

02/16/2007

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

RIGHT NUMBER: 29-13728
NAME AND ADDRESS: MAX T WHITWORTH
73 S INDIAN CREEK RD
INKOM ID 83245

LARUE WHITWORTH
73 S INDIAN CREEK RD
INKOM ID 83245

SOURCE: INDIAN CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.010 CFS
PRIORITY DATE: 10/31/1959
POINT OF DIVERSION:

T08S R36E S5 NENWNE Lot 2 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	0.010 CFS

PLACE OF USE: IRRIGATION in BANNOCK County

T07S R36E S32	SWSE	0.10	T08S R36E S05 Lot 2 NWNE	0.40
---------------	------	------	--------------------------	------

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: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

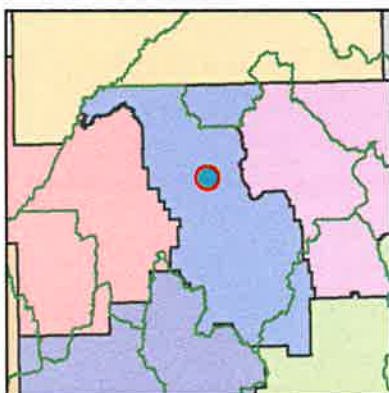
SRBA Recommendation:

29-13728

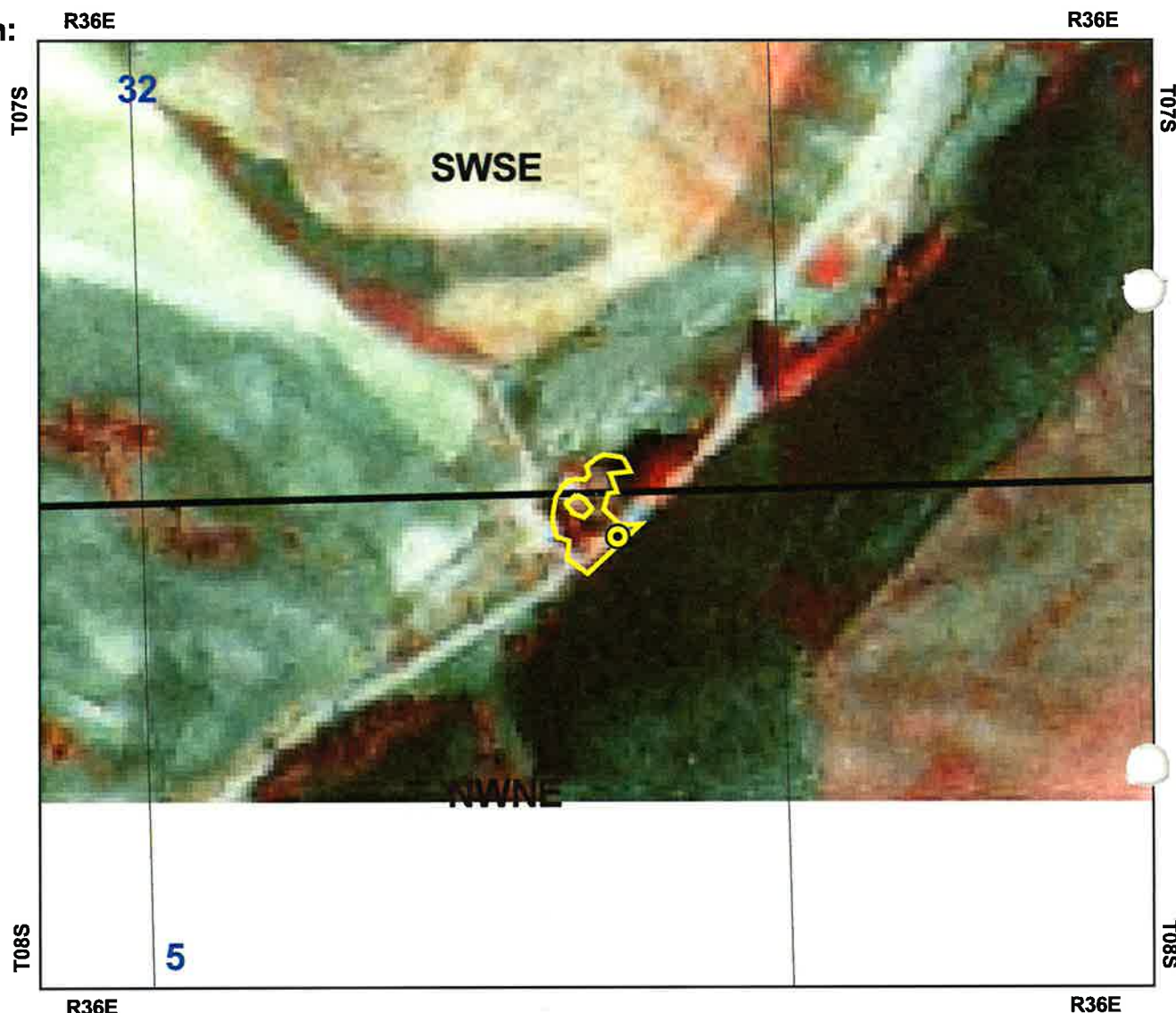
(Irrigation)

