

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: 73-206

NORMAN H WALLIS
1971 PAHSIMEROI RD
MAY ID 83253

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

See Accompanying

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

Papers

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: 9-20-06 SIGNATURE: Norman H. Wallis
Please print your name: Norman H. Wallis

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

September 20, 2006

Idaho department of Water Resources
Roxanne Brown

Dear Roxanne:

After our meeting earlier this morning, I have done some further research on my water right no. 73-2041. The reason this right was not included in the DECREEED WATER RIGHTS, of Patterson Creek and Mahogany springs creek, is because the "completion of works" date was received on April 19th, 1912, and the certificate issued Aug. 9th, 1912. With the priority date of July 24th 1908.

These records are in your data base. This water right should be granted to me in this adjudication.

On the other matter, of place of use for all 320 inches of water for my ranch, I submit with the inclosed documents, that all waters from Patterson Creek consisting of 280 inches, or 5.6 cfs. And 40 inches or 0.8 cfs from Mahogany springs, be decreed to be used on all 320 acres, that they can be rotated and used on different parts of the said 320 acres of land. A legal description of the said land is spelled out in the copy of the deed to this property. These waters have been, and are currently being used on all 320 acres, where-ever the water is needed, when said waters are available, per the letters I have sent to you, that are dated 1933, and dually Notaries by a Notary Public.

If this is not enough please let me know what more is needed.

Thank You


Norman H. Wallis

RECEIVED
SEP 26 2006
DEPARTMENT OF
WATER RESOURCES



STATE OF IDAHO

H. C. BALDRIDGE, GOVERNOR
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, COMMISSIONER
BOISE

BUREAU OF WATER RESOURCES
MYRON SWENDSEN
ASSISTANT COMMISSIONER

Re: DISTRICT No. 19
Patterson Creek

July 8, 1930

H. P. NICHOLS
May
I d a h o

Dear Sir:

In response to your letter of June 30:
You are informed that our records show that FRANK
HAMMOND obtained LICENSE No. 5391 for 90 inches of
water, with a priority of July 24, 1908;

That E. D. W. MILLER obtained PERMIT No.
11207 for 3.4 cubic feet per second or 170 inches;
this right has a later date of priority than the
HAMMOND right.

If you hold sheriff's deed to the lands
covered by the HAMMOND permit, it would be assumed
that the water right would follow the title to the
land. So far as the records of this office show
this right is in good standing and is superior in
priority to the MILLER right. Your attention, how-
ever, should be called to the fact that there are
several rights evidenced by court decrees, all of
which are superior in point of time to your right,
and you should not in any way interfere with decreed
rights.

Very truly yours,

Myron Swendsen
Assistant Commissioner
of Reclamation

Notice of Proof of Completion of Works received April 19th, 1912, fixing July 3rd, 1912, as date, and May, Idaho, as place of proof.
Deposition blanks mailed June 1st, 1912, to S. J. Cleveland in May.
J. L. Mower of Patterson, Idaho, authorized on June 19th, 1912, to make the required examination.
Depositions, report and fee received July 9th, 1912.
2nd Deposition received July 25th, 1912.
Affidavit of publication received July 27th, 1912.
Certificate issued August 9th, 1912.

Permit No. 3797

CERTIFICATE OF COMPLETION OF WORKS

To All Whom it May Concern:

This is to certify that FRANK HAMMOND, of May, County of Lemhi, and State of Idaho, the holder of Permit No. 3797, issued upon Application No. 5391, bearing date of priority of June 30th, 1908, authorizing the diversion of 5.4 second feet of the waters of PATTERSON CREEK, County of Lemhi, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 5.2 second-feet of the waters of Patterson Creek, that the point of diversion of said waters is at a point $3.77^{\circ} 15'$ E. 555 feet from the corner common to Sections 22, 23, 26 and 27, Township 14 North, Range 23, East of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: East half of the Southwest quarter ($SE\frac{1}{4}$ SW $\frac{1}{4}$), and the South half of the Southeast quarter ($S\frac{1}{2}$ SE $\frac{1}{4}$), Section 18, Township 14 North, Range 23, East of the Boise Meridian.

Witness my hand this 9th day of August, A.D. 1912.

A. E. Robinson

State Engineer.

