

09/13/2006

**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: October 16, 2006

Water Right Number: 24-2005A
J. R. Simplot Company
PO Box 27
Boise, ID 83707 Telephone Number 208-336-2110

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

The water right holder disagrees with the IDWR's disallowal of the water right. This is a valid water right. The water right should be recommended with the elements described on the attached Revised Preliminary Recommendation

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

The proposed changes are shown on the attached Revised Preliminary Recommendation

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

In 1983, a water impoundment was constructed near the point of diversion and place of use described under this original licensed water right. Water was diverted into this new impoundment then transported for use in Simplot's milling and mining process located in Section 25 T.8S R. 45E. B.M. After the water is used in the mill, it returns via pipeline to the impoundment where it becomes available for re-use in the mill. This resulted in changes in nature of use, point of diversion, season of use, quantity, source and place of use.

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

J. R. Simplot Company

DATE: Oct. 11, 2006

SIGNATURE: By: _____

Please print your name: Terry T. Uhling, Senior Vice President,
Secretary and General Counsel

IDWR Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402; 208-525-7161

COMPLETED
NOV 10 10/16

09/14/2006

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

RIGHT NUMBER: 24-2005A

NAME AND ADDRESS: J R SIMPLOT CO
C/O ~~RON GRAVES~~ Terry T. Uhling
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

Disallowed

SOURCE: ~~TYGEE CREEK~~ Roberts Creek

TRIBUTARY: ~~STUMP CREEK~~ Tygee Creek

QUANTITY: ~~1.760~~ CFS
0.43

PRIORITY DATE: 09/29/1904

POINT OF DIVERSION: 20 SENE
T08S R46E S15 ~~SWNW~~ Within CARIBOU County
~~T08S R46E S15 SWSW Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 - 10/31	1.760 CFS
Industrial	1/1 - 12/31	0.43 cfs

PLACE OF USE: IRRIGATION Within CARIBOU County

~~T08S R46E S15 NWNW -17.00 T08S R46E S15 SWNW -25.00~~
~~T08S R46E S15 ===== NWSW -10.00 ===== T08S R46E S15 ===== SWSW -20.00~~
T.8S R.46E S21: SENW, NWSW, NESW, NWSE, SWNE, SWNW, SWSW
~~-80 ACRES TOTAL~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

~~Forfeited/abandoned due to non-use from 1986 to 2005~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

~~Forfeited/abandoned. This is included for a claim based on a decree or license that is proposed to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.~~