

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

1

02/24/2004

**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:

Water right number: 23-11260

THOMAS M WALSH
PO BOX 112
SWAN VALLEY ID 83449
Telephone Number: (208) 483-2305

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

see enclosed documents

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:

Don't
I AGREE with this proposed recommendation; no changes need to be made.

DATE:

3.16.04

SIGNATURE:

Thomas M. Walsh

Please print your name:

Thomas M Walsh

IDWR Regional Office,

3/18/04

*Right Split Proportionally
No Action Taken*

[Signature]

02/24/2004

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

RIGHT NUMBER: 23-11260

NAME AND ADDRESS: THOMAS M WALSH
PO BOX 112
SWAN VALLEY ID 83449

SOURCE: RAINEY CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 0.110 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.33 CFS. COMBINED RIGHT NOS.:
23-11258, 23-11260, 23-11262.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-11258, 23-11260,
23-11262 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/20/1889

POINT OF DIVERSION:
T01N R44E S5 SWNESW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.110 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S05	SWSW	6.4	T01N R44E S05	SESW	6.7
T01N R44E S08	NENW	1.1	T01N R44E S08	NWNW	0.8

15 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 15.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-11258, 23-11260,
23-11262, 23-11264.

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 23-11258, 23-11260, 23-11262, 23-11264.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-00020A.

NOTICE OF ERROR REPLY

WATER RIGHT #s 23-11258; 23-11260; 23-11262; 23-11264

From: Thomas M. Walsh
Hansen Guest Ranch
956 Rainey Creek Road
P.O. Box 112
Swan Valley, ID 83449-0112

To: Idaho Department of Water Resources

Re: Snake River Basin Adjudication

With regard to the proposed recommendations regarding Water Right #s 23-11258; 23-11260; 23-11262 and 23-11264, I disagree with the quantity of water allocated.

Attached you will find supporting evidence in the form of a letter from Dennis Hadley, District Conservationist for the Natural Resources Conservation Service, who consulted with Mr. Bob Lehman, Civil Engineer for NRCS in Rexburg. Predicated on their discovery and analysis, I would like to have my quantity of water reflect the figures that they have indicated.

Furthermore, the additional water I would be allocated would not be depriving other water right holders on Rainey Creek of their fair shares because that additional water would be derived from the 10-acre section of previously irrigated land on this ranch that has been sold off without any water rights. Basically, that frees up 10 acre feet of water that already comes from these 4 water rights to be transferred to my allocation, but not so that it surpasses the recommendations of Mr. Hadley. I am not changing the sources nor the priority dates, but utilizing the water from the 4 rights that I own to bring up to par the quantity of water on the property that I still am flood irrigating.

Additionally, my diversion point on Rainey Creek is an extreme distance from the weir and the distance from the weir where the cfs previously has been measured to my property line is an additional distance thus resulting in a significantly reduced conveyance efficiency.

My earlier phone conversation with W. Roger Warner, Eastern Region Water Rights Supervisor, validated my points of dispute, and I was encouraged to file this notice of error. If there are any questions or more information is required, please contact me at 208-483-2305.

