

01/07/2003

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

RIGHT NUMBER: 29-288A

NAME AND ADDRESS: MARGARET A WHITWORTH
PO BOX 427
INKOM ID 83245

MARVIN D WHITWORTH
PO BOX 427
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 SWSWNW 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	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S21 SWNE 0.5

0.5 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:

Water Right Claim Number A29-00288A
Township , 7S36E

08/24/2000



 Irrigated Area

 Place of Diversion

Legend

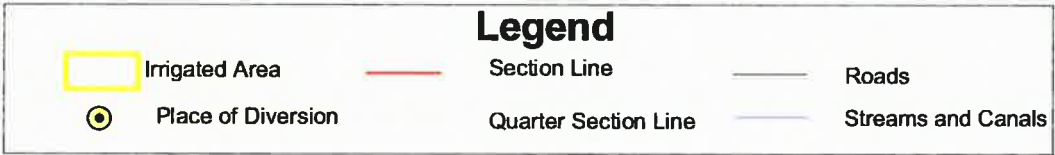
 Section Line

 Quarter Section Line

 Roads

 Streams and Canals





Water Right Claim Number A29-00288A
Township , 7S36E

08/24/2000



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

 Quarter Section Line

 Streams and Canals



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-288A V1

WATER RIGHT NUMBER: 29-288A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EDWIN SORRELL
	, ID
Current Owner	MARGARET A WHITWORTH
	PO BOX 427
	INKOM, ID 83245
	(208)775-3358
Current Owner	MARVIN D WHITWORTH
	PO BOX 427
	INKOM, ID 83245
	(208)775-3358

Priority Date: 06/01/1885

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
RAPID CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

RAPID CREEK	SW1/4SW1/4NW1/4	Sec. 22, Twp 07S, Rge 36E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	21			.5														.5

Total Acres: 0.5

Conditions of Approval:

1. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-288A V1

Comments:

1. csaxton 1/7/2003 POD
Comment: POD not defined in Decree. No C03.
2. csaxton 1/7/2003 Source
Comment: Source decreed as the main channel of Rapid Creek.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 29F
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/7/2003 8:15:38 AM	csaxton			Active
Priority Date	1/7/2003 8:17:11 AM	csaxton			Active
POD	1/7/2003 8:17:22 AM	csaxton			Active
Source	1/7/2003 8:23:44 AM	csaxton			Active
POU	1/7/2003 8:23:58 AM	csaxton			Active
Use	1/7/2003 8:26:40 AM	csaxton			Active
Season	1/7/2003 8:27:08 AM	csaxton			Active
Quantity	1/7/2003 8:27:51 AM	csaxton			Active
Summary			01/07/2003	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	1/7/2003 8:17:21 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-288A V1

POU	1/7/2003 8:24:18 AM	csaxton	Edited shape boundary
Contacts	1/7/2003 8:15:37 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 7/17/02
Priority Date	1/7/2003 8:17:10 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/7/2003 8:20:48 AM	csaxton	Edited point location
POD	1/7/2003 8:21:08 AM	csaxton	Edited PLS
Source	1/7/2003 8:23:43 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	1/7/2003 8:23:57 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	1/7/2003 8:24:32 AM	csaxton	Edited PLS
Use	1/7/2003 8:26:39 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-288A V1

