

May 8, 2003

PONY ACRES WATER ASSN
C/O DORRIS H MANNING
14011 W SYPHON RD
POCATELLO ID 83202

RE: NOTICE OF ERROR FOR WATER RIGHT CLAIM NO. 29-7625.

Dear Mrs. Manning:

Thank you for taking the opportunity of returning the "notice of error" reply for the above referenced water right. Upon it you expressed that the priority date was wrong and should have been recommended as April 8, 1974 under "beneficial use."

I have reviewed the file and necessary data in regards to your concerns and comment the following:

If we were to apply "beneficial use" basis to the claim to the referenced water right as suggested, we would be forced to disallow your water right completely since the well was installed after March 25, 1963, the date of which a statutory amendment went into effect for the purpose of filing an application for a permit for a water right. Fortunately, the evidence suggest otherwise.

Indeed, Pony Acres Water Assn. Applied for a permit to appropriate water for domestic and irrigation purposes. The date of receipt of that permit was December 15, 1981. Upon completion of your well, a licensing exam was conducted on June 30, 1982. Water license was issued on August 7, 1986. The priority date assigned your water right was the date that initial application to appropriate water was filed, December 15, 1981. As a courtesy, I have enclosed copies of the water right license, licensing exam, and application for a permit with pertinent dates highlighted.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,

W. Roger Warner
Adjudication Specialist

Enclosure(s) Copy of Water Right License 29-7625,
Copy of licensing exam for 29-7625, and
Copy of application for permit for 29-7625.