

02/18/2003

NOTICE OF ERROR
REPLY

Paul
RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

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: 29-2255E

F M C CORP

PO BOX 4111

POCATELLO ID 83202

Telephone Number: (208)236-8200

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: 4/17/03 SIGNATURE: J. P. Sievers
Please print your name: J. P. SIEVERSON.

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

02/18/2003

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

RIGHT NUMBER: 29-2255E

NAME AND ADDRESS: F M C CORP
PO BOX 4111
POCATELLO ID 83202

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
8.00 AFY

PRIORITY DATE: 09/16/1949

POINT OF DIVERSION:
T06S R33E S12 SESWSW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.040 CFS 8.00 AFY

PLACE OF USE: IRRIGATION Within POWER County
T06S R33E S12 SWSW 2.0

2 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

**RACINE, OLSON, NYE, BUDGE &
BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0187

April 17, 2003

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83707-9815

Re: FMC Idaho, L.L.C.

To Whom It May Concern:

On behalf of FMC Corporation, I am enclosing herewith a Notice of Error Reply pertaining to the following water rights:

A29-02284 (Plant Wells, No. 1 and No. 4)
A29-2301 (Plant Wells, No. 3 and No. 6)
A29-02255E (Lindley Farm)
A29-2255C (Wells Cargo Silica Mine)
A29-11342 (Pilot House)

FMC agrees with the proposed Recommendation for the first three listed rights. Right No. A29-2255C pertaining to the Wells Cargo Silica Mine is agreed with, except for the start date, which should be April 1 instead of May 1. This mistake is believed to be a typographical error when Transfer No. 5359 was approved. Right No. A29-11342 is agreed to except for the "other provisions" which indicate that this right is recommended in another claimant's name as Right No. 29-2338. Please provide a copy of that Recommendation. You will note in the Notice of Error Reply pertaining to this right, we have attached a copy of the Notice of Change of Water Right when this right was acquired by FMC from the City of Pocatello, together with the current Adjudication Claims Report, both of which support FMC as the owner.

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Department of Water Resources
Eastern Region

If you **have** any questions or require additional information, please contact me.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosures

cc: FMC Idaho, L.L.C.

Rob J. Hartman (w/encls.)

Jim Sieverson (w/encls.)