

Merritt, Allen

From: Merritt, Allen
Sent: Thursday, September 30, 2010 2:50 PM
To: 'William A Parsons'; 'Fredric_Price@blm.gov'
Cc: Brian Higgs
Subject: RE: BLM Protest-SWID
Attachments: img-930144001.pdf

Gentlemen:

I'm mailing out the attached notice of the conference for 10:00am on Oct. 21.

Thanks,

Allen

-----Original Message-----

From: William A Parsons [mailto:wparsons@pmt.org]
Sent: Thursday, September 30, 2010 2:36 PM
To: Merritt, Allen
Cc: Brian Higgs
Subject: Re: BLM Protest-SWID

8th Anytime
12th after 1
14th after 11
21st any time
27th after 12

Subject to Higgs being available, which I do not think is an issue

Bill Parsons

----- Original Message -----

From: "Merritt, Allen" <Allen.Merritt@idwr.idaho.gov>
To: <wparsons@pmt.org>
Sent: Thursday, September 30, 2010 1:59 PM
Subject: FW: BLM Protest-SWID

Bill,

Apparently Fred has conflicts. Are there other times listed below that work for you?

Allen

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Thursday, September 30, 2010 1:57 PM
To: Merritt, Allen
Subject: RE: BLM Protest-SWID

Allen,

I have a hearing at 10:00 am involving 75 water rights, 2 motions, and a

status conference. Would after 11:00 am on the 13th work?

OTHER AVAILABLE DATES:

4th-8th anytime.
12th after 1:00 pm.
13th after 11:00 am.
14th after 11:00 am.
15th anytime.
19th after 3pm.
20th-22nd anytime.
25th anytime.
26th after 10:30 am.
27th after 12:00 noon.
28th-29th anytime.

Fred

"Merritt, Allen"

<Allen.Merritt@id

wr.idaho.gov>

To

<Fredric_Price@blm.gov>

09/30/2010 09:55

cc

AM

Subject

RE: BLM Protest-SWID

Fred,

Are you available for a pre-hearing conference at 10:00 am on October 13th? I will conduct it by phone. Mr. Parsons is available at that

time. Let me know so I can prepare the notice.

Thanks,
Allen

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Wednesday, September 29, 2010 4:42 PM
To: Merritt, Allen
Cc: Reeder, Jana; Peppersack, Jeff; Ciscell, Michael; Skaggs, Pam; Keen, Shelley; Sherman_Beazer@blm.gov; Luke, Tim; wparsons@pmt.org
Subject: RE: BLM Protest-SWID

Allen,

RE: Transfer 75835, 01-00023A, Southwest Irrigation District

Thanks for running it up the flag pole. I just can't ignore this data issue and not deal with the certainty of a future conflict between U42 and the digital boundary which then makes the POU element subject to interpretation, therefore schedule a Pre-Hearing Conference.

Fred

	"Merritt, Allen"	
	<Allen.Merritt@idwr.idaho.gov>	
To		<Fred_Price@blm.gov>, "Reeder,
Jana"		
	09/29/2010 02:29 PM	<Jana.Reeder@idwr.idaho.gov>,"Ciscell, Michael"
		<Michael.Ciscell@idwr.idaho.gov>,"Skaggs, Pam"
"Keen,		<Pam.Skaggs@idwr.idaho.gov>,"Shelley"
		<Shelley.Keen@idwr.idaho.gov>,"Luke, Tim"
		<Tim.Luke@idwr.idaho.gov>,"Peppersack, Jeff"
		<Jeff.Peppersack@idwr.idaho.gov>,"wparsons@pmt.org"
cc		<Sherman_Beazer@blm.gov>
Subject		RE: BLM Protest-SWID

Fred,

This morning I brought the issue of the digital shape file and draft

language for the condition we have been discussing in good faith before IDWR's parallel processing group that routinely meets to discuss transfer and other water right processing issues. The meeting involves various IDWR employees.

These issues were discussed in detail but the consensus of most of the staff (I did not agree) was that the standard language of condition U42 should be used....

"Place of use does not include federal public lands."

My apologies for not being able to persuade my peers in this matter.

At this juncture I am prepared to include standard condition U42 on any approval and associate the right to the last shape file we exchanged (provided by BLM) that does not overlap on to BLM land as the current version of GCDB depicts. I will await your consideration of this for withdrawing BLM's protest. If this is not sufficient to withdraw the protest let me know and I will promptly schedule a pre-hearing conference so we can move this matter to a hearing.

