

02/08/2003

NOTICE OF ERROR
REPLY

RECEIVED
APR 21 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: 29-2323

KILGORE LIVING TRUST
1502 S MINK CREEK RD
POCATELLO ID 83204
Telephone Number: (208) 478-4349

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): We disagree in the portion of the proposed recommendation that results in a total irrigation quantity of 0.07 CFS. We disagree with your combining the two water rights, 29-2323 and 29-2257, resulting in less quantity of water allowed for irrigation, and in effect loss of a water right.

2. Describe the changes you wish to make in the proposed recommendation: We urge that the quantity in 29-2323 (0.4 CFS) and the quantity in 29-2257 (0.07 CFS) be added for a total of 0.11 CFS rather than be limited to a total of 0.07 CFS or 0.08 CFS.

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

We feel that each historical water right was established on its own merits. Right 29-2323 has a priority date of 10/06/52 and an amount for irrigation of 0.04 CFS. Right 29-2257 has a priority date of 08/04/42 and an amount for irrigation of 0.07 CFS. These should, therefore, have a combined total of 0.110 CFS.

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

DATE: 4/10/03 SIGNATURE: Bruce M. Kilgore Elaine Kilgore

Please print your name: Bruce M. Kilgore Elaine Kilgore

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

OK Changes made
Limiting Remark for
diversion Rate Removed

C. Saxton 4-16-03.

RECEIVED
APR 15 2003
WATER RESOURCES
WESTERN REGION

April 10, 2003
1502 South Mink Creek Road
Pocatello, Idaho 83204

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

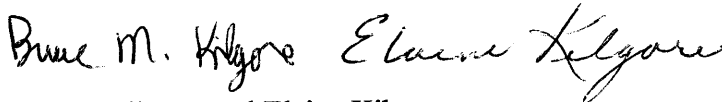
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705 Attn: Craig Saxton

Dear Craig:

Confirming our phone conversation with you on April 9, 2003, we have enclosed our comments on the 3 Notices of Error that relate to our three water rights, 29-2257, 29-02323, and 29-13244. As we noted in that conversation, our primary concern is that this administrative process may result in loss of a part of our historic water rights for our property in the Mink Creek area in T08S R35E S8, NENWSW, within Bannock County. As my wife, Elaine, particularly argued by phone, this does not seem reasonable in that two of these rights (29-2257 and 29-02323) have been in our family since 1942 and 1952 respectively and the water has been used to irrigate our property for many years.

We hope you will be able to work with us to satisfactorily settle this matter in the near future. Thank you for your consideration of this request. You can reach us at (208) 448-4349 or cell (208) 241-3633 or email: bekilgore@aol.com.

Sincerely,



Bruce M. Kilgore and Elaine Kilgore

P. S. Because we do not have a typewriter—just a computer printer—I am enclosing the wording we used, in the event that my handwriting on the two “Notice of Error” forms is not very clear.

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Draft wording for Water Resources "Notice of Error" replies to 29-2257 and 29-02323:

1. Describe the portion of the proposed recommendation with which you disagree:

We disagree in the portion of the proposed recommendation that results in a total irrigation quantity of 0.07 CFS. We disagree with your combining the two water rights, 29-2257 and 29-02323, resulting in less quantity of water allowed for irrigation, and in effect, loss of a water right.

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

We urge that the quantity in 29-2257 (0.07 CFS) and the quantity in 29-02323 (0.4 CFS) be added for a total of 0.11 CFS rather than be limited to a total of 0.07 CFS or 0.08 CFS.

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

We feel that each historical water right was established on its own merits. Right 29-2257 has a priority date of 08/04/42 and an amount for irrigation of 0.070 CFS. Right 29-2323 has a priority date of 10/06/52 and an amount for irrigation of 0.040 CFS. These should therefore have a combined total of 0.110 CFS.