Legend

- SCANNED MAY 29 2007
-  Point of Diversion
 -  Place of Use
 -  Townships
 -  PLS Sections
 -  Quarter Quarters



Bannock County
IDWR Basin 29



0 0.1 0.2 Miles



Prepared by A. Golart
On Friday, February 16, 2007
1987/88 Aerial Photography

SWSE

NWNE

BOAMNED
MAY 23 2007

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 29-13728

[illegible]

Acron,

RECEIVED

FEB 14 2007

Department of Water Resources
Eastern Region

This is the Evidence of
Priority needed for Lake
Whitworth and Johanna
Wallace.

If you have questions
Call me at 775-3584

Johanna Wallace

SCANNED

MAY 29 2007

FEB 14 2007

Department of Water Resources
water for Eastern Region

DATED: 2.7.07

Vance Burrup
Vance Burrup

On this 7 day of Feb., 2007, before me, the undersigned, a Notary

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the
d year first above written.



Diana Hermer
Notary Public for the State of Idaho
Residing at Idaho, Idaho
exp 10-27-09

SCANNED

MAY 29 2007

RECEIVED

OCT 27 2006

DEPARTMENT OF
WATER RESOURCES

Oct 25, 2006

Dear Sally

Enclosed find a copy
of my check for LTR
claim # 29-13728.

Thank you
LaRae Whitworth

Ac't. C080708

-20 10-31-06

SCANNED

OCT 31 2006

W

Max T. Whitworth
LaRue M. Whitworth
208-775-3738
73 S. Indian Creek Rd.
Inkom, Idaho 83245

03-22-2006 5367
DATE 11-09-05

92-7369/3241

MAR 24 2006

DAY TO THE
ORDER OF

S D W R

\$ 101.00

One Hundred and one Dollars and 00/100

DOLLARS



Security
Features
Printed
On Demand

TEACHER'S
FEDERAL
CREDIT UNION

1800 Garrett Way
Pocatello, ID 83201
208-232-1823

MEMO

for water

LaRue M Whitworth

Account:3046 Draft#:5367 Amount:\$101.00 Sequence:21169740 Date:03/28/2006 CUID:324173697 Branch:0 WorkType:MSDS

ENDORSE HERE

X

Pay to the order of
STATE TREASURER

2-23-06 Written Receipts

12345678901234567890
9/1 037 10 93 PRT 22
ACCT 0315353555910

0230 18 0000 82780
04269 11800 810
0616222000818

RECEIVED

OCT 27 2006

DEPARTMENT OF
WATER RESOURCES

SCANNED

OCT 31 2006

Idaho Department of Water Resources Receipt

Receipt ID C080708

Payment Amount \$101.00 Date Received 3/24/2006 12:48:12 PM Region State Status
Payment Type Check Check Number 5367

Payer MAX WHITWORTH

Comment CLAIM TO A WATER RIGHT FOR #29-13728

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$101.00	WATER RIGHT ENFORCEMENT	0229	21	55506	1315


Signature Line (Dept. Representative)

SCANNED
SEP 18 2007

RECEIVED
SEP 29 2006
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 28 2006	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcases: 29-13727 & 29-13728

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICES OF CLAIM

On March 23, 2006, Max and Larue Whitworth and Johanna Wallace filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on June 20, 2006. No party appeared in opposition to the *Motions to File Late Notice of Claim*. However, following the hearing, the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(c) standard. On September 26, 2006, the special master issued a *Special Master's Report and Recommendation on Motion to File Late Claim* recommending that the late claims be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this **Order** and will forward the late claims to IDWR for investigation and reporting.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights is **granted**.

The original Notices of Claim and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. **No filing fees were received by this Court at the time of the filing of these *Motions*.** Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on annual

basis. This modifies the provisions of *SRBA Administrative Order 1* (4d(2)(h)).

IT IS SO ORDERED.

