

RECEIVED

10/05/2004

OCT 19 2004

DEPARTMENT OF
WATER RESOURCES

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:

Water right number: 25-235

DUWAYNE SKAAR
421 N 3200 E
LEWISVILLE ID 83431
Telephone Number: (208)754-4534

KENT SKAAR
421 N 3200 E
LEWISVILLE ID 83431
Telephone Number: (208)754-4534

JUSTIN SKAAR
421 N 3200 E
LEWISVILLE ID 83431
Telephone Number: (208)754-4534

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 10-13-04

SIGNATURE: Justin Skaar

Please print your name: JUSTIN SKAAR

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

10/05/2004

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

RIGHT NUMBER: 25-235
NAME AND ADDRESS: DUWAYNE SKAAR
421 N 3200 E
LEWISVILLE ID 83431

KENT SKAAR
421 N 3200 E
LEWISVILLE ID 83431

JUSTIN SKAAR
421 N 3200 E
LEWISVILLE ID 83431

SOURCE: EMIGRANT CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 3.280 CFS
PRIORITY DATE: 06/01/1896

In times of scarcity, this right shall be subordinate to all surface water rights diverted from the Snake River and its tributaries, with a priority date earlier than December 16, 1910, as adjudicated by the court in Rexburg Irrigation Company, et al. v. Teton Irrigation Canal Company, et al. (Sixth Judicial District, Fremont County, December 16, 1910), commonly known as the Rexburg Decree.

POINT OF DIVERSION:

T05N R38E S19 SWSWSW Lot 4 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.280 CFS

PLACE OF USE:

IRRIGATION Within JEFFERSON County

T05N R37E S26 Lot 3 NESW	4.8	T05N R37E S26 Lot 5 NESW	14.0
T05N R37E S26 Lot 4 SESW	2.9	T05N R37E S26 Lot 8 SESW	5.2
T05N R37E S26 NESE	39.0	T05N R37E S26 Lot 3 NWSE	40.0
T05N R37E S26 Lot 4 SWSE	40.0	T05N R37E S26 SESE	37.0
T05N R37E S35 NENE	36.0	T05N R37E S35 NENE	40.0
T05N R37E S35 SWNE	37.0	T05N R37E S35 SENE	35.0
T05N R37E S35 Lot 1 NENW	26.0	T05N R37E S35 SENW	18.0

374.9 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 374.9 acres in a single irrigation season. Combined Right Nos.: 25-234, 25-235, and 25-236.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

10/05/2004

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

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.

Rights have also been claimed to water from Basin 01 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 01 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 01 rights.

EXPLANATORY MATERIAL: Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Long Island Irrigation Co.

Water is delivered through Bear Trap Canal.