

11/02/2006

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

RIGHT NUMBER: 73-33

NAME AND ADDRESS: LEE J WATSON
4177 RD L
ORLAND CA 95963

CATHERINE M WATSON
4177 RD L
ORLAND CA 95963

SOURCE: BIG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 08/16/1910

POINT OF DIVERSION:

T13N R23E S11 NENESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.400 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R22E S22	SWNE	37.00	T14N R22E S22	SENE	11.00
T14N R22E S22	NESE	40.00	T14N R22E S22	NWSE	37.00
T14N R22E S22	SWSE	39.00	T14N R22E S22	SESE	39.00
T14N R22E S23	NESW	15.00	T14N R22E S23	NWSW	40.00
T14N R22E S23	SWSW	40.00	T14N R22E S23	SESW	38.00
T14N R22E S26	NENW	38.00	T14N R22E S26	NWNW	40.00

414 ACRES TOTAL

This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 414 acres in a single irrigation season. Combined Right Nos.: 73-33, 73-152S, 73-153S, 73-2151.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 8, 2006

Lee and Catherine Watson
4177 Rd. L
Orland, CA 95963

Re: Snake River Basin Adjudication (SRBA)
Notice of Error Reply – Subcase No. 73-10100

Dear Lee and Catherine,

Thank you for your response to our preliminary recommendation of the water right claim(s) captioned above. This letter is an attempt to answer your questions and address your concerns about the recommendation(s).

It's important to understand that the paperwork you attached to each Reply was not a determination of your water rights; it was a copy of information taken from the original claim in the SRBA. IDWR is required to verify and make its recommendation of your claims to the SRBA Court. We are now going through that process.

73-33, 73-152A, 73-153A

Many of the elements of a water right that has been previously decreed, such as these three, are recommended as they were decreed. This is true of the priority dates and sources for these rights. The season of use, if it is not listed in the decree, is limited to the standard season for all other rights in your area.

Two of the claims (73-152A and 73-153A) were for portions of previously decreed rights. Your neighbors claimed other portions of these rights. IDWR made a determination of which quantity of water belonged to individual claimants, based on the original decrees. Disagreements caused by this type of determination are best settled during the objection phase of the SRBA, when all of the involved parties can work together for a solution. The objection phase will be described in the upcoming Director's Report, which you should receive in the mail shortly.

A water right recommendation in the SRBA must include a list of actual irrigated acres. We use aerial photography to establish the acres irrigated at the commencement of this adjudication: November 19, 1987. In your case, we used 1988 photography to establish your place of use. We found 230 acres irrigated in 1988; this is the basis of our recommended in the SRBA.

A copy of the photography is attached, with your property boundary outlined in black. It does not appear that all of the acres you own were irrigated at that time. With this evidence, we are unable to change our recommendation as requested.

We have also attached a copy of 2006 NAIP photography. The irrigation practice has obviously changed with the installation of pivots; you may now be irrigating more than can be recommended. This may cause a problem for you in the future; I would recommend that you contact IDWR as soon as possible to resolve this issue.

73-10098, 73-10099

IDWR could find no record of the water rights claimed by Mr. Hamilton as 73-10098 and 73-10099. We are unable to recommend these claims.

73-10100

In this case, Dwayne Hamilton had made the original claim with a priority date May 1, 1886. In addition, the claim was made for "high water" (see Remarks on the Adjudication Claim Profile Report). Such a claim is for the beneficial use of water in addition to any decreed or licensed water rights.

We are unable to recommend this claim without additional information. Please complete and submit the enclosed questionnaire. The information you supply describing your water delivery system and irrigation methods is essential in order for our staff to evaluate this beneficial use claim. Much of the information required is technical; you may wish to contact the Soil Conservation Service or other professionals for assistance with the form.

