

06/17/2002

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

RIGHT NUMBER: 29-11902

NAME AND ADDRESS: KELLY W WHITWORTH
1178 N HWY 91
INKOM ID 83245

SOURCE: SPRING

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.08 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 07/01/1902

POINT OF DIVERSION:

T07S R36E S26 SWSWSW Within BANNOCK County

T07S R36E S27 SESESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 11/01	0.080 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S27 SESE 2.0

STOCKWATER same as IRRIGATION

2 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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

02/04/2002

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

RIGHT NUMBER: 29-11902

DISALLOWED

NAME AND ADDRESS: KELLY W WHITWORTH
1178 N HWY 91
INKOM ID 83245

SOURCE: SPRING

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 07/01/1902

POINT OF DIVERSION:

T07S R36E S26 SWSWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

0.040 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T07S R36E S27 SESE 2.0

2 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.

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial
use that is PROPOSED to be disallowed because beneficial use of water
was not confirmed by IDWRs field examination or by other evidence
submitted by the claimant.

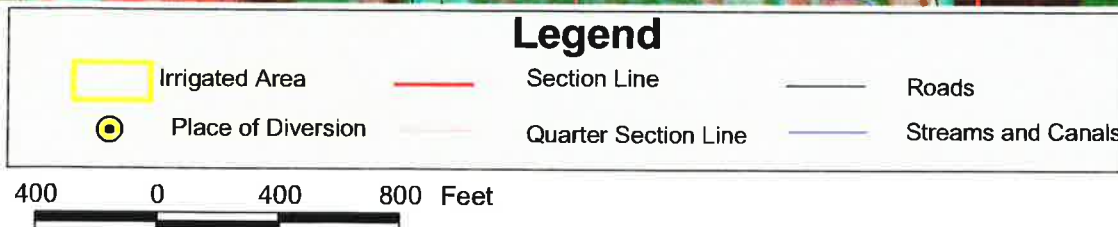
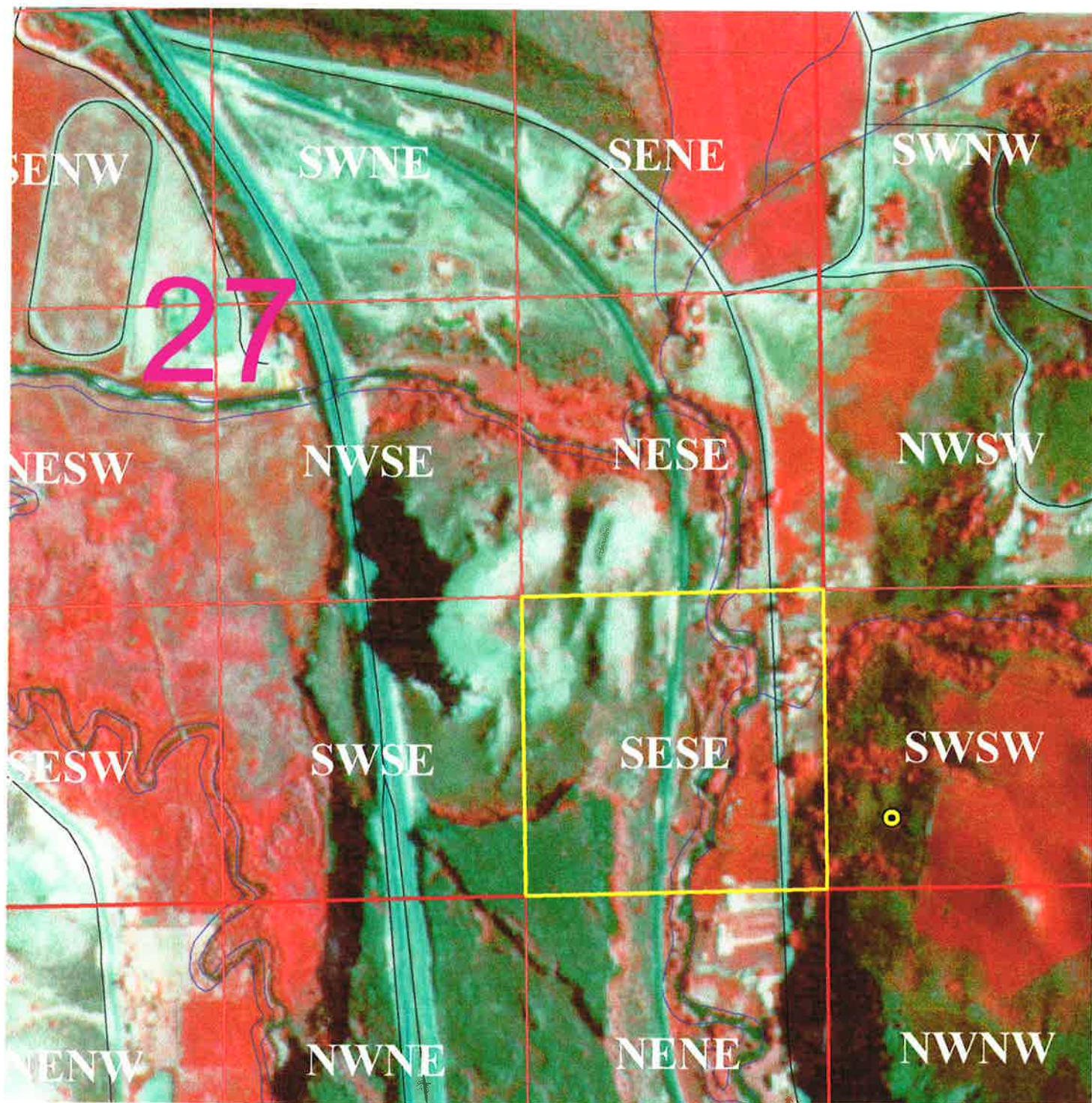
EXPLANATORY MATERIAL: Beneficial Use

