

01/06/2007
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JAN 23 2007
DEPARTMENT OF
WATER RESOURCES

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: 01/19/2007

Water right number: 37-21404

BIG WOOD CANAL CO
112 S APPLE ST
SHOSHONE ID 83352
Telephone Number: (208)886-2331

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

Quantity of Right
Basis of Claim

2. Describe the changes you wish to make in the proposed recommendation:
Restore Quantity of Right to that listed in original claim of 21.5 cfs

3. Give a brief explanation as to why you disagree with these portions:
We have records showing beneficial use of this right
Basis of claim should be decreed and beneficial use

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

DATE: 1-18-07 SIGNATURE: Craig Hobday
Please print your name: CRAIG HOBDEY

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

HOBDEY LAW OFFICE, PLLC

125 Fifth Avenue West

P.O. Box 176

Gooding, Idaho 83330-0176

Craig D. Hobdey
(208) 934-4429

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(208) 934-4420

January 18, 2007

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DEPARTMENT OF
WATER RESOURCES

David Tuthill
Department of Water Resources
PO Box 83720
Boise ID 83720-0098

Re: Big Wood Canal Company preliminary recommendations

Dear David:

Enclosed please find notice of error reply to some of the preliminary recommendations. Please have your office contact Lynn at the Big Wood Canal Company if you have any questions or want to discuss these in greater detail.

A general provision was included in the preliminary recommendations that some of the water rights from some sources in Basin 37 would be administrated separately from all other water rights in Basin 37, in accordance with the prior appropriation doctrine established by Idaho law.

Attachment 1 lists many creeks. What does administering them separately in accordance with prior appropriation doctrine mean? If it means a call cannot be made on those creeks we would object. There is no reason to administer water rights from some sources separately from others in the same Basin.

Sincerely,



Craig D. Hobdey

CDH:dm