Allen

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov] On Behalf Of Fred_Price@blm.gov

Sent: Friday, September 24, 2010 1:43 PM

To: Merritt, Allen; Reeder, Jana; Ciscell, Michael; Skaggs, Pam; Keen, Shelley; Luke, Tim

Cc: Sherman_Beazer@blm.gov

Subject: RE: BLM Protest-SWID

Allen,

Our GIS folks suggested changing "of digital mapping data" to "geographic information system data" which also coincides with the definition of digital boundary in the statute.

"Regular, technological updates to the Public Land Survey System (PLSS)

geographic information system data (i.e. GCDB), may cause slight shifts

in quarter-quarter lines as precision improves; however, the place of use shall continue to be interpreted as not including federal public lands."

Fred

Fred
Price/IDSO/ID/BLM
/DOI

To

Sent by: Fredric

"Merritt, Allen"

Price <Allen.Merritt@idwr.idaho.gov>
 cc "Merritt, Allen"
 09/20/2010 03:43 PM <Allen.Merritt@idwr.idaho.gov>,
 "Reeder, Jana" <Jana.Reeder@idwr.idaho.gov>,
 "Ciscell, Michael" <Michael.Ciscell@idwr.idaho.gov>,
 "Skaggs, Pam" <Pam.Skaggs@idwr.idaho.gov>,
 "Keen, Shelley" <Shelley.Keen@idwr.idaho.gov>,
 "Luke, Tim" <Tim.Luke@idwr.idaho.gov>,
 Sherman S Beazer/ISO/ID/BLM/DOI@BLM
 Subject RE: BLM Protest-SWID(Document
 link: Fredric Price (Archive))

Allen,

RE: Transfer 75835, 01-00023A, Southwest Irrigation District

It appears that our GIS system was not linked to the latest and greatest GCDB, but it is now! The latest & greatest GCDB appears to be consistent with what you are currently using. We have reviewed the shape, that you sent us via the email immediately below, against the latest & greatest GCDB and found several vertices that intruded onto BLM land, so we selected those BLM QQs and erased them from the shape (see attached).

As to a remark to make it clear that the digital boundary does not include federal land even if future technological changes shifts QQ lines such that the digital boundary now intrudes onto federal land because a QQ line has shifted, what do you think of the following remark:

"Regular, technological updates to the Public Land Survey System (PLSS) of digital mapping data (i.e. GCDB) may cause a slight shift in quarter-quarter lines as precision improves, however the place of use shall continue to be interpreted as not including federal public lands."

Fred

[attachment "draft_t75835_adm_v2.shx" deleted by Fredric Price/IDS0/ID/BLM/DOI] [attachment "draft_t75835_adm_v2.dbf" deleted by Fredric Price/IDS0/ID/BLM/DOI] [attachment "draft_t75835_adm_v2.prj" deleted by Fredric Price/IDS0/ID/BLM/DOI] [attachment "draft_t75835_adm_v2.sbn" deleted by Fredric Price/IDS0/ID/BLM/DOI] [attachment "draft_t75835_adm_v2.sbx" deleted by Fredric Price/IDS0/ID/BLM/DOI] [attachment "draft_t75835_adm_v2.shp" deleted by

Fredric Price/IDSO/ID/BLM/DOI] [attachment "draft_t75835_adm_v2.shp.xml"
deleted by Fredric Price/IDSO/ID/BLM/DOI]

To "Merritt, Allen"
<Allen.Merritt@idwr.idaho.gov>
09/20/2010 11:41 AM
cc "Merritt, Allen"
<Allen.Merritt@idwr.idaho.gov>,
<Fredric_Price@blm.gov>
"Keen, Shelley"
<Shelley.Keen@idwr.idaho.gov>,
"Reeder, Jana"
<Jana.Reeder@idwr.idaho.gov>,
"Luke, Tim" <Tim.Luke@idwr.idaho.gov>,
"Ciscell, Michael"
<Michael.Ciscell@idwr.idaho.gov>,
"Skaggs, Pam"
<Pam.Skaggs@idwr.idaho.gov>
Subject RE: BLM Protest-SWID

Fred,

I have reviewed Jana's shape and your protest. I have modified the Jana's shape and specifically changed it in the areas of concern your protest identifies. Attached is my shape for your review that can be associated with the transfer on your approval and withdrawal of protest.

Please note that the GCDB IDWR has does not reference the Lot numbers of private land you mention in your protest. I have modified the shape in these areas consistent with the GCDB lines. Hopefully the comment you are working on will resolve the potential confusion about use on federal lands.

Let me know if the shape needs to be tweaked again.