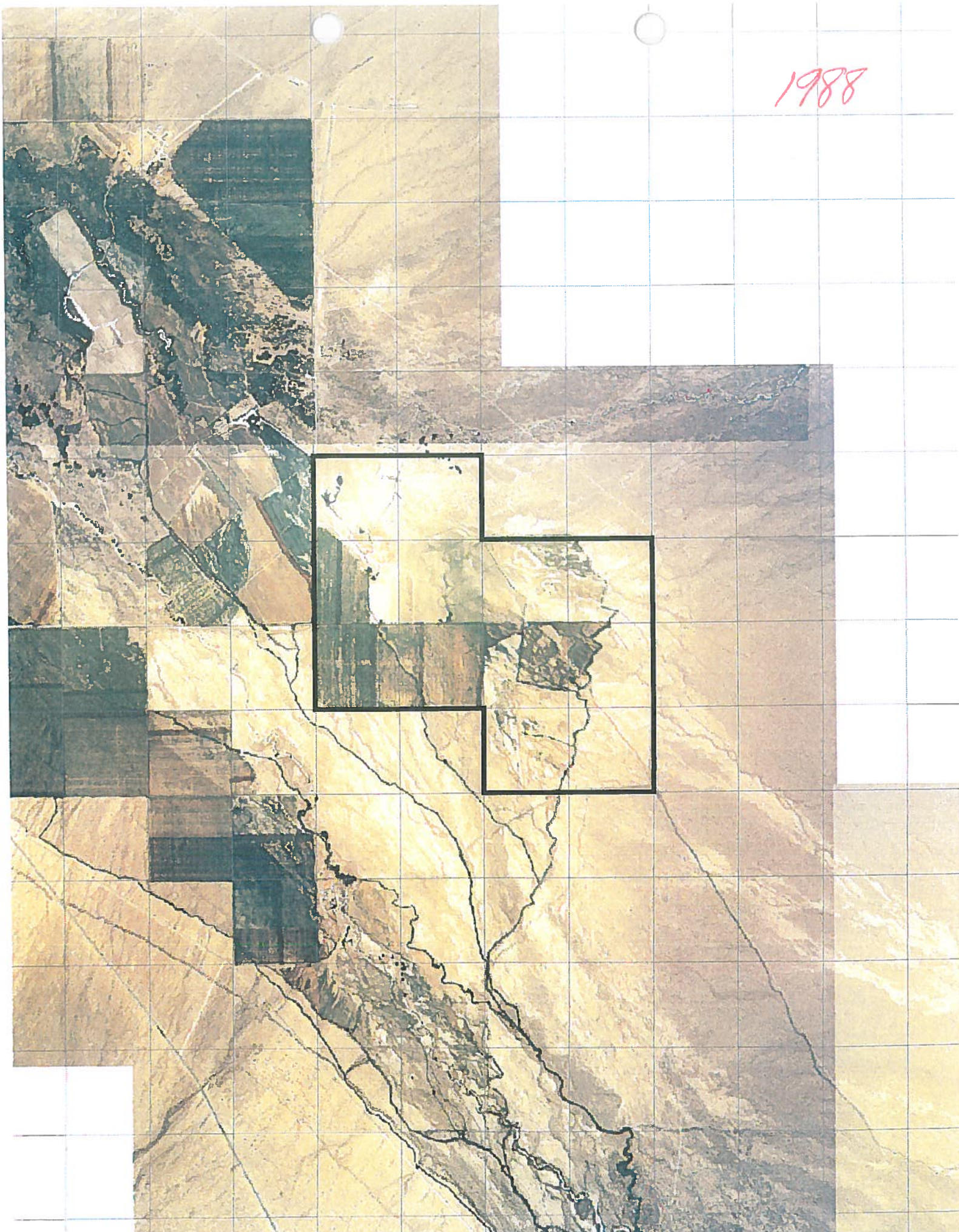
Please call me at (208) 287-4914 if you have additional questions or concerns. You may also reach me using email: roxanne.brown@idwr.idaho.gov.

