

08/20/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 30, 2004

Water right number: 85-10331

BURT A LUTE TRUST
US BANK TRUSTEE - ~~WS2 680~~ PD-WA-T7TR
PO BOX 3588
SPOKANE WA ~~99201~~ 99220
Telephone Number: (509)353-7092

SADONA LUTE
~~RT 1 BOX 181~~ 520 N. Ely St. Apt. A
~~GOTTENWOOD ID 83532~~ Kennewick, WA 99336-2588
Telephone Number: ~~(208)962-3385~~
(509)374-1496

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

Quantity

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

Preliminary recommendations show a quantity of .04 CFS
The quantity .069 CFS is what was previously revealed
to us for this right number 85-10331

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

In correspondence dated 10/15/99 from the Court titled
"Notice of Claim to a Water Right Acquired Under State Law"
it showed a Total Quantity Appropriated as 0.069 CFS

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 8-26-04 SIGNATURE: Scott Robar, V.P. & Farm Manager
Please print your name: Scott Robar V.P. & Farm Manager
U.S. Bank

IDWR State Office, P.O. Box 83720, Boise, ID 83707-9815

08/20/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RECEIVED
AUG 30 2004
DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 85-10331
NAME AND ADDRESS: BURT A LUTE TRUST
US BANK TRUSTEE - WSA 680
PO BOX 3588
SPOKANE WA 99201

SADONA LUTE
RT 1 BOX 181
COTTONWOOD ID 83522

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 11/10/1969

POINT OF DIVERSION:
T32N R01E S32 SENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

T32N R01E S32	SENE	T32N R01E S32	NESE
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use