Dated Sept. 28, 2006.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICES OF CLAIM was mailed on September
28, 2006, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JOHANNA M WALLACE
247 S INDIAN CREEK
INKOM, ID 83245
Phone: 208-775-3584

LARUE WHITWORTH
MAX T WHITWORTH
73 S INDIAN CREEK RD
INKOM, ID 83245
Phone: 208-775-3738

RECEIVED

MAR 24 2006

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase 29-13728 /
(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 100.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

VERIFICATION (Must be completed)

State of Idaho

County of Bannock

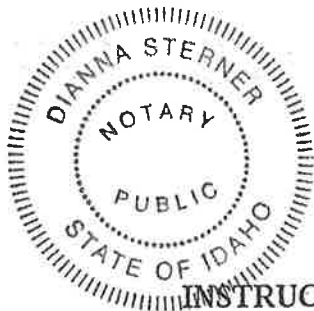
La Rue M Whitworth being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

La Rue M Whitworth
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 3-22-06
(Insert Date)



Dianna Sterner
Notary Public for Ireland Bank
Residing at: Idaho
My Commission expires: 10-27-09

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

RECEIVED

MAR 24 2006

DEPARTMENT OF
WATER RESOURCES

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 29-13728
Date Received: 11/7/2005
Receipt No: C080708
Received By: MWH CB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MAX T WHITWORTH Phone: (208)775-3738
73 S INDIAN CREEK RD
INKOM ID USA 83245

LARUE WHITWORTH Phone: (208)775-3738
73 S INDIAN CREEK RD
INKOM ID USA 83245

RECEIVED

MAR 30 2006

Department of Water Resources
Eastern Region

2. Date of Priority: 04/01/1939

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	5	NW NE 2	BANNOCK	

5. Description of diverting works:

2 HP PUMP TO HOSE AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.03	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

08S

36E 5

NW NE 2

IRRIGATION

0.5

Section Acres 0.5

Total Acres 0.5

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:

AWAITING ON DECISION FROM COURT REGARDING ACCEPTANCE OF LATE CLAIM.

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:

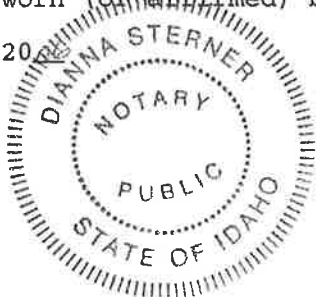
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): La Rue M Whitworth Date: 03-22-06

_____ Date:

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (on affirmed) before me this
of March 2006



Dianna Sterner

Notary Public

Residing at Idaho

My commission Expires 11-27-09

SCANNED

MAR 27 2006

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
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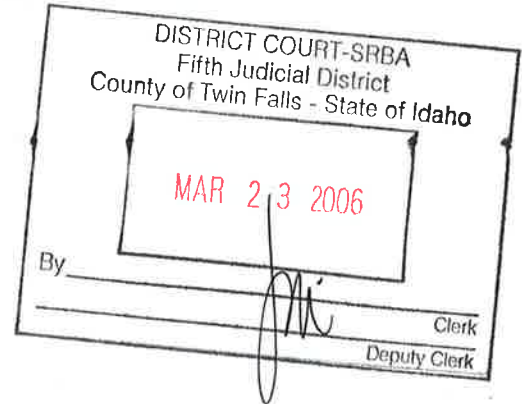
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Receipt No: **C080708**
Received By: MWH **10-31-06**

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10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

08S 36E 5 NW NE 2 IRRIGATION 0.5
Section Acres 0.5
Total Acres 0.5

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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): La Rue M Whitworth Date: 03-22-06

Date:

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (on affirmed) before me this
of March 2006



Dianna Sterner

Notary Public

Residing at Idaho

My commission Expires 10-27-09

RECEIVED

MAR 3 2005

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08S

36E 5

NW

NE

2

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0.5

Section Acres 0.5

Total Acres 0.5

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SCANNED

MAR 27 2006

SCANNED

SEP 17 2007

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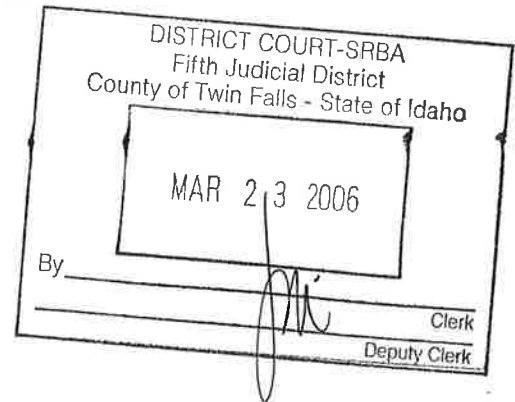
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08S

36E 5

NW NE 2

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Total Acres 0.5

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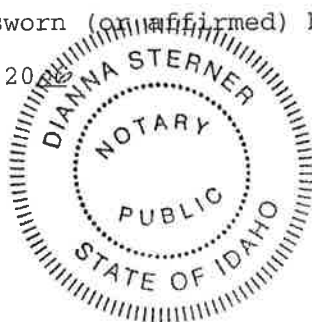
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