

LAW OFFICES OF

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

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

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. CRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

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

Craig L. Saxton
June 23, 2003
Page 2

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,

A handwritten signature in black ink, appearing to read "Randall C. Budge". The signature is fluid and cursive, with the first name "Randall" and last name "Budge" clearly distinguishable.

RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Pat Whitworth (w/encls.)

REVISED
"OK" RLB

06/04/2003

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

RIGHT NUMBER: 29-2034B

NAME AND ADDRESS: CORWIN P WHITWORTH
493 E JACKSON CREEK RD
INKOM ID 83245

RECEIVED

JUN 25 2003

WATER RESOURCES
WESTERN REGION

SOURCE: JACKSON CREEK

TRIBUTARY: RAPID CREEK

QUANTITY: 0.630 CFS
184.000 AFY

PRIORITY DATE: 08/31/1905



PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT IS SENIOR TO WATER RIGHTS DIVERTED FROM RAPID CREEK AND TRIBUTARIES.

POINT OF DIVERSION:

T07S R36E S23 NESENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.920 CFS 184.00 AFY
DOMESTIC	04/01 10/31	0.040 CFS
Domestic use is for lawn and garden.		

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S23 SWNE 33.0 T07S R36E S23 SENE 13.0

DOMESTIC same as IRRIGATION

46 ACRES TOTAL

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: License

3

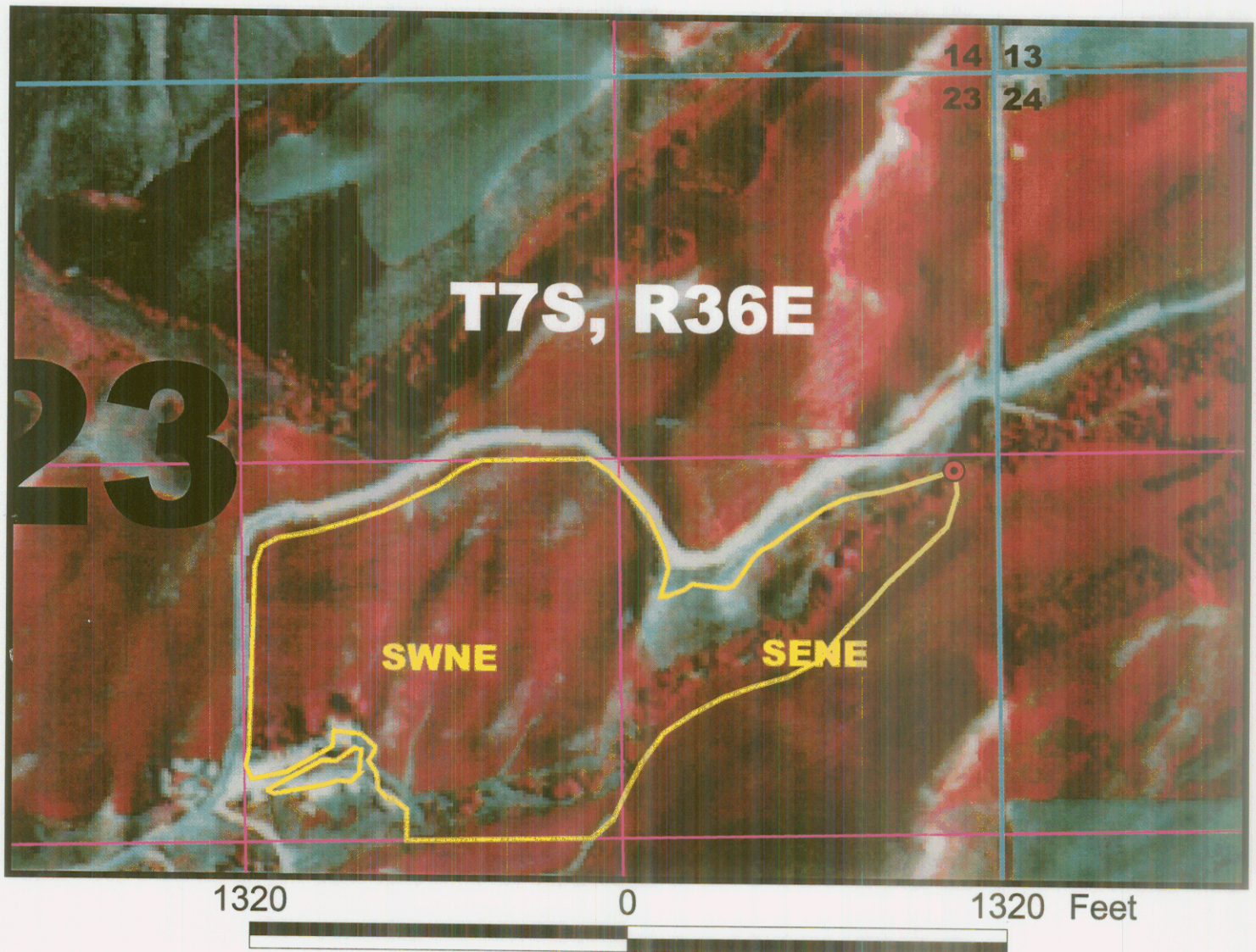




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-02034B



Total Irrigated Acres: 46.0

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: June 2003



30.0
SWNE

1.7

SENE

23