

RECEIVED

NOV 13 2018

10/05/2018

IDWR / NORTH

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: November 16, 2018

Water right number: 95-8828

ESSENTIAL OIL RESEARCH FARM LLC
3125 W EXECUTIVE PKWY
LEHI UT 84043-9572
Telephone Number: 8012216160

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

Total quantity, AFY.

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

Total quantity, AFY, should be 105.00, not 85.00.

3. Give a brief explanation as to why you disagree with these portions:
105.00 AFY is the licensed amount. 85 AFY was mistakenly included on the original claim.
The correct amount is $85 + 20 = 105$ AFY. An amended claim is also being filed. See the attachments.

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

DATE:

11-7-18

SIGNATURE:

Nicolas Wenker

Please print your name: Nicolas Wenker, Associate General Counsel
Essential Oil Research Farm LLC

IDWR Regional Office, 7600 N MINERAL DR STE 100, COEUR D'ALENE, ID 83815-7763, (208) 762-2800

10/05/2018

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

RIGHT NUMBER: 95-8828

NAME AND ADDRESS: ESSENTIAL OIL RESEARCH FARM LLC
3125 W EXECUTIVE PKWY
LEHI UT 84043-9572

SOURCE: UNNAMED STREAM

TRIBUTARY: COON CREEK

QUANTITY: 0.200 CFS
~~05.00~~ AFY
105.00

Right Nos. 95-8828 and 95-9142 are limited to a total combined diversion rate of 0.20 cfs and to a total combined annual diversion volume of 125.0 AF.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/02/1993

POINT OF DIVERSION:

T46N R03W S28 SWNW Within BENEWAH County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE	01/01 12/31	20.00 AFY
AESTHETIC STORAGE	01/01 12/31	20.00 AFY
IRRIGATION	04/01 10/31	0.200 CFS 85.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	20.00 AFY
IRRIGATION STORAGE	01/01 12/31	20.00 AFY
STOCKWATER STORAGE	01/01 12/31	20.00 AFY
STOCKWATER FROM STORAGE	01/01 12/31	20.00 AFY

PLACE OF USE:

IRRIGATION in BENEWAH County

T46N R03W S28	SWNW	17.00	T46N R03W S28	SESW	15.00
T46N R03W S28	NESW	39.00	T46N R03W S28	NWSW	35.00

STOCKWATER FROM STORAGE in BENEWAH County

T46N R03W S28 SWNW

WILDLIFE STORAGE in BENEWAH County

T46N R03W S28 SWNW

AESTHETIC STORAGE in BENEWAH County

T46N R03W S28 SWNW

IRRIGATION FROM STORAGE same as IRRIGATION

106 ACRES TOTAL

Right Nos. 95-8828 and 95-9142 are limited to the irrigation of a combined total of 106 acres in a single irrigation season.

This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Parcel Nos. RP46N03W284700 and RP46N03W291820

Stockwater use is for 10 horses.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 49576

Ident. Number: 95-8828
Date Received:
Receipt No: T096334
Claim Fee:
Received By: _____

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ESSENTIAL OIL RESEARCH FARM LLC
3125 W EXECUTIVE PKWY
LEHI UT 84043-9572

Phone: (801) 221-6160

2. Date of Priority: 9/2/1993

3. Source:

UNNAMED STREAM

Trib. to:

COON CREEK

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
46N	03W	28	SW NW		BENEWAH	

5. Description of diverting works:

Unnamed stream flows into two ponds. Water pumped from ponds to field.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
AESTHETIC STORAGE	01/01	12/31	0		20
IRRIGATION	04/01	10/31	0.2		85
IRRIGATION FROM STORAGE	04/01	10/31	0		20
IRRIGATION STORAGE	01/01	12/31	0		20
STOCKWATER STORAGE	01/01	12/31	0		20
WILDLIFE STORAGE	01/01	12/31	0		20

7. Total Quantity Appropriated is:

0.20 C.F.S. and/or 105.0 A.F.A.

8. Non-irrigation uses:

9. Place of use:

AESTHETIC STORAGE within BENEWAH County

Township	Range	Section	¼	of ¼	Lot	Acres
46N	03W	28	SW	NW		

IRRIGATION within BENEWAH County

Township	Range	Section	¼	of ¼	Lot	Acres
46N	03W	28	SW	NW		17
46N	03W	28	SE	NW		15
46N	03W	28	NE	SW		39
46N	03W	28	NW	SW		35

Total Acres = 106

STOCKWATER STORAGE within BENEWAH County

Township	Range	Section	¼	of ¼	Lot	Acres
46N	03W	28	SW	NW		

WILDLIFE STORAGE within BENEWAH County

Township	Range	Section	¼	of ¼	Lot	Acres
46N	03W	28	SW	NW		

Irrigation Storage within Benewah County – Same as Aesthetic Storage, Wildlife Storage and Stock water Storage.