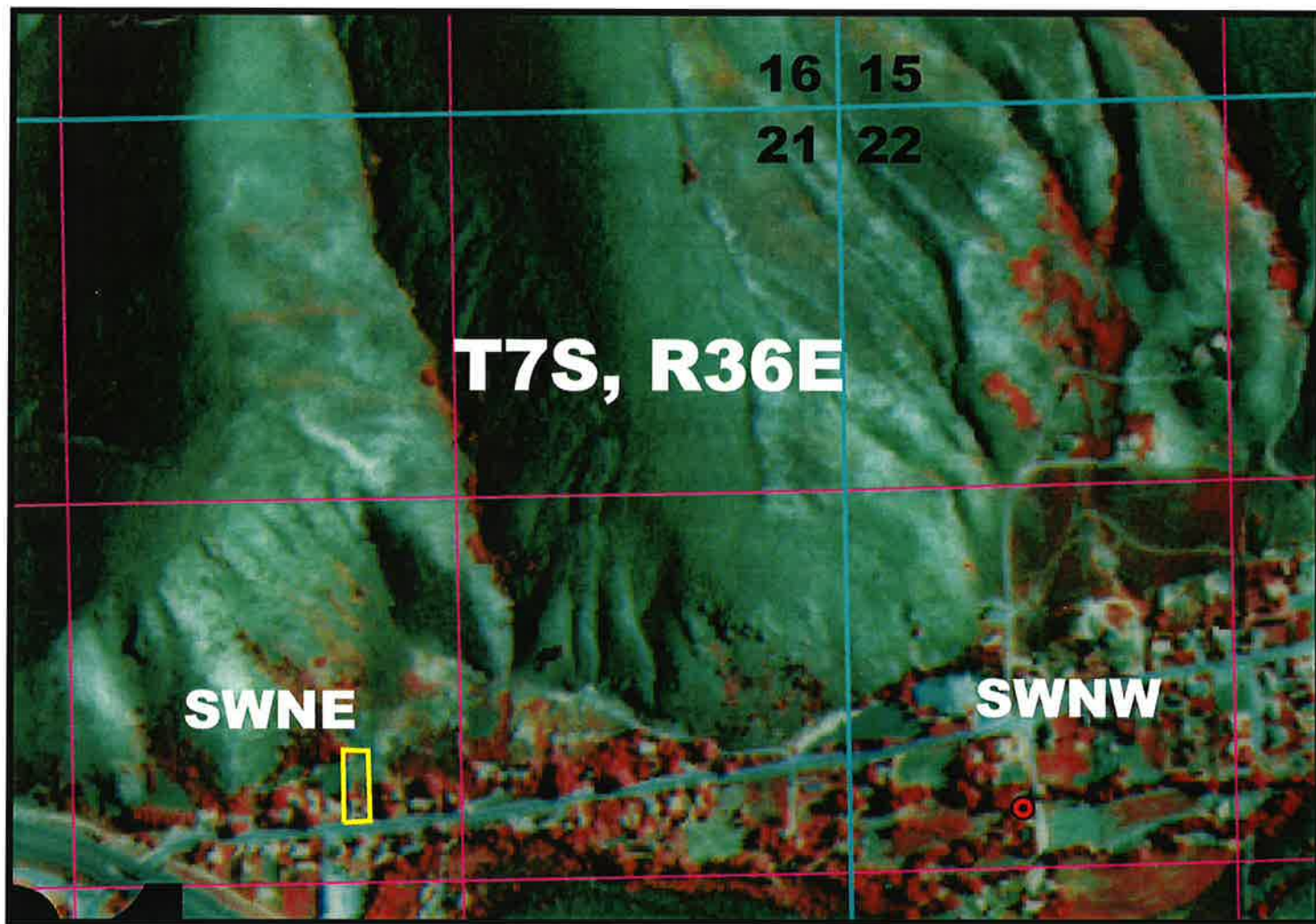
Season	1/7/2003 8:27:07 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	1/7/2003 8:27:50 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	1/7/2003 8:29:53 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00288A



0 1320 Feet

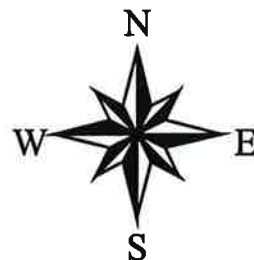
Total Irrigated Acres: 0.5

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

PROFILED

SCANNED

JUL 21 2005



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

02/18/2003

Craig

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: April 21, 2003

Water right number: 29-288A

MARGARET A WHITWORTH
PO BOX 427
INKOM ID 83245
Telephone Number: (208) 775-3358

MARVIN D WHITWORTH
PO BOX 427
INKOM ID 83245
Telephone Number: (208) 775-3358

RECEIVED
MAR 17 2003
WATER RESOURCES
WESTERN REGION

RECEIVED
MAR 10 2003
Department of Water Resources

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

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

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

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

DATE: 3-4-03

SIGNATURE:

Margaret Whitworth
MARGARET WHITWORTH

Please print your name:

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

9/6/01 : Why is diversion Rate claimed so Excessive
when all other Rates are 0.02 acre
Diversion Problem

: POW - Within Decreed POW

: Source - As decreed

4-23-02 : Need Field Exam

6-26-02 : Called - No one Home - No Message Service.
Send letter.

7-15-02 : Street address is 374 Rapid Creek Rd Inkorn

7-17-02 : Claimant is Maryalin Browns Mother
FE

: Confirmed use of water - Claimant stated that
she uses water.