*Amended to ADD
IPROD 1/10
AND Stockton.*

Water Right Claim Number A29-11902

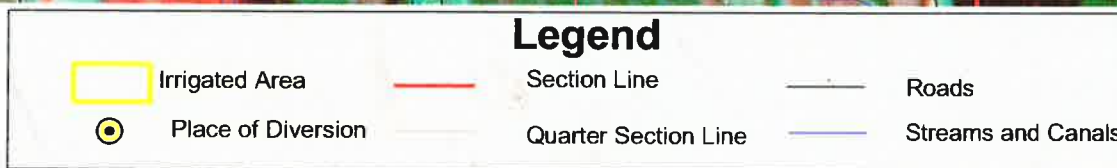
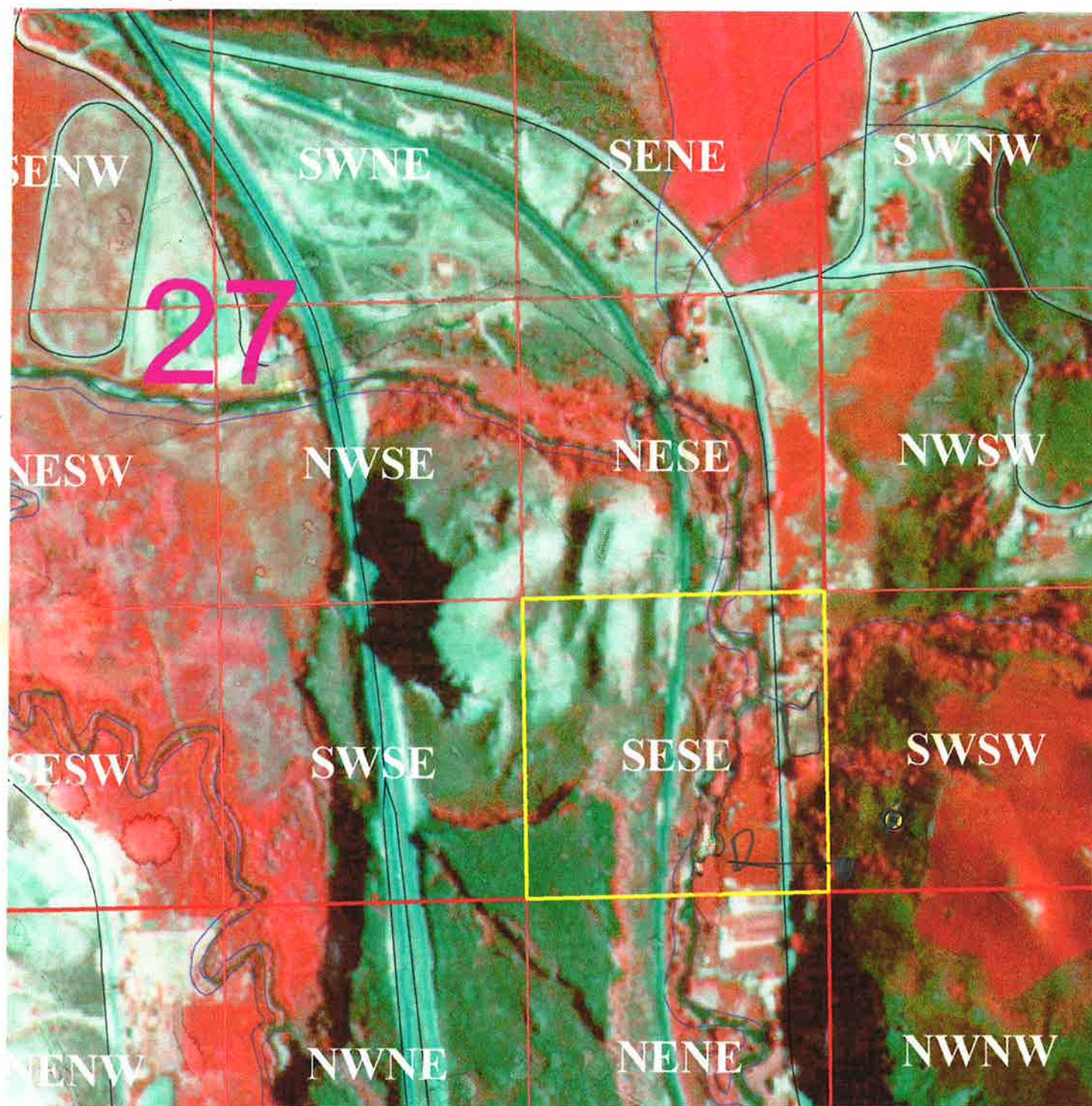
08/31/2000

