>	<i>Preston-Whitney</i>
ANDREW J WALDEA	PO Box 929 Boise ID 83701	PROTESTANTS
SCOTT KING	372 300 E Mallard St 350 Boise, ID 83706	PROTESTANTS
<i>Scott Campbell</i>	<i>P.O. Box 829 Boise, ID 83701</i>	<i>Protestants</i>
Thane D. Winward	966 N 1400 W, Preston, ID 83263	<i>Preston Riverdale</i> (NEITHER) <i>minick</i>
Seth Wheatley	1598 E 3200 S Preston ID 83263	protestant
<i>Elton C. Selph</i>	<i>2414 So 1600 E Preston, ID 83263</i>	<i>Protestant</i>
Carl Swainston	135 N 800 E Preston, ID 83263	PWI
Brian Jensen	3818 S. 800 W - Preston ID 83263	PWI
Lyle W. Porter	1447 E 800 N. Preston, ID 83263	PWI

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)
)

NAME	ADDRESS	REPRESENTING
Robert L. Jensen	P.O. Box 50130 Idaho Falls, ID 83406	Preston - Whitney
Brian Jensen	3818 S. 800w Preston	PWI,
Carl Swainston	135 N 800 E Preston	PWT
Lyle Porter	1447 E 800 N. PRESTON, ID	PWI
SCOTT KING	300 E MALLARD DR STE 350 Boise ID 83706	Protestants
ANDREW WALDERA	PO Box 829 BOISE 83702	PROTESTANTS
Chuck Brockway	2016 Washington St. N. Twin Falls ID	PWI

HEARING ROSTER OF ATTENDANCE

IN THE MATTER OF APPLICATION) FOR TRANSFER NO. 75705 IN THE) NAME OF PRESTON-WHITNEY) IRRIGATION COMPANY) _____)	March 25, 2011 Beginning at 9:00 a.m. Hearing Officer: Gary Spackman
---	--

NAME	ADDRESS	REPRESENTING
Robert L. Jannis	PO Box 5030 Idaho Falls	Preston-Whitney
Carl Swainston	135 N 810 E Preston	PWT
Lyle W. Porter	1447 E 800 N Preston	PWT
Charles L. Brockway	2016 Washington S.I.N. Twin Falls	PWT
Brian Jensen	3818 S. 800 W Preston ID 83263	PWT
Eldon C. Gidycz	2414 S 1600 E	Preston
Shane Chaffin	1351 W 308 South	Lewiston
Seth Wheatley	1598 E 3200 S	Protestant
Chaim D. Bosen	1042 N. State	P.W.I.
Scott L. Campbell	PO Box 829, Boise	Protestant
Scott King	300 E mallard Ste 350 Boise	Protestant
ANDY WALDEA	PO Box 829 Boise 83701	Protestants

HEARING EXHIBIT LIST

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 75705 in the name of)
Preston-Whitney Irrigation Co.)

March 23-25, 2011
Beginning at 9:00 a.m. (MDT)
Hearing Officer: Gary Spackman

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF EVIDENCE	
		INTRODUCED	ADMITTED
6	13-2 Water Right	/	/
7	13-3 water R	/	/
8	13-35 " "	/	/
9	13-36 " "	/	/
10	13-37 " "	/	/
11	13-38 " "	/	/
12	13-143 " "	/	/
13	13-2104 " "	/	/
14	13-2108 " "	/	/
15	13-2288 " "	/	/
16	13-2288A " "	/	/
17	13-2291 " "	/	/
18	13-2298 " "	/	/
19	Worm ch AT document ¹³⁻²⁷¹	/	/
5	Summary of PW WR's	/	/
20	Decree McKuen	/	/
4	Bylaws of PW Co.	/	/

T75705 3/23/11

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF EVIDENCE	
		INTRODUCED	ADMITTED
1	Map of Service Area PW	/	stipulated
29	copy PW records	/	/
2 ⁺ 3	* map - shape of Pou	-	stipulated
28	Letter Pam Skaggs	/	stipulated
30	new shapedish irrig area	/	no - reserved stipulated
26	District Court Decision	/	/
25	Letter from Tim Luke	/	/
27	Letter " " "	/	/
120	map of Eastside Ditch	-	-
101	1st of WR's	-	official notice
121	Owner ^{CL} 13-221 218	/	/
122	O.C. 13-216	/	/
123	O.C. 13-219	/	/
103	Correspondence + Notes ^{Golightly}	/	with redactions
107	Worm ^{CL} decree	/	/
113	Map	/	/
105	Protestant Expert Witness Disclosure	/	/
102	copy of Transfer App Protestant	discussed, not offered	stipulated
106	Transfer Review Document	/	/
108-112	note 107 + 113 previous	/	/
114-119	"	/	/
104	Field Diversion Data	/	/