Thank you,

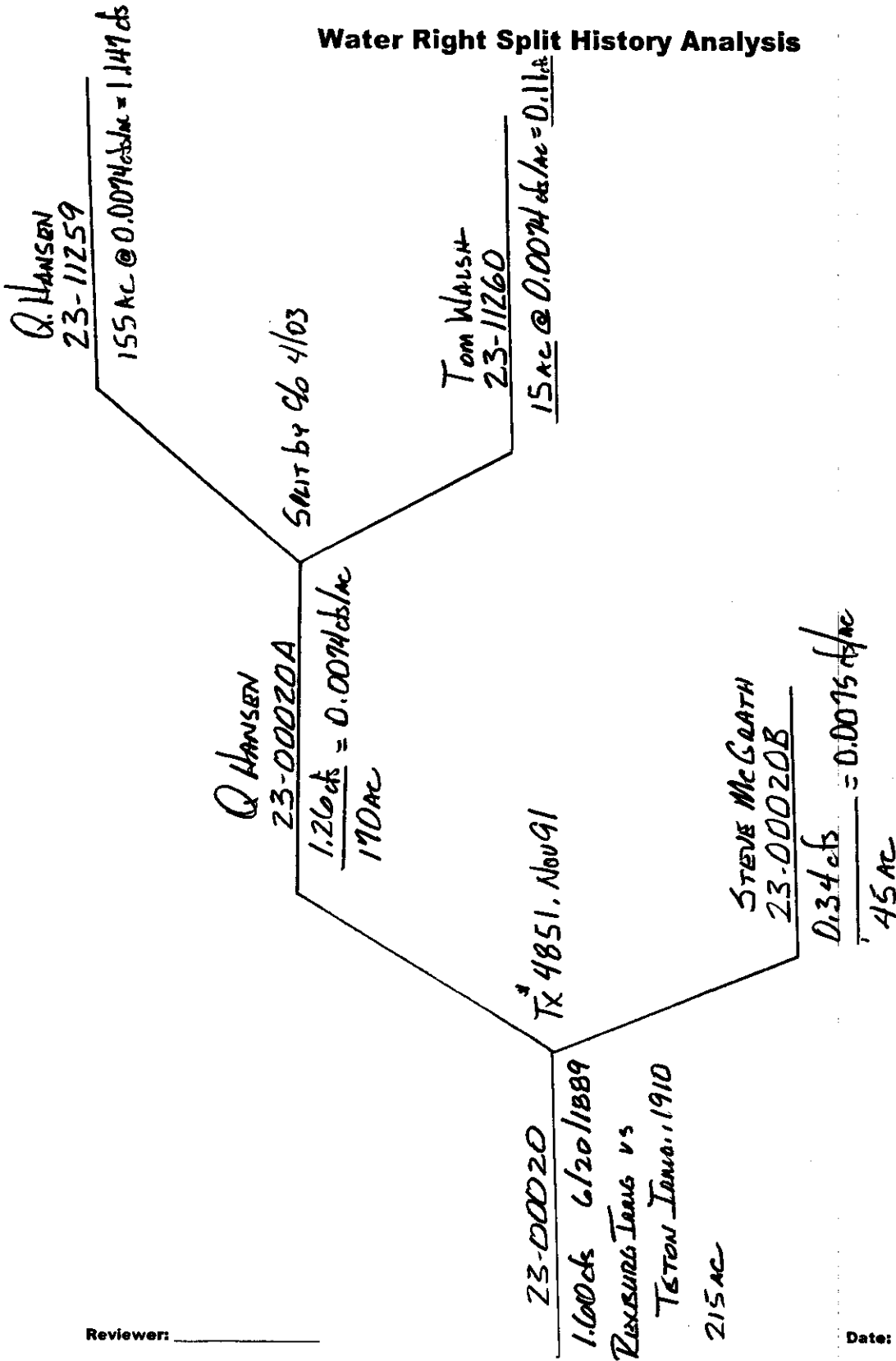


Thomas M. Walsh

03-04-04

SEE PARENT 23 - 00020A
FOR EXAM NOTES AND PHOTOS

Water Right Split History Analysis

CLAIMED IN-FULL

Reviewer: _____

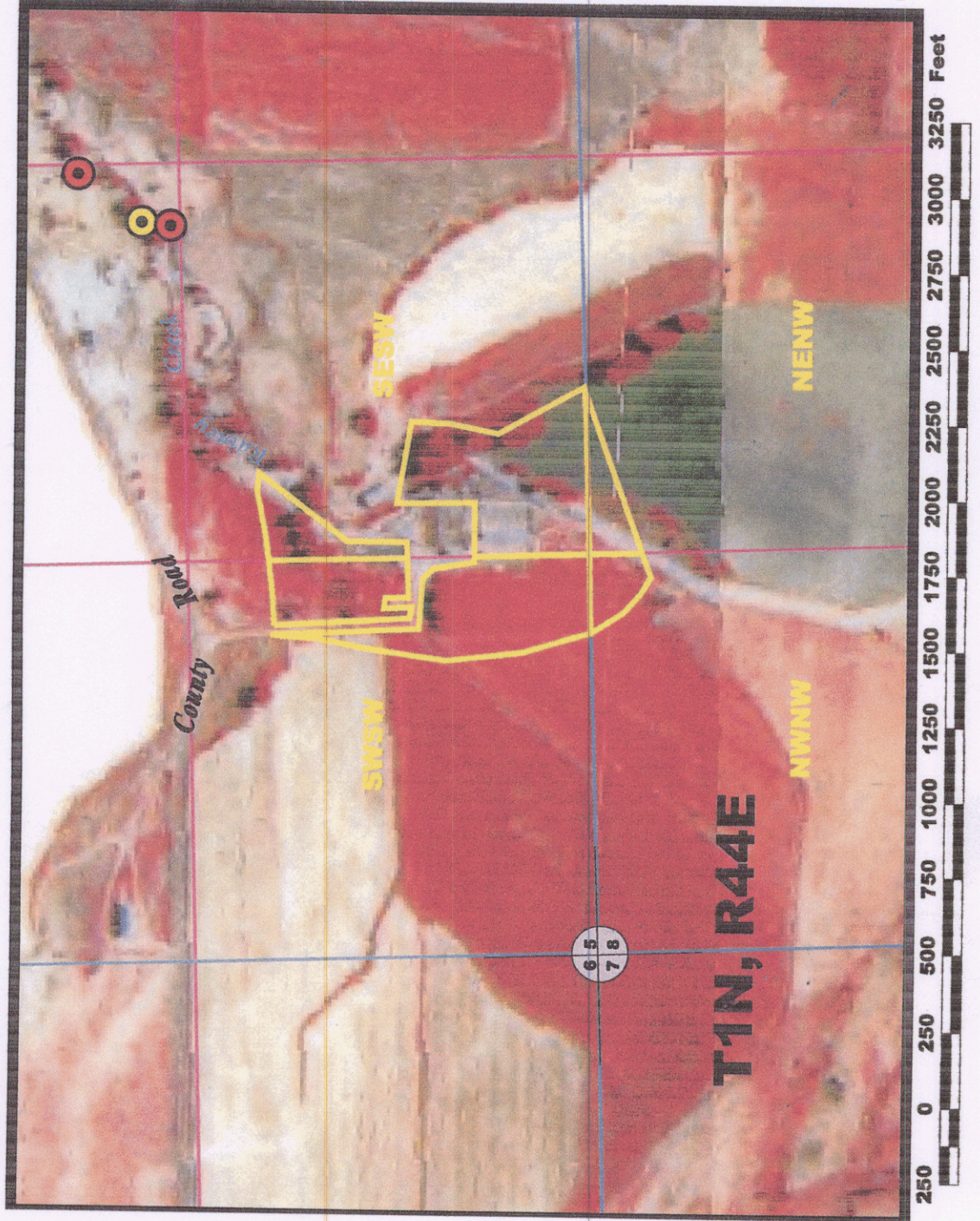
Date: _____



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-11258,
23-11260,
23-11262,
23-11264

Place of Use: (parts of)

T1N, R44E

Sec. 5 S2SW, Sec. 8 N2NW

Point(s) of Diversion:

T1N, R44E

Sec. 5 SENESW



LEGEND



Point of Diversion



SESE
Place of Use



Section



Quarter-Quarter