1-6-02 : Not much Irrigated Ground $\approx \frac{1}{2}$ acre

: Claimed as Irrigation. $\frac{1}{2}$ acre found.
Even though $\frac{1}{2}$ to the acre is the assumed
duty of water for this Right. Treat as domestic
and Rec 0.02 cfs

This Right is

SCANNED

JUL 21 2005

PROFILED

Split history for Decreed Right 29-00288

		Claimed		Recommend
29-00288 0.7 Decree Silent Assumed 35 0.02 Per acre 6/1/1885 Priority per WR database	29-00288A	Whitworth, Marvin		*
		0.1		0.02
		3		0.5
	29-00288B	Moser, Donald	PD'd	* PD'd
		0.02		0.02
		0.5 Domestic		0.5
	29-00288C	Joint School Dist 21		Could Be 0.36 cfs
		0.35		0.35 *
		18		18
	29-00288D	Mark, Eddie	PD'd	* PD'd
		0.02		0.02
		0.5 Domestic		0.5
	29-00288E	Arnold, Edward		Disallow * No B-use Found
		0.04		
		2		
	29-00288F	Bollinger, Dean		*
		0.02		0.02
		1		1
Sum of claimed CFS =		0.55	Sum CFS=	0.43
Sum of claimed Acreage =		25	Sum Acre=	20.5
			Un-accounted for CFS=	0.27
			Un-accounted for Acres=	14.5

Assumed 1" per acre. This right is under-claimed and under-recommended.

SCANNED
JUL 21 2005

PROFILED

29-00288A
FE: 7/17/02



POD: water apparently siphoned from ditch.
sort of.

SCANNEL
JUL 21 2005

PROFILED

79-00288A

FE: 7/17/02



Looking W @ Claimed POW

PROFILED

SCANNED
JUL 21 2005



Looking E @ ditch carrying Rapid Ck water to
Claimed POW.

SCANNED
JUL 21 2005

PROTECTED

looking S. @ claimed Rock



looking S @ claimed Pen. Road there shows division system



29-00288A
RF: 7/17/02

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-288

WATER RIGHT NUMBER: 29-288

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EDWIN SORRELL
	, ID

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAPID CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion
RAPID CREEK

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	21			X						X								

Total Acres: 0

Conditions of Approval:Remarks:

- General P/D & P/U INCOMPLETE.^^^

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-288

Dates and Other Information:

Licensed Date:
Decreed Date: 6/22/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 29F
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

JUN 11 2001

Log for claim A29-00288A

Spatial Dynamics LTD

8/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	21	SWNE	3	8.7	Indiscernible
Totals:			3	8.7	

AJ5809NP
No. A29-00288A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 30

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARVIN D WHITWORTH	06/01/1885	IRRIGATION	03-15 11-15	0.100 CFS	
C	MARGARET A WHITWORTH					
	BOX 427					
	INKOM ID 83245			TOTAL DIVERSION:	0.100 CFS	
	(208) 775-3358			CONSUMPTIVE USE:		7.50 AFA

Water Source: RAPID CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R36E S22

SWSWNW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
07S	36E	21	:				03	:					:					:					:	3.0
																							TOTAL ACRES	3.0

POU County: BANNOCK

Non-Irrigation Uses: S/ INCIDENTAL STOCKWATER USE FROM THE DITCHES DURING IRR. SEASON

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-00288B 29-00288D 29-11835 A29-00288B A29-00288D A29-00288E A29-00290D A29-11545 A29-11813 A29-11835

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00288 A29-00288E A29-00288F

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29F

Field Inspection Flag:

Presumption Flag:

Audit: 03/30/90 CARLSON 04/04/94 THOMPSON 03/29/95 POST-STD

JUN 11 2001

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: A29-00288A

Date Received: 3/30/1990

Receipt No: 1006442

Received By: gpc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARVIN D. WHITWORTH 208-775-3358
Address: BOX 427
INKOM, ID 83245

AND/OR

Name: MARGARET A. WHITWORTH 208-775-3358
Address: BOX 427
INKOM, ID 83245

2. Date of Priority: JUN 01, 1885

3. Source: RAPID CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	22	SW	SW	NW		BANNOCK

5. Description of diverting works:
CONCRETE DIV. DAM WITH DITCHES AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ INCIDENTAL STOCKWATER USE FROM THE DITCHES DURING IRR. SEASON

A29-00288A

Page 1

Date: 03/30/90

MICROFILMED

NOV 13 1992

A2900288A



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	21	SW NE		IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

CHARLES E. STEWART, ET. AL.
Decree Plaintiff

vs

A. J. DAMRON, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Maurin D. Whitworth Date: 3/30/90
Margaret A Whitworth Date: 3/30/90

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of March 19 90

John Dale Larson
Notary Public

Seal

Residing at Boise ID
My Commission Expires 4/2/94

SW
SE W NE
21
7536E



MICROFILMED

NOV 13 1992