

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE &
BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

June 23, 2003

RECEIVED

JUN 25 2003

WATER RESOURCES
WESTERN REGION

Craig L. Saxton
Senior Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

*Re: Notice of Error Reply for SRBA Preliminary Recommendations
29-00298B, 29-00311B, and 29-02034B for Corwin Pat Whitworth*

Dear Craig:

Thank you for your letter of June 4, 2003 and enclosures pertaining to the above-referenced water rights, which I have reviewed with the claimant, Corwin Pat Whitworth. The revised Recommendations for each of these claims are approved.

Enclosed please find signed original Notice of Claim Nos. 29-311B and 29-298B for stock water. The description of the diverting works has been inserted on each. The points of diversion and place of use have been reflected on the attached map. Since both places of use are reflected in each claim, I have added the additional point of diversion reflected so that both points of diversion are reflected on both claims. Mr. Whitworth has no objection should prefer to separate these to reflect a single point of diversion and place of use on each claim.

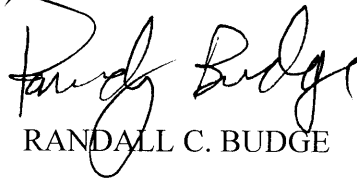
The revised Preliminary Recommendation for Right No. 29-2034B is approved and I am enclosing a copy. Reflecting the source as Rapid Creek rather than Jackson Creek, since Jackson Creek is now tributary to Rapid Creek, is acceptable based upon the added condition: "pursuant to a call in times of scarcity, this right is senior to water rights diverted from Rapid Creek and tributaries." This condition would in fact protect Mr. Whitworth from a priority call from Rapid Creek in times of shortage, which was a

major concern. I note, however, that on Right No. 29-2034B the source is still reflected as Jackson Creek, tributary to Rapid Creek, and I wondered if it should not be changed to reflect the source as Rapid Creek, tributary to the Portneuf River, with the new condition added.

Also, I note that on Right No. 29-311B and 29-298B, the source is reflected as Rapid Creek tributary to the Portneuf River (rather than Jackson Creek tributary to Rapid Creek). Accordingly, the same condition reflected in 29-2034B should be reflected on the stock water rights, i.e., "pursuant to a call in time of scarcity, this right is senior to water rights diverted from Rapid Creek and tributaries."

With these changes, Mr. Whitworth approves of each of these recommended rights as revised. Please contact me if you have any questions.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Pat Whitworth (w/encls.)