License issued for 1.8 second feet

QUITCLAIM DEED

FOR VALUE RECEIVED, HARLEY W. WALLIS, and EILEEN WALLIS, husband and wife, as Grantors, do hereby convey, release, remise, and forever quitclaim unto NORMAN H. WALLIS, and ANN MARIE WALLIS, husband and wife, as Grantees, all of their right, title and interest that they may have or may hereafter acquire or be entitled to regarding real property in the County of Lemhi, State of Idaho, described below.

The South Half of the Northeast Quarter (S1/2NE1/4), the Southeast Quarter (SE1/4) and the East Half of the Southwest Quarter (E1/2SW1/4), Section Eighteen (18), Township Fourteen (14) North, Range Twenty-three (23), East of the Boise Meridian. Existing of approximately Three Hundred Twenty (320) acres, more or less, together with all water rights appurtenant thereto as follows:

Patterson Creek-120 inches, dated May 8, 1899 (Third) (2.4 cfs)
Mahogany Springs Creek-40 inches, dated May 8, 1899 (First) (.8cfs)
Patterson Creek-90 inches, dated July 24, 1908 (High Water), (1.4 cfs)
Patterson Creek-70 inches, dated September 21, 1934 (High Water), (1.8 cfs)

The acceptance and recording on this Deed shall Grantees shall signify Grantees' acceptance of the conditions stated herein.

DATED this 6th day of April, 1994.

Harley W. Wallis
HARLEY W. WALLIS

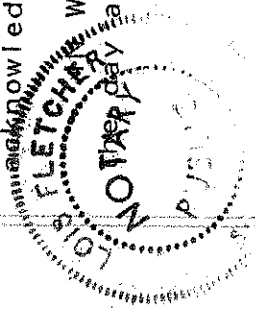
Eileen Wallis
EILEEN WALLIS

STATE OF IDAHO

County of Custer : ss.

On this 6th day of April, 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared HARLEY W. WALLIS and EILEEN WALLIS, Husband and Wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

WITNESS WHEREOF, I have hereunto set my hand and seal, _____
_____ day and year in this certificate first above written.



Lois Fletcher
NOTARY PUBLIC for Idaho
Residing at: Challis, ID
Commission Expires: 6-23-99

State of Idaho) ss.
County of Lemhi)

Ernest Hornek

being first duly sworn, deposes and says:

I am a citizen of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho;

That I am well acquainted with the lands owned by Henry P. Nichols and Lillie Nichols;

That the water appurtenant to the S½ and the N½, of Section 18, in Township 14 North, Range 23 East of the Boise Meridian is a decreed right to 120 inches or 2.2-5 cubic feet per second of time, of the waters of Patterson Creek, and 40 inches, or 4-5 cubic feet per second of time, from the waters of Mahogany Springs Creek; said waters having been decreed to Jane Hammond, by Decree dated April 7th, 1910.

That the water appurtenant to the lands owned by the said Henry P. Nichols and Lillie Nichols, consisting of the:

S½ and N½ is 160 inches of decreed water, and appurtenant to the E½ and the S½ is 160 inches private filing from the waters of Patterson Creek; all in Section 18 Township 14 North, Range 23 East of the Boise Meridian. That said waters can be retated and used on different parts of the 320 acres of land; that there is available during the high water period, more water than the said ditches will carry; that the origin of said waters is Mahogany Springs Creek and Patterson Creek; that the points of diversion are; from Mahogany Springs Creek.

from Patterson Creek, the points of diversion are,

That the ditch from Mahogany Springs Creek is about

one and one-half mile in length and about 2 feet wide at top and 1½

feet wide at bottom, and the amount of water it will carry is about

250 inches; that the ditch from Patterson Creek is about 3

miles long and 5 feet at top and 2 feet at top, with depth of

2 feet, and will carry approximately 500 inches of water; that

the 160 inches private filing is carried through a ditch about 3

miles long, 2 feet at top and 2 feet at bottom with depth of 2

feet; that this ditch will carry approximately 500 inches of water.

That the names of other parties using water from any of the said ditches are as follows: none

I further certify, that the water has been used continuously by the present owner and predecessors in interest, and put to beneficial use of the lands since the said decree and private filing, and that there has been no interruption in the use of said waters.

