



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

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Director

August 8, 2002

WILLIAM P WHITWORTH
RT 2 N BOX 86C
POCATELLO ID 83202

RE: Snake River Basin Adjudication (SRBA) claims 29-00298C and 29-00311C

Dear Mr. Whitworth,

I spoke with you on 11-1-01 at your brothers, Pat Whitworth's, home. At that time you told me that you diverted water from Rapid Creek from rock dams that were used to block the water. At the time of my field exam, I did see the shale dams but could not see how they could divert water.

On June 26, 2002 I stopped by the claimed place of use and still could not locate a working diversion structure.

During my research I found a stream channel alteration permit you applied for in 1994. In the permit, one of the requirements was to place rock in the stream channel for a grade controlling structure (enclosed).

It looks to me that the shale rock structures are results of the stream channel permit requirements rather than points of diversion used to divert water for irrigation purposes.

It seems that I might have misunderstood what is the diversion structure. In order for IDWR to make a positive recommendation on the above referenced SRBA claims, I will need evidence of a diversion structure and when the water was last put to beneficial use.

If you feel my assessment is inaccurate, please provide the evidence requested above, or feel free to contact me so that we may set up an appointment where you can show me how the diversion system works.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau