

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: 25-4032

UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND OR 972324181
Telephone Number: (503)231-6145

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

Quantity, Point of Diversion, and Purpose

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

Quantity: Change from "0.020 cfs" to "0.82 cfs."

Point of Diversion: Change from "T04S R43E S26 NENW" to "T04S R43E S26 SWNE" and additional Points of Diversion at "T04S R43E S25 SWSW and SESE within Bonneville County.

Purpose: Change from "Stockwater" to "Irrigation/Wildlife and Stockwater/Wildlife."

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

Quantity: Historically, water was applied to the subject tract for irrigation as well as stockwater as evident by posted notice and aerial photography (Attachments B and D.) Since acquiring the property in 1973, the Service has continued the same use. The Service has monitored its diversion to the place of use since 1995 (Attachment F.) Therefore, 0.80 cfs for irrigation in addition to 0.02 cfs for stock, should be included in this claim.

Point of Diversion: The Point of Diversion shown in the Preliminary Recommendations is the Place of Use. The Points of Diversion for this claim are not located on the Place of Use and therefore, needs to be changed as shown above.

Purpose: As stated above, water was historically applied to the subject tract for irrigation (0.80 cfs) as well as stockwater (0.02 cfs) and has been managed in the same manner since acquired by the Service. The Service adds "Wildlife" as an accomplished change as recognized by I.C.A. 42-1425. The amount claimed for Wildlife is identical to the amount historically used for irrigation or stock.

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

DATE: 1/7/2005

SIGNATURE: David J. Longman Agent for USFWS

Please print your name: David J. Longman

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

RECEIVED
JAN 12 2005
Department of Water Resources
Eastern Region