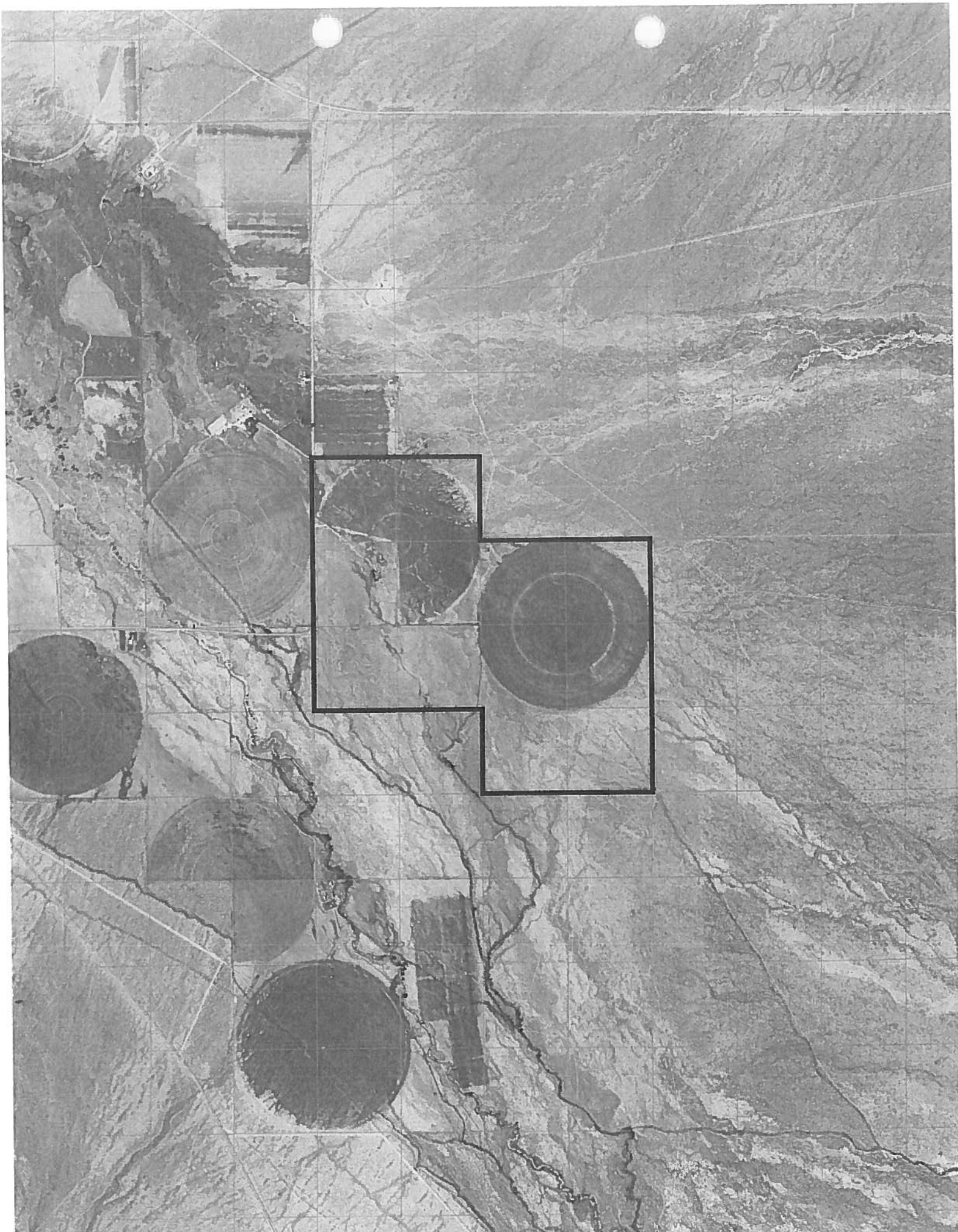
Sincerely,



Roxanne Brown
Water Rights Supervisor
Adjudication Bureau
Idaho Department of Water Resources

1988







T13N R22E
T13N R23E
T14N R22E
T14N R23E

73-33 diversion
Place of use
Township/Range
Sections



**Prepared by R. Brown
On Tuesday, February 21, 2006
1988 Aerial Photography**

02/16/2006

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

RIGHT NUMBER: 73-33

NAME AND ADDRESS: LEE J WATSON
4177 RD L
ORLAND CA 95963

CATHERINE M WATSON
4177 RD L
ORLAND CA 95963

SOURCE: BIG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 08/16/1910

POINT OF DIVERSION:

T13N R23E S11 NENESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.400 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R22E S22	SWNE	1.30	T14N R22E S22	SENE	3.40
T14N R22E S22	NESE	40.00	T14N R22E S22	NWSE	24.00
T14N R22E S22	SWSE	39.00	T14N R22E S22	SESE	38.00
T14N R22E S23	NESW	14.00	T14N R22E S23	NWSW	40.00
T14N R22E S23	SWSW	21.00	T14N R22E S23	SESW	9.30