Township , 7S36E



Water Right Claim Number A29-11902
Township , 7S36E

08/31/2000



400 0 400 800 Feet



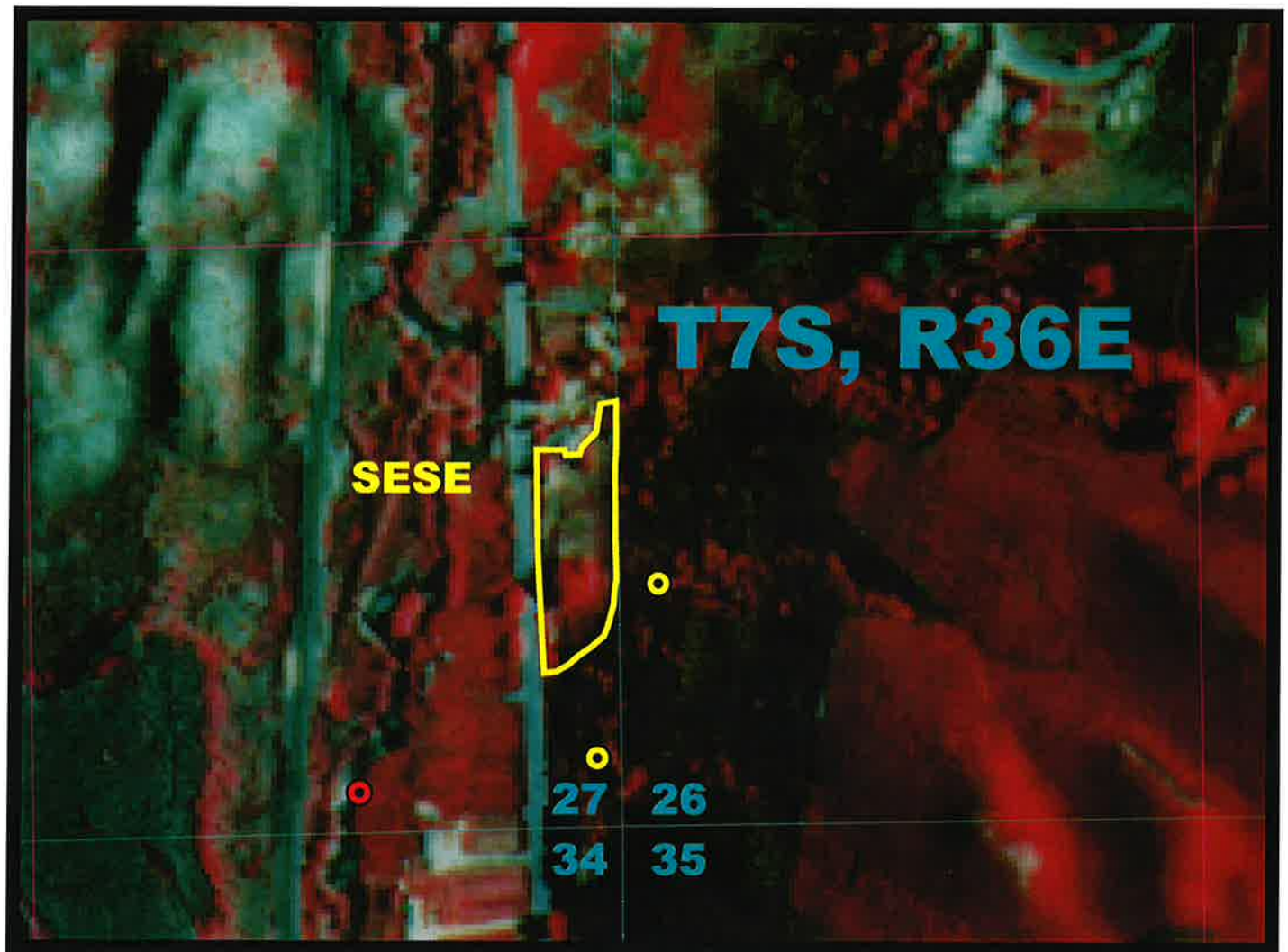


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): **29-11902**



250 0 250 500 750 1000 1250 1500 1750 2000 2250 Feet

LEGEND

 Point of Diversion

 SESE Place of Use

 Section

 Quarter-Quarter

Place of Use: T7S, R36E
Sec. 27 (part of) SESE

Point(s) of Diversion: T7S, R36E
Sec. 26 SWSWSW
Sec. 27 SESESE



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: June 2002

RECEIVED

FEB 27 2003

02/18/2003

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

Allen

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: 29-11902

KELLY W WHITWORTH

1178 N HWY 91

INKOM ID 83245

Telephone Number: (208) 775-4986

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: 2-23-03

SIGNATURE:

Kelly W Whitworth

Please print your name:

Kelly W Whitworth

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

RECEIVED
MAY 06 2002
Department of Water Resources
Eastern Region

QUIT CLAIM DEED

Dated: July 24, 1902
Filed: December 31, 1930
at 10:02 A. M.
Instrument No. 154476
Recorded: Book 64 Deed
Record page 575
Consideration: \$1.00

The poles are to be inside the highway boundaries and the anchors will approach five feet on Private Property.

