

11/07/2006

**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: 22-11981

BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108
Telephone Number: (801)589-5864

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: _____ SIGNATURE: _____

Please print your name: _____

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

11/07/2006

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

RIGHT NUMBER: 22-11981
NAME AND ADDRESS: BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

Disallowed

SOURCE: TETON CREEK TRIBUTARY: TETON RIVER
QUANTITY: 6.400 CFS
PRIORITY DATE: 04/01/1925
POINT OF DIVERSION:
T05N R46E S19 NESESE Within TETON County
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	6.400 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R45E S27 SWNW	40.00	T05N R45E S27 SENW 40.00
	T05N R45E S27 NESW	40.00	T05N R45E S27 NWSW 40.00
	T05N R45E S27 SWSW	40.00	T05N R45E S27 SESW 40.00
	T05N R45E S27 NESE	40.00	T05N R45E S27 NWSE 40.00
	320 ACRES TOTAL		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

12/11/06

Dear Sirs:

I have been asked to write a letter of my recollections of delivery of water out of Teton Creek, to Mrs. Lowell Curtis through the Price - Fairbanks Canal. I worked as a deputy watermaster for Water District 01 from 1978 - 2000.

During that time, I would deliver water through the Price - Fairbanks as long as the decrees were still good according to what was being regulated. The water was divided and actually delivered through individual lateral ditches that I was not involved with.

My main contact person for this canal was Mr. James Price. If there needed to be a cut made in the amount that was being delivered, I would contact him and he would usually notify the others involved.

I knew that the water was going to Mrs. Curtis, Mr. Price and others, even though I didn't know exactly who had what shares. Please contact me if there are questions.

Sincerely,
Lee D'Brien

Price-Fairbanks Canal

shares

James Price

80 plus high water 29

Lowell Curtis

40 plus high water 14 107.96

Aspen Subdivision
c/o Bill Nisbet

52

07

52

Cobblecrest Subdivision
c/o Frank Betts

40

Dean Nealey

67

All these water rights are filed by the individuals.