

February 21, 2003

**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: **29-10927**

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

The IDWR's Recommendation states, "Recommended as right no. 29-4088." However, the following irrigated place of use contained on claim no. 29-10927 is not identified under the place of use recommended under 29-4088.

T.6S R. 34E Section 17:	SW$\frac{1}{4}$NE$\frac{1}{4}$ (5.0 acres)	NE$\frac{1}{4}$SE$\frac{1}{4}$ (5.0 acres)
	NW$\frac{1}{4}$SE$\frac{1}{4}$ (4.0 acres)	SE$\frac{1}{4}$SE$\frac{1}{4}$ (2.0 acres)

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

a. The Place of Use should be:

T.6S R. 34E Section 17:	SW$\frac{1}{4}$NE$\frac{1}{4}$ (5.0 acres)	NE$\frac{1}{4}$SE$\frac{1}{4}$ (5.0 acres)
	NW$\frac{1}{4}$SE$\frac{1}{4}$ (4.0 acres)	SE$\frac{1}{4}$SE$\frac{1}{4}$ (2.0 acres)

b. The Quantity should be 0.32 cfs.

c. The Priority should be June 18, 1902.

As an alternative the above place of use and quantity may be added to the place of use and quantity recommended under 29-4088 because they were originally part of the same system of appropriation.

The remaining water right elements should be recommended as claimed.

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

The above place of use is situated on land owned by the J. R. Simplot Company. Water diverted from the Portneuf River has been beneficially used to irrigate the place of use since the development of the irrigation system.

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

J. R. Simplot Company

DATE: April 16, 2003

SIGNATURE: By: _____

Please print your name: Ronald N. Graves, Senior Vice President,
Secretary and Chief Legal Officer

IDWR Regional Office, 900 North Skyline Drive, Suite A, Idaho Falls, ID 83402 (208) 525-7161

Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENT 199 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2.**FAX COVER LETTER**

Transmittal Time:

TO:	Paul Meyer	Fax No.	208-525-7177	DATE:	August 2, 2002
COMPANY:	IDWR	No. of pages including cover sheet: 2			
FROM:	Vic Conrad	Direct Dial Number	(208)389-7359	FAX NO.	(208) 389-7333
CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.					
RE: Notice, Portneuf River diversion.					
Message: Attached is a copy of the Notice we discussed. Please let me know what you think after you have a chance to review it. Please note there is an note beside the notice "Water Right Book 2, Page 156" Is this a reference to a document in your records?					

Notice is hereby Given, That Theodore Swanson and S.C. Winters of Pocatello, County of Bannock State of Idaho has this 18 day of June 1902 appropriated and hereby claim the use of the waters of Portneuf River to the extent of Fifty cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: being a point on the Portneuf River Four hundred and fifty five rods up said river from the south-east corner of the South West quarter of section Eight Township Seven South of Range Thirty four East B.M. in Bannock County, Idaho.

That the special purpose or purposes for which said water is claimed is for Irrigation, mining, manufacturing and Domestic purposes. The place of its intended use is in the North East quarter of the South East quarter of section seven west half of the South West quarter of section eight South East quarter of South West quarter section eight Township Seven, South of Range Thirty-four East Boise Meridian in Bannock County Idaho. That the general course of the proposed canal or conduit is a northwesterly direction. The length of said proposed canal or conduit is two miles.

That it is intended to complete the works for the diversion and use of said water as aforesaid within Two Years.

A copy of this notice was duly posted at or near the point of intended diversion on the 17th day of June 1902.

Witness my hand at Pocatello County of Bannock State of Idaho, this Idaho day of 18th June 1902.

Appropriator and Claimant.

State of Idaho,)
County of Bannock.)

(Theodore Swanson,
S.C. Winters.
(SS.)

Theodore Swanson being first duly sworn, depose and say that he is of lawful age and one of the appropriators and claimants of the Water Right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at 2:30 o'clock P.M., the 18th day of June 1902.

Subscribed and Sworn to before me this 23rd day of June 1902.
(SEAL)

Theodore Swanson,
Fred G. Caldwell, Notary Public.
Recorded at request of R.C. Speed, at 1:05 o'clock P.M. June 24th, 1902.
By D.N. Campbell, Deputy. Fee 80¢
J.S. Campbell, Recorder.