Allen

-----Original Message-----

From: Merritt, Allen

Sent: Monday, September 20, 2010 9:42 AM

To: Merritt, Allen; 'Fredric_Price@blm.gov'

Cc: Keen, Shelley; Reeder, Jana; Luke, Tim; Ciscell, Michael; Skaggs, Pam

Subject: RE: BLM Protest-SWID

Fred,

I have talked to Jana this morning in more detail. You are correct that

the shape in the transfer does not match the digital boundary for 01-23A determined out of SRBA exactly. Jana was contacted by Brandon Anderson with BLM and they worked together to attempt to make a shape that did not include BLM property specifically because of the interim change in GCDB. Jana created a shape based on Brandon's list that identified tracts that appeared to be on BLM property. The shape Jana created is what the transfer is currently linked to. Jana provided Brandon a copy of her shape for his review and he came back with another shape that Jana could never load. She informed Brandon of this but never got a response.

I'm wondering if IDWR and BLM are using the same version of GCDB. This is somewhat maddening.

We can still modify this shape again but still I think it important that some sort of condition be created that avoids this as the GCDB continues to migrate at BLM command.

Allen

-----Original Message-----

From: Merritt, Allen
Sent: Monday, September 20, 2010 7:50 AM
To: 'Fredric_Price@blm.gov'
Cc: Keen, Shelley
Subject: RE: BLM Protest-SWID

Fred,

It may be that permits 01-10566 or 01-10572 changed the boundary since an irrigation district only needs to notify IDWR that their service area changes which then affects all their water rights. I think your assumption that the boundary must be the same as what was determined in the SRBA may not be a valid assumption.

I guess the important issue is that the boundary does not include federal lands so I think the condition you were going to work on is still important.

Allen

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Friday, September 17, 2010 5:01 PM
To: Merritt, Allen
Cc: Sherman_Beazer@blm.gov
Subject: Fw: BLM Protest-SWID

Allen,

RE: Transfer 75835, 01-00023A, Southwest Irrigation District

After we talked this morning (after the Beck conference) about

BLM's protest of the SWID transfer, I went back to the office and we compared the digital boundary being used in the transfer to the digital boundary attached to the SF-5 that was filed with the SRBA Court. They are not the same. Irregardless of GCDB issues, they should be identical in those areas not changed by the transfer!

I thought I remembered you stating that you were using the boundary defined by BLM in the SRBA (i.e. SF-5) and that new GCDB has changes which makes it appear the boundary now intrudes on BLM. I went out to your interactive map server and downloaded a chunk of PLSS and there is indeed a difference between what you are using and what was used to settle in the SRBA. We are digging into why it might be different, as (at first glance) we don't see a change on our end (but it's a big boundary), but I am more concerned that the digital boundary being used in the transfer does not appear (at first glance) to be what was settled upon and partially decreed.

The plot thickens...

Fred

----- Forwarded by Fredric Price/ISO/ID/BLM/DOI on 09/17/2010 04:28 PM
Sherman S
Beazer/ISO/ID/BLM
/DOI

To

09/17/2010 03:01
PM

"William A Parsons"
<wparsons@pmt.org>

cc

"Brian Higgs" <higgs@ida.net>,
Fredric Price/ISO/ID/BLM/DOI@BLM

Subject

Re: BLM Protest-SWID(Document

link:

Fredric Price)

We are working through some things and hope to have it done by the end of the month. Monday I need to find out why our data is different from IDWR's data, in terms of plss (mapping base data). Thanks for keeping us on track with this, it is very appreciated.

Thanks,
Scott Beazer

Water Rights Specialist
Phone: (208) 373-4022
Fax: (208) 373-3839

To "William A
Parsons"
<wparsons@pmt.org>
> <Sherman_Beazer@blm.gov>
CC 09/17/2010 12:09 PM "Brian Higgs" <higgs@ida.net>
Subject BLM Protest-SWID

Sherm. I had conversation with Allen Merritt at IDWR and he said he had spoken to Fred Price and that by the end of this month (Sept) he would have a proposed settlement language. Do you concur? Shall I calendar this to that point?

Bill Parsons

[attachment "draft_t75835_adm.shx" deleted by Fredric Price/IDSO/ID/BLM/DOI] [attachment "draft_t75835_adm.dbf" deleted by Fredric Price/IDSO/ID/BLM/DOI] [attachment "draft_t75835_adm.prj" deleted by Fredric Price/IDSO/ID/BLM/DOI] [attachment "draft_t75835_adm.sbn" deleted by Fredric Price/IDSO/ID/BLM/DOI] [attachment "draft_t75835_adm.sbx" deleted by Fredric Price/IDSO/ID/BLM/DOI] [attachment "draft_t75835_adm.shp" deleted by Fredric Price/IDSO/ID/BLM/DOI] [attachment "draft_t75835_adm.shp.xml" deleted by Fredric Price/IDSO/ID/BLM/DOI]