

11/17/2005

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: 1-23B

ABERDEEN-SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN ID 83210
Telephone Number: (208) 397-4192

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

Point of Diversion, Purpose of Use, Place of Use, Other Provisions, and Explanatory Material

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

See Exhibits A, B, C and D

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

See Settlement Agreement made by the State of Idaho, Aberdeen-Springfield Canal Company and the Idaho Department of Water Resources. Also see digitized acreage GIS layer sent under separate cover to IDWR by ASCC.

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

DATE: November 28, 2005

SIGNATURE: _____

Please print your name: _____

Roger D. Ling

Attorney

Aberdeen-Springfield Canal Company

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

RECEIVED
DEC 05 2005
Department of Water Resources
Eastern Region

EXHIBIT “A”

Remarks to Point of Diversion

“Project water diverted under this right, and Water Right Nos. 1-297, 35-2543 and 35-4246 is also to be diverted from drains within the place of use of water diverted under this right and is recaptured and diverted from wells within the project for use on lands within the place of use to which shares of Aberdeen-Springfield Canal Company (ASCC) are appurtenant, which wells are also the point of diversion for each of the following water rights of shareholders, to-wit:

35-2315, 35-00038F, 35-02049, 35-02066A, 35-02066B, 35-02072, 35-02073, 35-02100, 35-02116, 35-02127, 35-02154, 35-02167B, 35-02167D, 35-02167E, 35-02167F, 35-02172, 35-02226, 35-02236, 35-02271, 35-02298, 35-02308A, 35-02339, 35-02347, 35-02370, 35-02387A, 35-02406, 35-02498, 35-02504A, 35-02525, 35-02647A, 35-02670B, 35-02670C, 35-0267D, 35-02712, 35-02824, 35-02917A, 35-02917B, 35-04032, 35-04034A, 35-04034B, 35-04039, 35-04093, 35-04095, 35-04113, 35-04164, 35-04183, 35-04221, 35-07012B, 35-07022, 35-07061, 35-07102, 35-07145, 35-07146, 35-07164A, 35-07191, 35-07231, 35-07267A, 35-07267B, 35-07286, 35-07353, 35-07393, 35-07422, 35-07450, 35-07453A, 35-07453B, 35-07494, 35-07507, 35-07519, 35-07530, 35-07592, 35-07599, 35-07618, 35-07621, 35-07627, 35-07643A, 35-07647, 35-07680, 35-07696, 35-07721, 35-07722, 35-07728, 35-07729, 35-07732, 35-07737, 35-07756, 35-07760, 35-07762, 35-07790, 35-07820, 35-07865, 35-07890, 35-07894, 35-07903A, 35-07903B, 35-07945, 35-07948, 35-07957, 35-08054, 35-08602, 35-10318, 35-10653, 35-10843, 35-10859, 35-10860, 35-12088, 35-12248, 35-13018, 35-13073, 35-13264, 35-13507, 35-13508

EXHIBIT "B"

Changes to Purpose and Period of Use

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
Irrigation and Recharge for irrigation	04/01-10/31	1,170.100 CFS

EXHIBIT "C"

Changes to PLACE OF USE should be amended by changing the acres in the place of use and by adding the following, to-wit:

62,433 ACRES TOTAL

Place of use is within the area served by Aberdeen-Springfield Canal Company and on lands to which shares of Aberdeen-Springfield Canal Company are appurtenant. The use of recaptured project water by a shareholder of ASCC from a well shall be controlled pursuant to that certain settlement agreement entered into between ASCC, the State of Idaho, and the Idaho Department of Water Resources, and signed on May 31, June 5 and June 6, 2002.

...

...

The rights listed below are limited to the irrigation of a combined total of 62,433 acres in a single irrigation season. Combined Right Nos. 1-23B, 1-297, 35-2543, and 35-4246.

EXHIBIT “D”

EXPLANATORY MATERIAL:

This should read as follows, to-wit:

BASIS OF CLAIM – DECREED RIGHTS AND IDAHO CODE § 42-228

Water is delivered through Aberdeen-Springfield Canal Company’s canals, a portion of which is recaptured by drains and wells.