

September 26, 2006

RECEIVED

SEP 29 2006

DEPARTMENT OF
WATER RESOURCES

TO: Roxanne Brown
State of Idaho
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83707-9815
Phone: 208-287-4800

FROM: Dixie Whitworth
P.O. Box 870
Humboldt, AZ 86329
Phone: 928-632-5821
Fax: 928-632-5821
Cell: 520-705-0032

RE: Water Right #: 73-39
Water Right #: 73-62
Basin 73 (Pahsimeroi River Drainage)

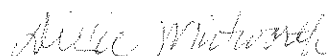
Roxanne:

I have been in Humboldt, Arizona taking care of my mother for a while now. I just recently received the Preliminary Director's Report regarding my water rights in May, Idaho. I have tried unsuccessfully to reach you by phone to discuss some of the changes being recommended. I have talked to Danny and Carter and they advised me to go ahead and send in these papers with this explanation and hopefully I can reach you by phone soon to discuss this matter.

I am returning the Notice of Error Reply for both of my water rights with explanations and also a copy of my original decreed water rights for comparison. I would like my rights to remain as the original decree states. Under the recommendation being presented I would lose approximately 12 acres which has been used continuously throughout history.

I appreciate your help with this matter and I will continue to reach you by phone to discuss this.

Sincerely,



Dixie Whitworth

08/31/2006

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: September 29, 2006

Water right number: 73-39

DIXIE L WHITWORTH

PO BOX 134

MAY ID 83253

Telephone Number: (208)876-4432 928-632-5821 (until further notice)

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

period of use: 7/10 - 10/31

place of use: please see attached Recommendation (map)

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

period of use: 7/10 - 11/1 BACK TO ORIGINAL DECREE

place of use: Restore Access to original Decree

3. Give a brief explanation as to why you disagree with these portions:

period of use: original Decree (I would lose 1 day)

place of use: I would lose 11.5 acres which was originally Decreed and has been used continuously

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

DATE: 9/26/06

SIGNATURE: Dixie L. Whitworth

Please print your name: DIXIE L. WHITWORTH

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

08/31/2006

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

RIGHT NUMBER: 73-39

NAME AND ADDRESS: DIXIE L WHITWORTH
PO BOX 134
MAY ID 83253

SOURCE: PATTERSON CREEK *Spring Creek* TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 10/01/1887

POINT OF DIVERSION: T14N R22E S8 SWNNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/15 07/09	2.400 CFS
	07/10 10/31 11-1	1.800 CFS
	04/01 05/14	2.000 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R21E S36	SENE	39.00 <i>40</i>	T15N R21E S36	NESW	16.00 <i>20</i>
T15N R21E S36	NESE	36.00 <i>40</i>	T15N R21E S36	NWSE	22.00 <i>20</i>
T15N R22E S31 Lot 2 SWNW		2.50 <i>5</i>	T15N R22E S31 Lot 3 NWSW		28.00 <i>30</i>

155 143.5 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: BASIS OF CLAIM - Decreed

Source is also known as Spring Creek, Big Spring Creek or O Neal Creek.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.govDIRK KEMPTHORNE
GovernorKARL J. PREHNER
Director**FAX Transmittal Cover Sheet**Number of pages including this one: 5Date: 5/23/06To: D. Whitworth

Fax No.: _____

From: R. Brown

Fax No.: _____

Phone No.: _____

Subject: _____

Original water Rights as determined by Roxanne Brown on 5/23/06

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 73-39
Date Received: 5/9/1990
Receipt No: E014390
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DIXIE L WHITWORTH Phone: (208) 876-4432
PO BOX 134
MAY ID USA 83253

2. Date of Priority: 10/01/1887

3. Source: SPRING CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	22E	8	SW NW NW	LEMHI	

5. Description of diverting works:

WOODEN HDGATE WITH FISH TRAP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/15	07/09	2.4	
IRRIGATION	07/10	11/01	1.8	
IRRIGATION	04/01	05/14	2.0	

7. Total Quantity Appropriated is:
2.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
300 HD BEEF CATTLE

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
15N	21E	36	SE	NE	IRRIGATION	40	
			NE	SW	IRRIGATION	20	
			NE	SE	IRRIGATION	40	
			NW	SE	IRRIGATION	20	
Section Acres						120	
15N	22E	31	SW	NW	2	IRRIGATION	5
			NW	SW	3	IRRIGATION	30
Section Acres						35	
Total Acres						155	

11. Place of use in counties: DEWITT

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

13. Other Water Rights Used:

A73-00062

14. Remarks:

P/D MISSOURI CANAL, NO LEGAL DESCRIPTION
AMOUNT DECREED = 0.02CFS/IRRIGATED ACRES

15. Basis of Claim: Decreed