One Witness received in full page George L. Curtis (Seal)

Acknowledged: Bannock County, Idaho; July 24, 1902; by George L. Curtis, before Earle C. White, Notary Public in and for said County.
(Notarial Seal)

Acknowledged: Bannock County, Idaho; November 9, 1933, by L. P. and Ada Holmes, man and wife, before Eli M. Pyper, Notary Public for Idaho; residence: Boise, Idaho. (Notarial Seal) My commission expires Dec. 8, 1934.

Contacts Data Entry Form

29-11902

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	KELLY WHITWORTH					775-4986
Name connector: and _____, or _____, and/or _____						
Current Owner _____						
Current Owner _____						

Representing Attorney: _____ Phone Number: _____

Accompanied By: Mr. Whitworth Phone Number: _____Relationship to Claimant: OwnerDate of Field Exam: 5/2/02 Time: _____

Directions to Property (if different from above) and/or update owner information:

FIRST FIELD EXAM 10/25/01 - FOUND POD SHOWN
IN PHOTO - THIS ONLY ONE SOURCE - THERE IS ALSO
ANOTHER SPRING TIED TO THIS SYSTEM

ADVISED MR. WHITWORTH HE SHOULD AMEND CLAIM TO
ADD POD I FOUND (I DID NOT FIND THE ONE HE
INTENDED). ALSO ADVISED HIM TO ADD STOCK @ 0.02
HE WANTS TO AMEND

MEASURED REEDS.

