

October 14, 2004

MAX COOPER
11801 N FERGUSON RD
IDAHO FALLS ID 83401

Dear Mr. Cooper,

We recently received your notice of error reply for adjudication claim nos. 25-56F and 25-167. Based on your response, I believe that you may have misunderstood our recommendation for 25-56F. Except for the point of diversion, we recommended this water right almost exactly the way it was claimed (1.87 cfs with a priority date of 4/1/1874). We recommended Progressive's Willow Creek diversion as the point of diversion because 25-56F is delivered at that point in exchange for water from the Anderson Canal. Claim no. 25-56F was not recommended for disallowal.

As for claim no. 25-167, a representative of Progressive Irrigation District stated that you have not been billed for the delivery of any water right with a priority date of 1888. Unless you can provide evidence that this right has been delivered, we will not alter our recommendation of disallowal of claim no. 25-167.

Please contact me at 525-7161 if you have questions.

Sincerely,

Michael Holliday
Water Resource Agent
Adjudication Bureau