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used: 95-9142

12. Remarks:

Priority Date Explanation:
Licensed priority

13. Basis of Claim: License

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the COEUR D'ALENE-SPOKANE River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

Associate General Counsel of Essential Oil Research Farm LLC
Title Organization

that I have signed the foregoing document in the space below as

Associate General Counsel of Essential Oil Research Farm LLC
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 11-7-18
Nicolas Wenker

Title and Organization _____ Associate General Counsel for Essential Oil Research Farm LLC

15. Notice of appearance:

Notice is hereby given that I, HOLLAND & HART LLP will be acting as attorney at law of _____ behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature: _____ Date: _____

Address: WILLIAM G MYERS 111
PO BOX 2527
BOISE ID 83701



Linda B. Jones
Phone (208) 342-5000
Fax (208) 343-8869
ljones@hollandhart.com
75864.0175

November 9, 2018

RECEIVED
NOV 13 2018

VIA OVERNIGHT MAIL

IDWR / NORTH

IDWR
Regional Office
7600 N. Mineral Dr., Suite 100
Coeur D Alene, ID 83815-7763

Re: CSRBA Basin 95 - Replies to Preliminary Director's Report Recommendations

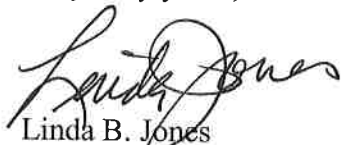
Ladies/Gentlemen:

Enclosed please find original executed Notices of Error Replies for the following water rights: 95-9011, 95-9142, 95-17566, 95-17567, 95-17568, and 95-8828. We also enclose an original executed Amended Claim for 95-8828.

If you have any questions about the filings or require anything else, please contact the undersigned or Bill Myers at Holland & Hart, or Scott King (SPF Water Engineering).

Thank you,

Very truly yours,


Linda B. Jones
of Holland & Hart LLP

LBJ
Enclosures



Linda B. Jones
Phone (208) 342-5000
Fax (208) 343-8869
ljones@hollandhart.com
75864.0175

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NOV 15 2018

IDWR / NORTH

November 14, 2018

VIA OVERNIGHT MAIL

IDWR
Regional Office
7600 N. Mineral Dr., Suite 100
Coeur D Alene, ID 83815-7763

Re: CSRBA Basin 95 - Replies to Preliminary Director's Report Recommendations

Ladies/Gentlemen:

We sent a package of water right recommendation Notices of Error Replies to you with our letter dated November 9, 2018. Our records show that you received the overnight package on November 13, 2018. With that package we sent an Amended Claim for Water Right 95-8828, to accompany the Notice of Error for that water right. We inadvertently omitted the signature of William Myers on the Amended Claim. Enclosed herewith is a copy of our filing with respect to Water Right 95-8828, with the executed signature page. Thank you for including the enclosed signature page with the Amended Claim and Notice of Error Reply for Water Right 95-8828.

Please contact the undersigned if you have questions or require anything further.

Thank you,

Very truly yours,

A handwritten signature in blue ink, appearing to read "Linda Jones", written over a circular blue ink stamp.

Linda B. Jones
of Holland & Hart LLP

LBJ
Enclosures

RECEIVED

NOV 15 2010

IDWR / NORTH

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number: 95-8828
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Claim Fee:
Received By: _____

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ACQUIRED UNDER STATE LAW

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LEHI UT 84043-9572

Phone: (801) 221-6160

2. Date of Priority: 9/2/1993

3. Source:

UNNAMED STREAM

Trlb. to:

COON CREEK

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WILDLIFE STORAGE	01/01	12/31	0		20

7. Total Quantity Appropriated Is:

0.20 C.F.S. and/or 105.0 A.F.A.

8. Non-Irrigation uses:

9. Place of use:

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Total Acres = 106

STOCKWATER STORAGE within BENEWAH County

Township	Range	Section	¼	of ¼	Lot	Acres
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WILDLIFE STORAGE within BENEWAH County

Township	Range	Section	¼	of ¼	Lot	Acres
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Irrigation Storage within Benewah County – Same as Aesthetic Storage, Wildlife Storage and Stock water Storage.

10. Do you own the property listed above as place of use?—Yes _____

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used: 95-9142

95-8828

12. Remarks:

Priority Date Explanation:
Licensed priority

13. Basis of Claim: License

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the COEUR D'ALENE-SPOKANE River Basin Adjudication." (b.) I/We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

Associate General Counsel of _____
Title Organization

that I have signed the foregoing document in the space below as

Associate General Counsel of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Nicolas Wenker Date 11-7-18
Nicolas Wenker

Title and Organization _____ Associate General Counsel for Essential Oil Research Farm LLC

15. Notice of appearance:

Notice is hereby given that I, HOLLAND & HART LLP will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature: William G Myers Date: 11/14/18

Address: WILLIAM G MYERS 111
PO BOX 2527
BOISE ID 83701