

02/20/2003

Dave

**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: April 21, 2003

Water right number: 29-491B

DOWNATA RANCH & RECREATION INC
C/O DARLENE DOUNS
PO BOX 185
DOWNEY ID 83234
Telephone Number: (208) 897-5736

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

SEE ATTACHED SHEET IN CONJUNCTION WITH 29-491A

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

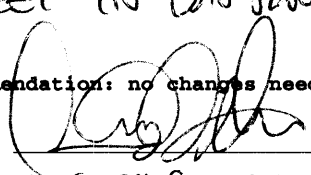
SEE ATTACHED SHEET IN CONJUNCTION WITH 29-491A

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

SEE ATTACHED SHEET IN CONJUNCTION WITH 29-491A

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

DATE: 21 APR 2003

SIGNATURE: 

Please print your name: D. GARY PETERSON ATTY FOR DOWNATA RANCH & RECREATION, INC.

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

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Department of Water Resources
Eastern Region

Exceptions to water rights nos. 29-491A and 29-491B

IDWR allocates water right no. **29-491A** diversion of 1.86 cfs as follows:

Irrigation	1.86 cfs
Domestic	0.02 cfs
Stockwater	0.06 cfs

The stockwatering right is limited to 250 head of cattle. The irrigation use is the 184 acres listed under water right no. 29-4074.

IDWR allocates water right no. **29-491B** diversion of 0.08 for irrigation of the 184 acres listed under water right no. 29-4074.

Sources, priority dates, and points of diversion are the same for both water rights. Limitations on combined diversion rates with other rights are the same.

Recommendation

For clarification purposes we recommend that IDWR fully allocate 29-491A to irrigation (1.86 cfs) and allocate the 0.08 cfs under 29-491B between the 0.02 cfs domestic use and the 0.06 cfs stockwatering use as follows:

29-491A (1.86 cfs total):	Irrigation	1.86 cfs	(without any allocation to domestic and stockwater)
29-491B (0.08 cfs total)	Domestic	0.02 cfs	(without any allocation to irrigation)
	Stockwater	0.06 cfs	

Limitations on combined diversion rates with other rights remain the same.

Exception to stockwatering place of use

IDWR associates the stockwatering use with the SWSW quarter of Section 12 and the NESE and SESE quarters of Section 11. This is not correct. The cattle drink from Marsh Creek as far upstream as below the resort area and all along the north side of Marsh Creek on down along the acreages associated with water rights nos. 29-4074 and 29-2396. The cattle also drink from both sides of Marsh Creek on the Downata lands lying north of the acreages associated with water right no. 29-2293. The correct sections and quarter/quarters associated with stockwatering would be the following:

Section 3:	SESE, SWSE, NWSE, NESW, NWSW
Section 4:	SESE
Section 10:	NENE
Section 11:	SENE, NENE, NWNE, NENW, NWNW
Section 12:	NESW, NWSW, SWNW

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Email gary@idahoFallsLaw.com
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April 21, 2003

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83707-9815
Attention: SRBA Eastern

Re: Downata Ranch & Recreation, Inc. Response to IDWR Preliminary
Recommendation of Water Rights Acquired under State Law

Water Rights Nos. 29-2293, 29-7406, 29-2396, 29-4074, 29-491A, 29-491B, 29-13338,
29-2549, and 29-2491

Gentlemen:

Enclosed are responses to the above referenced water rights owned by Downata Ranch
and Recreation, Inc. Please note that exceptions are made to water rights nos. 29-491A
and 29-491B.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Gary Peterson".

D. Gary Peterson

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Department of Water Resources
Eastern Region