

12/05/2006

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: December 8, 2006.

Water right number: 63-371

PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83606
Telephone Number: (208) 459-3617

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

Point of Diversion; Purpose and Period of Use; Place of Use

- Describe the changes you wish to make in the proposed recommendation:

Point of Diversion: The points of diversion should be identified as follows:

TWP	RNG	SEC	1/4 of	1/4	Lot	County
4N	1E	23	SE	NW		Ada
4N	1W	24	SE	NW		Ada
4N	2W	24	NE	NE		Canyon

Purpose and Period of Use: Modify the following remark by deleting the language that is stricken out:
"Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and ~~any future amendments or revisions made thereto pursuant to state or federal procedures or law~~; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576."

Place of Use: Increase the number of irrigated acres to 34,204.61.

Place of Use: Remove the following remark: "The right when combined with Right Nos. 63-161BU, 63-166A, 63-167A, 63-179A, 63-224, 63-225, 63-294, 63-295, 63-371, 63-2114, 63-2275, 63-2276, 63-2294, 63-2529, 63-2891, 63-5199, 63-5200, 63-5219, 63-5237, 63-5255, 63-9109, 63-21706, 63-21713, 63-21714, 63-21731 and 63-21739 can be used to irrigate up to 24,555.8 acres within the boundary of the Pioneer Irrigation District."

- **Give a brief explanation as to why you disagree with these portions:**

Point of Diversion: This water right is used within the service boundaries of the Pioneer Irrigation District, which total an amount of 34,204.61 irrigated acres, and should not be limited to the irrigation of 24,556 acres.

Purpose and Period of Use: Water right 63-371 is a right which was decreed in the name of the Pioneer Irrigation District by virtue of the "Stewart Decree," dated 1/18/1906 in the case of Farmers Co-Op Ditch Co. v. Riverside Irrigation District, et al. This remark was not contained in the Stewart Decree.

Place of Use: This water right is used within the service boundaries of the Pioneer Irrigation District, which total an amount of 34,204.61 irrigated acres, and should not be limited to the irrigation of 24,556 acres.

Place of Use: Water right 63-371 is a right which was decreed in the name of the Pioneer Irrigation District by virtue of the "Stewart Decree," dated 1/18/1906 in the case of Farmers Co-Op Ditch Co. v. Riverside Irrigation District, et al. This remark was not contained in the Stewart Decree.

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

DATE: 12/8/6

SIGNATURE: _____

Please print your name:

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Boise, Idaho 83701

Counsel of record for Pioneer Irrigation District

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