

02/18/2003

Paul

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: 29-7367 - 29-7281

D & M WATER ASSN

PO BOX 5315

CHUBBUCK ID 83202

Telephone Number: (208)237-1042

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

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: 4/20/03 SIGNATURE: Jeff Carlson

Please print your name: Jeff Carlson

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: 29-7281
NAME AND ADDRESS: D & M WATER ASSN
PO BOX 5315
CHUBBUCK ID 83202

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Department of Water Resources
Eastern Region

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.260 CFS
12.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.66 CFS. COMBINED RIGHT NOS.: 29-7281,
29-7367, 29-7912.

PRIORITY DATE: 08/04/1975

POINT OF DIVERSION:

T05S R34E S26 NENWNW Within BANNOCK County
T05S R34E S26 SESWNW Within BANNOCK County
T05S R34E S27 SENENE Within BANNOCK County
T05S R34E S27 NESENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.260 CFS 12.00 AFY

PLACE OF USE: DOMESTIC Within BANNOCK County

T05S R34E S26 NWNW

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

RIGHTS 29-7281, 29-7367, 29-7912 COMBINED SERVE A TOTAL OF 40
HOMES LOCATED IN D&M COUNTRY ESTATES

SUBDIVISION IRRIGATION PROVIDED FROM FT HALL IRRIGATION DISTRICT.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

02/18/2003

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

RIGHT NUMBER: 29-7367
NAME AND ADDRESS: D & M WATER ASSN
PO BOX 5315
CHUBBUCK ID 83202

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Eastern Region

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.400 CFS
33.60 APY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.66 CFS. COMBINED RIGHT NOS.: 29-7281,
29-7367, 29-7912.

PRIORITY DATE: 02/07/1977

POINT OF DIVERSION:
T05S R34E S26 NENWNW Within BANNOCK County
T05S R34E S26 SESWNW Within BANNOCK County
T05S R34E S27 SENENE Within BANNOCK County
T05S R34E S27 NESENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.400 CFS 33.60 APY

PLACE OF USE: DOMESTIC Within BANNOCK County

T05S R34E S26	NWNW	T05S R34E S26	SWNW
T05S R34E S27	NENE	T05S R34E S27	SENE

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

RIGHTS 29-7281, 29-7367, 29-7912 COMBINED SERVE A TOTAL OF 40
HOMES LOCATED IN D&M COUNTRY ESTATES.

SUBDIVISION IRRIGATION PROVIDED FROM FT HALL IRRIGATION DISTRICT.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: ~~29-7392~~ 29-07912

D & M WATER ASSN

PO BOX 5315

CHUBBUCK ID 83202

Telephone Number: (208)237-1042

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Eastern Region

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

Additional water Right issued 4/2/90

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

ADD 0.16 CFS Irrigation 3/15-11/15
0.04 CFS Domestic 1/1-12/31

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

Additional water Right not listed

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

DATE: 4/20/03 SIGNATURE: Jeff Carlson

Please print your name: Jeff CARLSON

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

See attached permit to appropriate water

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07912

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Department of Water Resources
Eastern Region

Proposed Priority: April 2, 1990 Maximum Diversion Rate: 0.20 CFS
This is to certify, that D & M WATER ASSN.

P.O. BOX 5315
CHUBBUCK, ID 83202

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.16 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNW	Sec. 26, Township 05S, Range 34E
SWNW	Sec. 26, Township 05S, Range 34E
NENE	Sec. 27, Township 05S, Range 34E
SENE	Sec. 27, Township 05S, Range 34E

BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	34E	26	SWNW 3			3
		27	NENE 2	SENE 3		5

Total number of acres irrigated: 8

PLACE OF USE: DOMESTIC

TWN RGE SEC

05S	34E	26	SWNW
		27	SENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

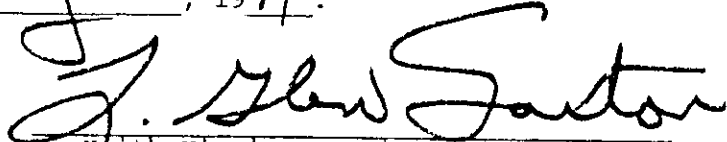
NO. 29-07912

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Department of Water Resources
Eastern RegionCONDITIONS/REMARKS:

6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
8. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
9. Domestic use is for 2 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

22nd day of February, 1991.


R. Keith Higginson, Director

for