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March 11, 2003

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RECEIVED

MAR 24 2003

**WATER RESOURCES
WESTERN REGION**

Re: *Corwin Pat Whitworth*
Water Right Nos. 29-311B, 29-298B, 29-2034B

To Whom It May Concern:

Enclosed please find Claimant Corwin P. Whitworth's Notice of Error Reply pertaining to Water Right Nos. 29-298B, 29-311B, and 29-2034B.

With respect to numbers 29-298B and 29-311B, the Claimant Mr. Whitworth agrees with the recommendation that the irrigation water right be forfeited by reason of non-use. However, he disagrees that any forfeiture should occur with respect to his stock watering right on the same property. Although this was not separately identified on the original Notice of Claim, these two water rights have been continuously to date to provide stock water for up to 300 head of beef cattle. The period of use is right after the first crop hay is removed, being approximately June 15 each year, through October 31. Mr. Whitworth seeks to amend these claims to assert this stock water right. If it is necessary to file a separate late filed claim on the stock water right, please advise and we'll promptly do so.

Regarding Water Right No. 29-2034B, there are four areas of disagreement:

1. The irrigated acres should be 36 acres in the SW1/4 NE1/4 and 12 acres in the SE1/4 NE1/4 of Section 23, Township 7 South, Range 36 East, B.M., Bannock County. I am enclosing a map reflecting the additional acres, which the claimant requests be included.

March 11, 2003

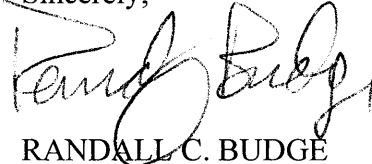
Page 2

This is the hash-marked area, which has always been irrigated from the identified ditch, which runs from the point of diversion in a southwesterly direction to a gravity flow sprinkler system.

2. The quantity of water should be increased proportionately for the additional 48 acres.
3. The source reflects that Jackson Creek is a tributary to Rapid Creek. Presently that is the case. However, it was not the case when this water right was initially established in 1905. At that time Jackson Creek was tributary to sinks and did not flow into Rapid Creek. This is significant, because this right otherwise could be called out by earlier priority rights on Rapid Creek. In support of this assertion are the enclosed sworn statements of Francis M. Whitworth dated March 19, 1991, R. W. Barren, dated March 19, 1991, and Narcisse Sorrell, dated July 2, 1920. At that time, Jackson Creek was commonly known as Indian Creek. This date was based upon Water License No. 1330 issued June 8, 1906, by State Engineer Jason Stevenson, Jr., Bannock County Recorder's Instrument No. 29-2034, copy of which is enclosed. Our copy is hardly legible, but I assume the Department has available a legible copy. It does not appear that any indication is given in this license that Indian Creek (Jackson Creek) was tributary to Rapid Creek.

Thank you for your consideration. If you have any questions, please contact me.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Pat Whitworth (w/encls.)