Reviewer: ASRDate: 5/3/02

Priority Date Data Entry Form

Claim Number: 29-11902

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: BU☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

ADVISED MR. WHITWORTH A POSTED NOTICE ONLY
SHOWS INTENT. HE HAS AN OLD ABSTRACT THAT
SPECIFICALLY DISCUSSED HIS CLAIMED WATER RT. HE
WILL COPY AND MAIL TO ME AS EVIDENCE OF PRIORITY

5/6/02 RECEIVED PC BOOK SHOWING USE OF WATERS
OF CURTIS SPR. - DATING TO 1902.

Reviewer: Date: 5/3/02

Point of Diversion and Source Data Entry Form

Claim Number: 29-11902

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
75	36E	26		SWSWSW	BARN	SPRING

GPS Coordinates:_____

75	36E	27		SESESE		SPRING
----	-----	----	--	--------	--	--------

GPS Coordinates:_____

--	--	--	--	--	--	--

GPS Coordinates:_____

--	--	--	--	--	--	--

GPS Coordinates:_____

--	--	--	--	--	--	--

GPS Coordinates:_____

--	--	--	--	--	--	--

GPS Coordinates:_____

--	--	--	--	--	--	--

GPS Coordinates:_____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

NOTED TO GPS POD'SFIELD EXAM - 10/25/01, 5/2/02 AND

Transfers Changing POD NOReviewer: OKDate: 5/3/02

Place Of Use Data Entry Form

Claim Number: 29-11902☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
17S	36E	27	SESE		BARN		2	irrig
								stock

Total Acres 2

Document how the POU was verified:

FE-

Transfers Changing POU _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number: _____

_____ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
irrig	_____	_____	2	_____
stock	_____	2 HENSOS	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

FB

Transfers Changing Purpose of Use _____

Reviewer: smDate: 5/3/02

Period of Use and Quantity Data Entry FormClaim Number: 29-11902☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
irrig	4/1	10/31	0.04	
stock	1/1	12/31	0.02	

