

1
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8 ISB #3198
9 lrlm\idwr\protest\aff brockway_picabo

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

11 IN RE:)
12 PICABO LIVESTOCK COMPANY) AFFIDAVIT OF CHARLES
13 TRANSFER NOS. 5044, 5045 AND 5046.) BROCKWAY, JR.
14)
15)

16 STATE OF IDAHO)
17) ss:
18 County of Twin Falls)

19 CHARLES BROCKWAY, JR., being first duly sworn on oath, deposes and states as
20 follows:

- 21 1. I am a registered professional engineer in the state of Idaho.
22 2. The irrigated acreage identified as the permissible place of use for IDWR Transfer
23 Nos. 5044, 5045 and 5046 was manually calculated using FSA photographs.
24 3. Subsequent to the approval of the Transfer Applications, GIS technology allowed
25 Brockway Engineering, PLLC to make refined and more accurate calculations of the historically
26 irrigated acreage on property owned by Picabo Livestock Company.
4. Although the approved Transfers indicate a permissible place of use of 2711.3
acres, calculations made utilizing GIS technology indicate that the accurate and correct acreage is
2852.8 acres, which is 141.5 acres more than the manual calculations made in 1997.

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3 5. A comparison of the two calculations on a 40-acre tract basis is attached hereto as
4 Exhibit "A", and by this reference incorporated herein. Most all of the differences shown on
5 Exhibit "A" appear to be due to the greater accuracy achievable using GIS methods, although
6 there were a small number of areas that were inadvertently omitted in the 1997 acreage
7 calculations.

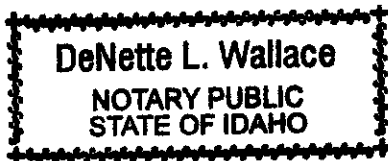
8 6. The correct combined acreage for the place of use for the property owned by
9 Picabo Livestock Company is 2852.8 acres.

Further, sayeth your affiant naught.

DATED this 12th day of February, 2007.

11
12 
13 CHARLES BROCKWAY, JR.

14 SUBSCRIBED AND SWORN to before me this 12th day of February, 2007.



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NOTARY PUBLIC FOR IDAHO
Residing at: 201 Brad Ave. W. Twin Falls, ID
Commission Expires: 8/16/2012 83301

CERTIFICATE OF MAILING

I hereby certify that on this 22 day of February, 2007, I served a copy of the foregoing instrument, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Original:

Idaho Department of Water Resources
Attn: David Tuthill, P.E.
322 East Front St.
P.O. Box 83720
Boise, Idaho 83720-0098
Facsimile 208-287-6700

Copies to:

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard S.
P.O. Box 83720
Boise, ID 83720-0098

Allen D. Merritt
IDWR - Southern Region
1341 Fillmore St - Ste. 200
Twin Falls, ID 83301-3380

Charles E. Brockway PE PHD
Brockway Engineering
2016 N Washington St - Ste 4
Twin Falls, ID 83301



Gary D. Slette

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	} Red = Leduc new area
30	SE	SE	30SESE	0	40.4	40.4	
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		

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