

11/20/2006

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: 12/13/2006

Water right number: 75-63C

JAMES DARRELL SPAIN
PO BOX 203
CARMEN ID 83462
Telephone Number: (208)756-2334

GERALDINE SPAIN
PO BOX 203
CARMEN ID 83462
Telephone Number: (208)756-2334

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

(See Attached letter)

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

*

(See Attached letter)

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

(See Attached letter)

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

* should be adequate & remains
at .013, if:
75-10061 AK is no less than .026,
or increases to .018
75-10082 AS is no less than .014,
and does not decrease to .010.
75-10827 is no less than .017,
or increases to .020

December 8, 2006

Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

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Dear Mr. Tuthill,

We are submitting this letter in addition to the Notice of Error Reply Forms IDWR recently provided to us, with a December 13, 2006 filing deadline, to provide additional justification as to why we possibly disagree or contest the preliminary IDWR recommendation(s) for water rights **#75 -10061AK, #75 - 63C, #75 - 10062AJ**, and **#75 - 10827**.

It is our understanding that three of these water rights are **“decreed rights”** i.e (**#75 -10061AK, #75 - 63C, and #75 - 10062AJ**), with **#75-10827** being an additional **“beneficial right”**, and all date back to the original adjudication on Carmen Creek that occurred from 1875 to 1915.

It appears the IDWR has recommended reducing our three recorded **“decreed water rights”** (**#75 -10061AK, #75 - 63C, and #75 - 10062AJ**), from a total of 0.053 cfs for the three rights, or .014 cfs per acre for the three rights, to:

.041 cfs total, or 0.011 cfs per acre

An overall reduction of .012 cfs for our combined three recorded “decreed water rights”.

The IDWR has also recommended that our original total irrigatable acres of 3.6 acres, be increased by 1/10th to 3.7 total irrigatable acres for these “decreed water rights”.

Our “**beneficial water right**”, (#75 – 10827), has been increased from a total of .017 cfs, or .004 cfs per acre, to:

.070 total cfs, or .018 cfs per acre

The IDWR has also recommended that our original total irrigatable acres of 3.6 acres, be increased by 1/10th to 3.7 total irrigatable acres for this “beneficial water right”.

Our concerns fall into these areas:

We would like to possibly contest our “decreed water rights” being reduced, and request the decreed amount of cfs be maintained in full, as stated on our original decrees.

This is based on information originally obtained from IDWR that only our “decreed water rights”, “*are of ~~no~~ importance to our irrigation needs.*” We were advised the “beneficial rights” were “*next to worthless*”. This information was relayed by IDWR employee, Roxanne Brown.

If this is correct information we are very adamant about maintaining our original “decreed water rights” at their original decreed total/individual cfs decrees. These rights total:

.053 cfs for the three rights, or .014 cfs per acre

If this is not the case, then our total recommended cfs for our three “decreed water rights”, plus our additional “beneficial water right” which is listed at:

0.111 total cfs, or 0.03 cfs per acre

- **would be adequate and fair, if it would maintain our “standard of allotted cfs” under our original paperwork filed with IDWR.**

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We are "new" to Idaho, and "new" to this entire process, we are confident that IDWR will assist us in maintaining our rights as outlined in our properties original water right decrees, both "decreed" and "beneficial" decrees.

Sincerely,

Jim and Geri Spain
PO Box 203
Carmen, Idaho 83462
208-756-2334 hm.
208-940-0481 wk cell

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