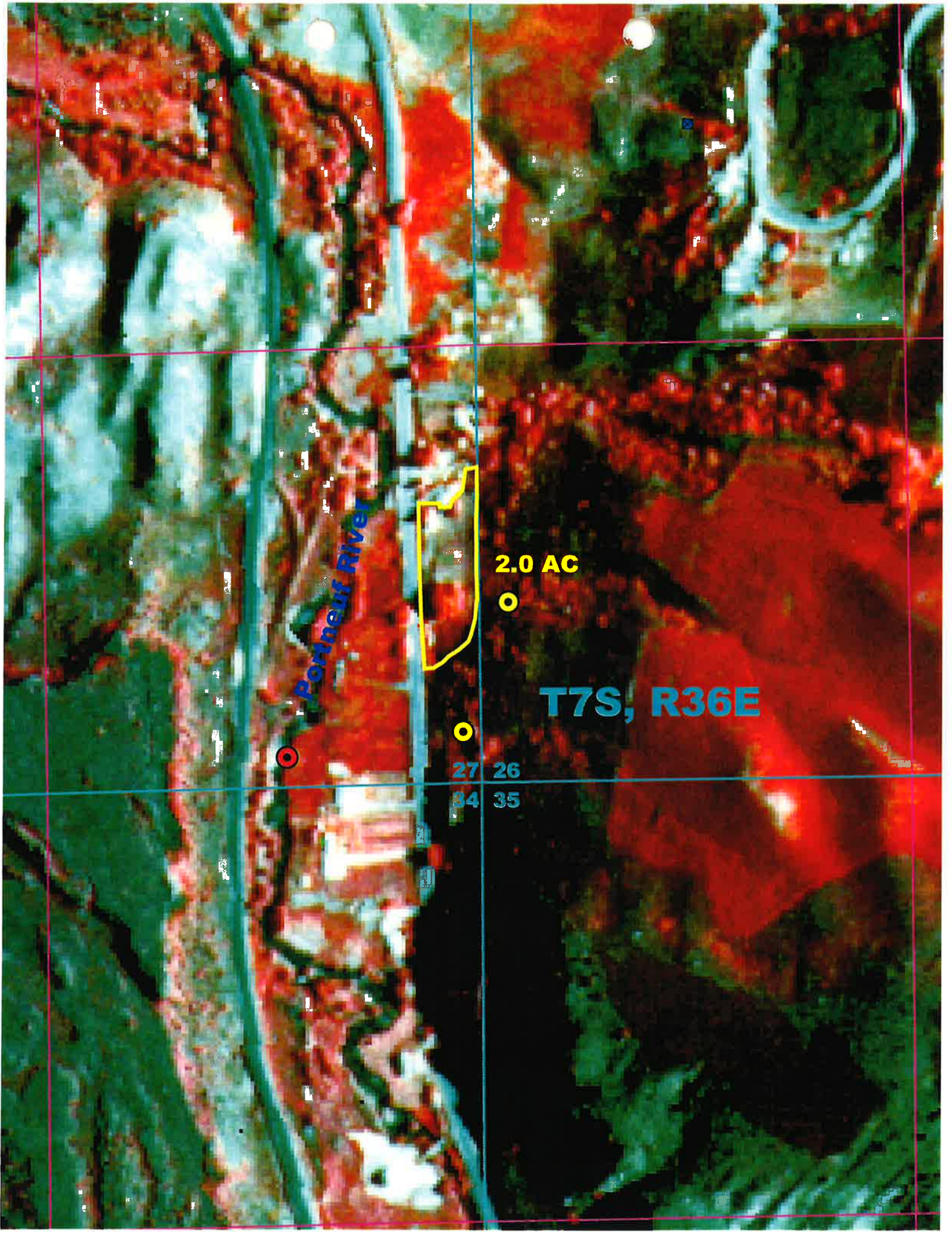
Overall Diversion Rate 0.04Overall Diversion Volume ✓

Document how the Period of Use and/or Diversion Rate were verified:

Dept Std.Measure Rod's

Reviewer: _____

Date: _____



Portneuf River

2.0 AC

T7S, R36E

27 26
34 35

April 15, 2002

To whom it may concern,

I have enclosed copies of

Water Right I have in my

possession. I still use this water

to this day for irrigation of yard

and garden and about 1 acre of

pasture. I depend on it totally to

keep things growing & green around

my place. I hope this is enough

evidence. I don't know what else

I can do for proof -

Respectfully

Ken W. Stettin

RECEIVED
APR 18 2002
Department of Water Resources
Eastern Region

RECEIVED
APR 18 2002
Department of Water Resources
Eastern Region

George L. Curtis

NOTICE OF WATER RIGHT

Dated: June 25, 1902
Filed: July 1, 1902
at 3:28 P. M.
Recorded: Book 2 Water Location
Record page 176

Notice given that George L. Curtis has this June 25, 1902, appropriated and hereby claims use of waters of New Robers Roost or lower Rock Creek, no name being given on map to extent of one hundred sixty inches steady flow flowing at point of intended diversion which said point of intended diversion is particularly described as follows:

Near East line of SW4 of SW4 Sec. 35, Tp. 7 South, R. 36 E.

That special purpose or purposes for which said water is claimed is for agricultural & domestic purposes.

Place of its intended use is

E2 of SE4 Sec. 27, &
E2 of NE4 Sec. 34, Tp. 7 S., R. 36 E.

That general course of proposed canal or conduit is North.

Length of said proposed canal or conduit is about $1\frac{1}{2}$ miles.

That it is intended to complete works for diversion and use of said water as aforesaid within two years.

Copy of this notice was duly posted at or near point of intended diversion on June 25, 1902.

George L. Curtis,
Appropriator and claimant

Bannock County, Idaho.

