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NOTICE OF ERROR
REPLY

RECEIVED

04/22/2005

JUL 29 2005

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: ~~January 1, 2001~~

Water right number: 27-2053

July 29, 2005

NU-WEST INDUSTRIES INC
DBA AGRUM CONDA PHOSPHATE
3010 CONDA RD

SODA SPRINGS ID 83276

Telephone Number: (208)547-4381

ASTARIS PRODUCTION LLC

622 EMERSON RD STE 500

ST LOUIS MO 63141

Telephone Number: (314)983-7539

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:

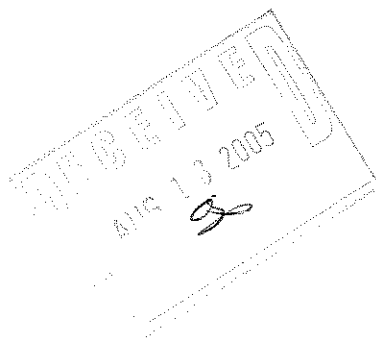
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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



4/22/05

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Water right number: 27-2053

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622 EMERSON RD STE 500
ST. LOUIS (CREVE COUER), MO 63141
Telephone Number: (314) 983-7539

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

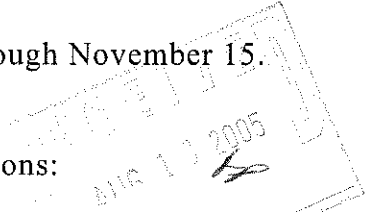
- A. Period of Use. Grazing can occur and has occurred as early as May and as late as November. The Claim was for the period May 15 through November 15.
- B. Place of Use. The County is listed as Bingham – it should be Caribou.

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

- A. Period of Use. Recommend the claimed period of use: May 15 through November 15.
- C. Place of Use. Correct the County – it should be Caribou County.

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

While the location and extent of grazing activities in this area and the related use of stockwater have varied over the years, they have not significantly changed and have not been abandoned or forfeited. Cattle have been, are, and will in the future be grazed in the pastures located in T07S R44E S31 N1/2NE1/4, SWNE, and NWSE. These areas are part of a larger pastureland being



grazed (including S31 NE1/4 and N1/2SE1/4 and parts of Sections 29, 30, and 32). Cattle have been and may be grazed from May 15 through November 15. Recommend the claimed period of use: May 15 through November 15. Some years there is water early in the grazing season and late in the grazing season, but not in mid-summer. As recommended, the decree would disallow stockwatering at times when water is available.

Astaris and Nu-West concur that the irrigation use has been abandoned or forfeited, but request that the full stockwater right be recommended.

DATE: JULY 27, 2005

SIGNATURE: _____

Astaris Production LLC

Please print your name and title: JAMES J. KAIMAN, VICE-PRESIDENT OPERATIONS

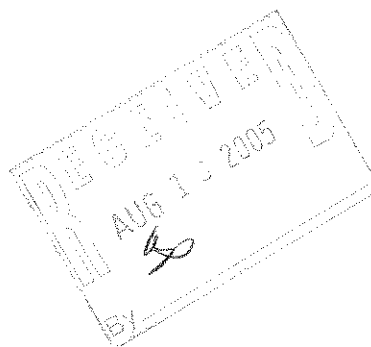
DATE: _____

SIGNATURE: _____

Nu-West Industries Inc.

Please print your name and title: _____

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



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Astaris and Nu-West concur that the irrigation use has been abandoned or forfeited, but request that the full stockwater right be recommended.

DATE: _____ SIGNATURE: _____
Astaris Production LLC

Please print your name and title: _____

DATE: 7/25/05 SIGNATURE: Charles H. Ross
Nu-West Industries Inc.

Please print your name and title: Charles H. Ross, General Manager

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