Ernest Hornek

No. 30.

State of Idaho)
) ss.
County of Lemhi)

Marion F. Keyser being first duly sworn, deposes and says:

I am a citizen of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho;

That I am well acquainted with the lands owned by Henry P. Nichols and Lillie Nichols;

That the water appurtenant to the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18, in Township 14 North, Range 23 East of the Boise Meridian is a decreed right to 120 inches or 2.2-5 cubic feet per second of time, of the waters of Patterson Creek, and 40 inches, or 4-5 cubic feet per second of time, from the waters of Mahogany Springs Creek; said waters having been decreed to Jane Hammond, by Decree dated April 7th, 1910.

That the water appurtenant to the lands owned by the said Henry P. Nichols and Lillie Nichols, consisting of the:

S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ is 160 inches of decreed water, and appurtenant to the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ is 160 inches private filing from the waters of Patterson Creek; all in Section 18 Township 14 North, Range 23 East of the Boise Meridian. That said waters can be rotated and used on different parts of the 320 acres of land; that there is available during the high water period, more water than the said ditches will carry; that the origin of said waters is Mahogany Springs Creek and Patterson Creek; that the points of diversion are; from Mahogany Springs Creek, about one mile, in the SE $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 17, from Patterson Creek, the points of diversion are, about 3 miles long being in the NW $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 26 Twp. 14 N.R. 23 E.B.M.

That the ditch from Mahogany Springs Creek is about

one and one-half mile in length and about 3 feet wide at top and 12 feet wide at bottom, and the amount of water it will carry is about 250 inches; that the ditch from Patterson Creek is about 3 miles long and 5 feet at top and 2 feet at top, with depth of 2 feet, and will carry approximately 500 inches of water; that the 160 inches private filing is carried through a ditch about 3 miles long, 5 feet at top and 2 feet at bottom with depth of 2 feet; that this ditch will carry approximately 500 inches of water.

That the names of other parties using water from any of the said ditches are as follows: None

I further certify, that the water has been used continuously by the present owner and predecessors in interest, and put to beneficial use of the lands since the said decree and private filing, and that there has been no interruption in the use of said waters.

Marion F. Keyser

State of Idaho)
) ss.
County of Lemhi)

Carl J. Herman

being first duly sworn, deposes and says:

I am a citizen of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho;

That I am well acquainted with the lands owned by Henry P. Nichols and Lillie Nichols;

That the water appurtenant to the S $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18, in Township 14 North, Range 23 East of the Boise Meridian is a decreed right to 120 inches or 2.2-5 cubic feet per second of time, of the waters of Patterson Creek, and 40 inches, or 4-5 cubic feet per second of time, from the waters of Mahogany Springs Creek; said waters having been decreed to Jane Hammond, by Decree dated April 7th, 1910.

That the water appurtenant to the lands owned by the said Henry P. Nichols and Lillie Nichols, consisting of the:

S $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ is 160 inches of decreed water, and appurtenant to the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ is 160 inches private filing from the waters of Patterson Creek; all in Section 18 Township 14 North, Range 23 East of the Boise Meridian. That said waters can be rotated and used on different parts of the 320 acres of land; that there is available during the high water period, more water than the said ditches will carry; that the origin of said waters is Mahogany Springs Creek and Patterson Creek; that the points of diversion are; from Mahogany Springs Creek,

from Patterson Creek, the points of diversion are,

That the ditch from Mahogany Springs Creek is about

one and one-half mile in length and about 2 feet wide at top and 14

feet wide at bottom, and the amount of water it will carry is about

250 inches; that the ditch from Patterson Creek is about 3

miles long and 3 feet at top and 2 feet at top, with depth of

2 feet, and will carry approximately 500 inches of water; that

the 160 inches private filing is carried through a ditch about 3

miles long, 2 feet at top and 2 feet at bottom with depth of 2

feet; that this ditch will carry approximately 500 inches of water.

That the names of other parties using water from any of the said ditches are as follows:

None

I further certify, that the water has been used continuously by the present owner and predecessors in interest, and put to beneficial use of the lands since the said decree and private filing, and that there has been no interruption in the use of said waters.

Carl J. Herman