George L. Curtis

AFFIDAVIT

That he is of lawful age, and appropriator and claimant of water right described in within and foregoing notice and whose name is subscribed thereto. That statements in said notice are true and that original notice of which foregoing is true copy was posted in conspicuous place at or near point of intended diversion at 4:30 P. M. June 25, 1902.

George L. Curtis

Subscribed and sworn to before me this July 1, 1902.

(Seal)

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

J.S. Campbell, Clerk
By D. N. Campbell
Deputy

George L. Curtis

NOTICE OF WATER RIGHT

Dated: July 8, 1902
Filed: July 14, 1902
at 1:42 P. M.
Recorded: Book 2 Water Location
Record page 184

RECEIVED
APR 18 2002
Department of Water Resources
Eastern Region

Notice given that George L. Curtis has this July 8, 1902, appropriated and hereby claims use of waters of certain un-named spring but is hereby called Curtis Spring to extent of all there is flows from same flowing at point of intended diversion which said point of intended diversion is particularly described as follows: Near East line of SE4 of SE4 Sec. 27, Tp. 7 S., R. 36 E.

That special purpose or purposes for which said water is claimed is for domestic & stock purposes.

Place of its intended use is on

E2 of SE4 Sec. 27, &
E2 of NE4 Se. 34., Tp. 7 S., R. 36 E.

That general course of proposed canal or conduit is West.
Length of said proposed canal or conduit is about 500 ft.

That it is intended to complete works for diversion and use of said water as aforesaid within two years.

Copy of this Notice was duly posted at or near point of intended diversion on July 8, 1902.

George L. Curtis
Appropriator and Claimant

Bannock County, Idaho.

George L. Curtis

AFFIDAVIT

That he is of lawful age and appropriator and claimant of water right described in within and foregoing notice and whose name is subscribed thereto.

That statements in said notice are true and that original notice of which foregoing is true copy was posted in conspicuous place at or near point of intended diversion at 2:30 P. M., July 8, 1902.

George L. Curtis

Subscribed and sworn to before me this July 14, 1902.

(Seal)

J. S. Campbell, Clerk
By D. N. Campbell, Deputy

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

22 March 2002

Kelly Whitworth
1178 N Hwy 91
Inkom ID 83245

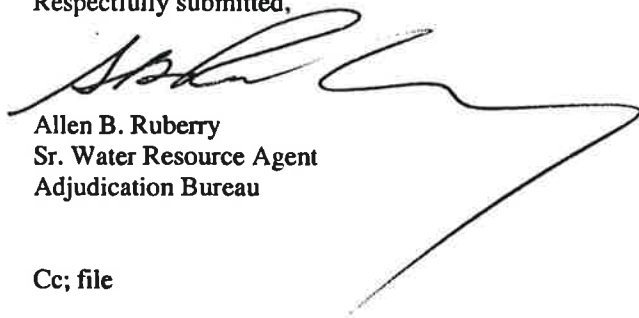
Re; Disallowed Recommendation of 29-11902

Dear **Mr. Lee;**

On November 19, 2001, you were sent a letter (copy enclosed) requesting evidence of priority for the above referenced water right claim. To date, there has been no response; therefore, this claim is being recommended for Disallowal to the SRBA court.

Please contact this office if you have any questions regarding this matter.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; file

Enclosure; Letter dated November 19, 2001, Requesting Evidence of Priority



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID 29 11902
POD ID 253709
Quad Bonneville Peak
Claim Type S
Easting 645424 645426
Northing 187776 188025
GPSID A0012581

Diversion Description

Submersible pump housed in small wood framed structure.

NO! SEE PHOTO - THIS DATA DOES NOT RELATE TO THIS CLAIM.

ASR

Assumptions

Horse power, pressure head, elevation head *NO*

Invoice

2000-037-01-0

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

OD ID 253709 01.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.077504610226320

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP *No Pump* 1.5

Pressure Head (psi) 30

Elevation Head (ft) 50

Motor Mfg

Motor Serial #

Pump Type

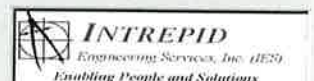
Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2001

Kelly Whitworth
1178 N Hwy 91
Inkom ID 83245

RE: EVIDENCE OF PRIORITY FOR A29-11902

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary evidence to support the priority date.**

The above referenced water right claim shows a priority date of July 1, 1902.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Cheri Vandermeulen

for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice(s) of Claim A29-11902

MAY 18 2001

Log for claim A29-11902

Spatial Dynamics PJM

8/31/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	27	SESE	2	41	POD placement? / Indiscernible
Totals:			2	41	

10/25/01 Visited Pod/POD. POD is AN 1 1/4" PIPE

Stuck into Bank Below Big Willow Tree which
Grows in front of the Spring. Pipe runs down a
Trail to Pod around House. GPS'd - NO TAG,
AS 'WHITSP'.