230 ACRES TOTAL

This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



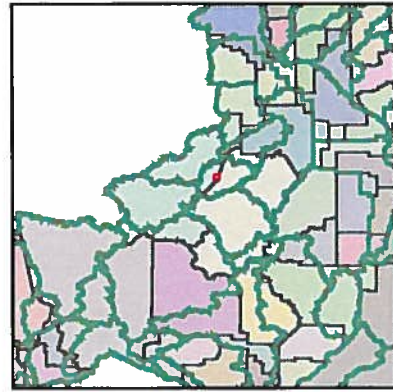
Idaho Department of Water Resources

73-33, 73-152A, 73-153A, 73-2151

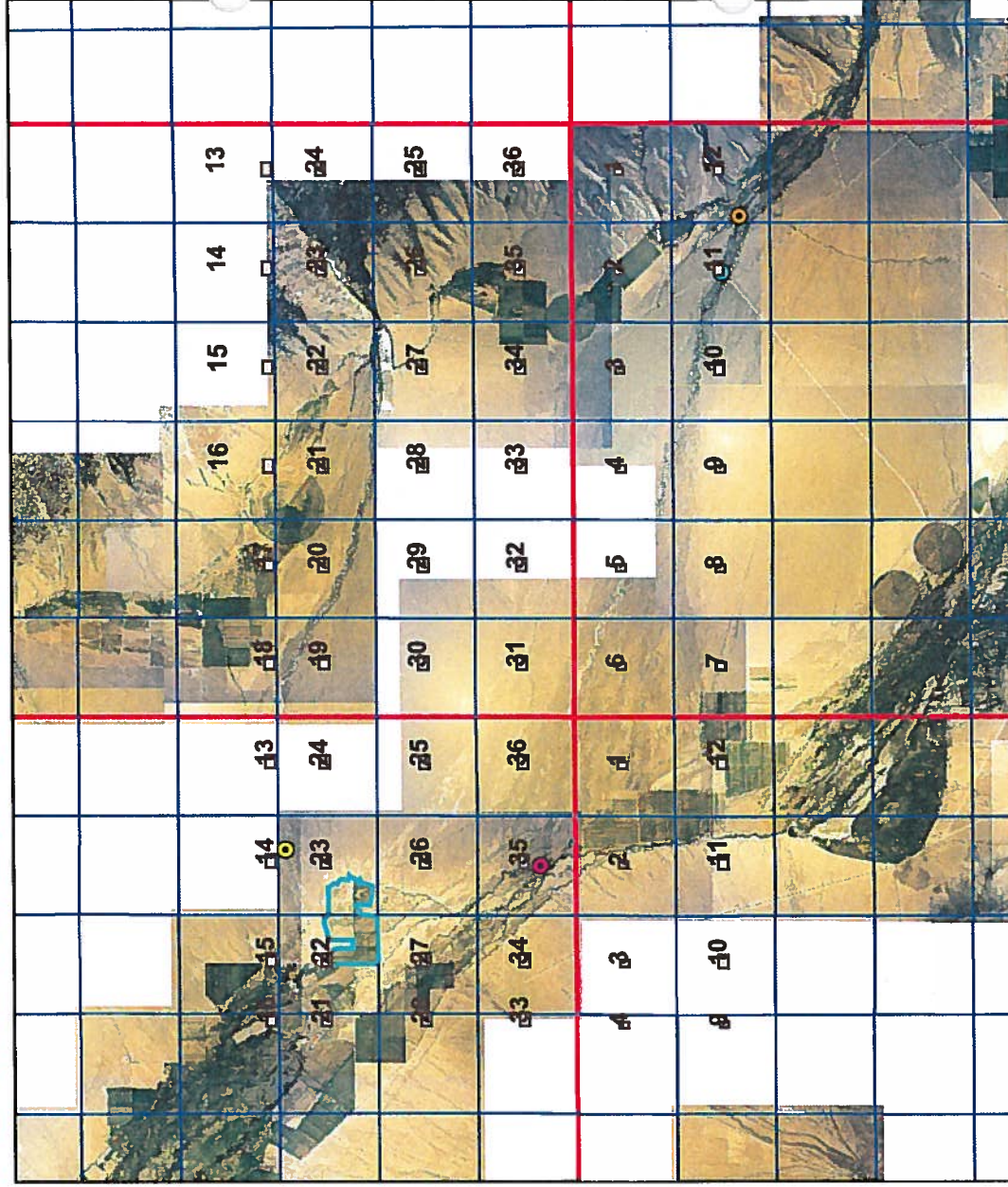
Points of Diversion

T13N R22E
T13N R23E
T14N R22E
T14N R23E

- 73-33 diversion
- 73-152A diversion
- 73-153A diversion
- 73-2151 diversion
- Place of use
- Township/Range
- Sections



Custer County
IDWR Basin 73



Prepared by R. Brown
On Tuesday, February 21, 2006
1988 Aerial Photography

02/16/2006

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

RIGHT NUMBER: 73-2044
NAME AND ADDRESS: CATHERINE M WATSON
4177 RD L
ORLAND CA 95963

LEE J WATSON
4177 RD L
ORLAND CA 95963

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Recommended as Right No. 73-33.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Recommended as Right No. _____: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

AUG 31 2001

M006936

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: A73-02044
Date Received: ~~4/30/1990~~ 5/7/90
Receipt No: M006936
Received By: 920

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAWAYNE HAMILTON 208-876-4444
Address: BOX 2220
MAY, ID 83253

OR
Name: LINDA HAMILTON 208-876-4444
Address: BOX 2220
MAY, ID 83253

2. Date of Priority: AUG 16, 1910

3. Source: BIG CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	23E	11	SE	NW			LEMHI

5. Description of diverting works:
LATERAL AND GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		

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

8. Total consumptive use is 420.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

M006936

A7302044



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	22E	23	NE		SW		IRR	20.0
			SE		SW		IRR	20.0
							Section Acres	40.0
		26	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
							Section Acres	80.0
							Total Acres	120.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
73-00152, 73-00153

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 4809

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: 1

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): W. H. Hamilton Date: 4-30-90
Date:

State of Idaho)
County of Ad) ss.

Subscribed and sworn (or affirmed) before me this 30 day

of April 19 90

Basil G. S. S.
Notary Public

Seal

Residing at Boise

My Commission Expires 4/11/95

