

01/13/2006

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:

Water right number: 22-10008

BASIC AMERICAN FOODS

AMERICAN POTATO CO

40 E 7TH N

REXBURG ID 83440

Telephone Number: (208)356-3631

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

Quantity

Priority Date

Purpose and period of use

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

Basic American Foods realizes that it may need to amend SRBA claims 22-2204, 22-7391, and 22-10008 AND/OR file new SRBA claims as a result of the listed changes:

QUANTITY: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2577.4 AF. COMBINED RIGHT NOS.: 22-2204, 22-7391

PRIORITY DATE: October/November 1961

Did not claim this date, not changing.

PURPOSE AND PERIOD OF USE: THE WATER DIVERTED UNDER THIS RIGHT FOR INDUSTRIAL PURPOSES MUST FIRST BE USED IN ASSOCIATION WITH THE POTATO PROCESSING PLANT LOCATED IN T__S, R__E, S__, ____ AND _____. AFTER WATER IS USED FOR INDUSTRIAL PURPOSES IN ASSOCIATION WITH THE POTATO PROCESSING PLANT, IT MAY BE APPLIED TO AND USED FOR THE IRRIGATION OF THE LAND DESCRIBED IN THE PLACE OF USE FOR INDUSTRIAL PURPOSES IN T__S, R__E, S__, _____. TO SATISFY WATER QUALITY REQUIREMENTS. THE INDUSTRIAL USE OF WATER UNDER THIS RIGHT INCLUDES THE TREATMENT OF WASTE WATER WITH FRESH WATER

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

The original license file for 22-2204 shows that 3.56 cfs was diverted and in use from October/November 1961.

this is only in reference to the well associated with 22-2204, not this right.

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

DATE: January 13, 2006

SIGNATURE:

Josephine P. Beeman

Please print your name:

Josephine P. Beeman
Attorney for Basic American Foods, Inc.
Beeman & Associates, P.C.
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(208) 331-0950

RECEIVED

JAN 17 2006

Department of Water Resources
Eastern Region

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