→ THIS SPRING IS TRUB. TO Sinks, NOT PORTLAND RIVER.

* NEEDS EVIDENCE OR Priority Data (Another 1902)

2/4/02 REQUESTED EVIDENCE OR Priority NOT RECEIVED!
Disallowed

4/29/02 CAUSE MR. WHITWORTH (wife) LEFT MESSG. ASK her call MR. - OK



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 29-11902
Date Received: 5/1/1990
Receipt No: E013957
Received By:
AMENDED

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

KELLY W WHITWORTH Phone: (208)775-4986

1178 N HWY 91
INKOM ID USA 83245

2. Date of Priority: 07/01/1902

3. Source: SPRING , SPRING Trib. to: PORTNEUF RIVER , PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	27	SE SE SE	BANNOCK	
07S	36E	26	SW SW SW	BANNOCK	

5. Description of diverting works:

HOSE FROM SPG.INTO 300 GAL TANK FOR STORAGE; PASTURE/YARD/GARDEN.
TWO SPRINGS ARE CONNECTED TO IRRIGATE WITH SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.08	
STOCKWATER	01/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 2 HORSES

10. Place of use:

RECEIVED
MAY 22 2002

Department of Water Resources
Eastern Region

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	27	SE	SE	IRRIGATION	2
						Section Acres 2
						Total Acres 2

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:

14. Remarks:

CLAIM AMENDED TO ADD CFS, STOCKWATER, AND ADDITIONAL POD.

15. Basis of Claim: Beneficial Use

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): Lee W Whitworth Date: 5-10-02

_____ Date:

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of May 2002 Chermain Murdoch

Notary Public

Residing at Idaho, Id 83245

My commission Expires 9-15-03

SCANNED
MAY 18 2001

X

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: A29-11902
Date Received: 5/ 6/1992
Receipt No: E013957
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: KELLY W WHITWORTH
Address: 1178 N HWY 91
INKOM ID

208-775-4986

83245

2. Date of Priority: JUL 1, 1902

3. Source: SPRING

Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	36E	26	SW	SW	SW		BANNOCK

5. Description of diverting works:

HOSE FROM SPG.INTO 300 GAL TANK FOR STORAGE;PASTURE/YARD/GARDEN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	36E	27	SE	SE		IRR	2.0

A2911902



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

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: BENEFICIAL USE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 AL9-11902Date Received 5-01-90Receipt Number E013957

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 1 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Kelly W Whitworth Phone (208) 775-4986
Mailing Address 1178 N Hwy 91 Inkom Idaho Zip 83245

2. Date of Priority (Only one (1) per claim) July 1, 1902

3. Source of water supply (a) Spring
which is tributary to (b) Portneuf River

4. a. Location of existing point of diversion is: Township 7 Range 36 Section 26
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

This system is all gravity flow.
We have at the point of diversion a screen and hose in the spring.
The hose empties into a 300 gallon tank which stores the water. From there
the water is piped to pasture (about 1 acre), and yard & garden (about 1/2 acre).

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>7</u>	<u>36</u>	<u>27</u>																<u>2</u>	<u>2</u>

Total number of acres irrigated 2

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

Last Name Whitworth Ident No. _____

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Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Township 7

South Range 36

East Base Meridian

27

26

place of use

Point of Diversion

Point of Diversion

34

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Last Name

Whitworth

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Kelly Whitworth Date 4-30-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Bannock) SS.

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

SEAL

Notary Public Sherry Helmandollar

Residing at Anson, Idaho 83245

My Commission Expires October 23, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Whitworth Ident. Number _____

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NOV 16 1992

Copies White-State, Yellow-Claimant