

12/09/2006

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

RIGHT NUMBER: 73-84

NAME AND ADDRESS: JUDITH MADSEN
248 PAHSIMEROI RD
ELLIS ID 83235

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 07/27/1900

POINT OF DIVERSION:

T15N R21E S26 SWSE 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	4.000 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T15N R21E S05 Lot 4 NWNW	31.00	T15N R21E S05	SWNW	37.00	
T15N R21E S05	SENW	28.00	T15N R21E S05	NWSW	26.00
T15N R21E S05	SWSW	23.00	T15N R21E S06 Lot 1 NENE	16.00	
T15N R21E S06 Lot 2 NWNE	6.70	T15N R21E S06	SWNE	3.10	
T15N R21E S06	SENE	32.00	T15N R21E S06	NESE	18.00
T15N R21E S06	SESE	23.00			

243.8 ACRES TOTAL

Right Nos. 73-84 and 73-4104 are limited to the irrigation of a combined total of 243.8 acres 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

Source is also known as Big Spring Creek, Spring Creek or O Neal Creek.

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

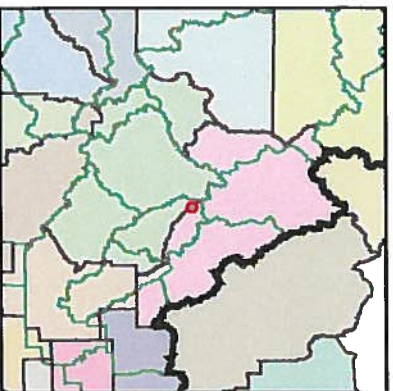
Idaho Department of Water Resources



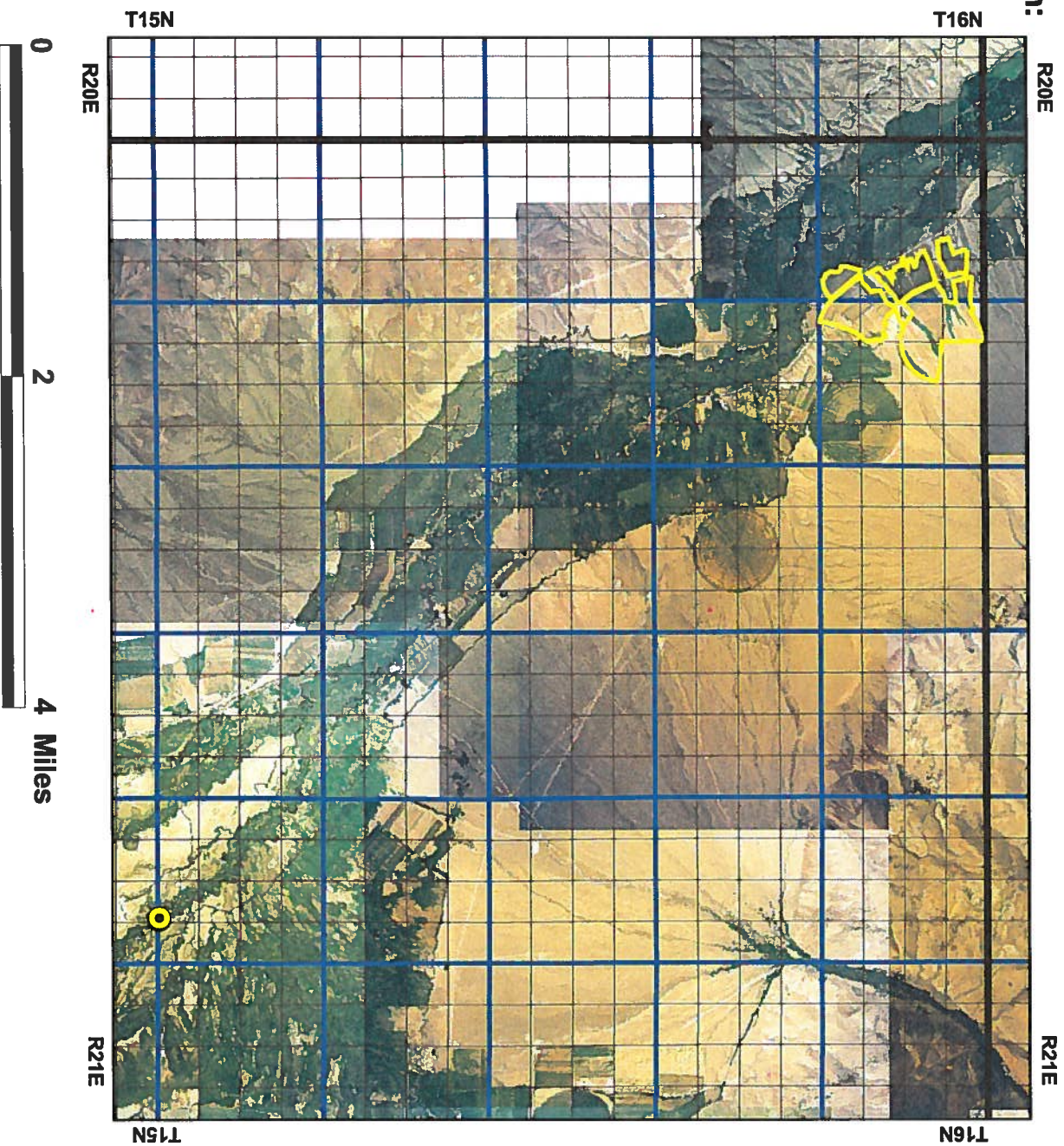
SRBA Recommendation:
73-84
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi, Custer Counties
IDWR Basin 73



Prepared by D. Shaff
On Friday, December 8, 2006
1987/88 Aerial Photography



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 7, 2006

Judith Madsen
248 Pahsimeroi Rd.
Ellis, ID 83235

Re: Snake River Basin Adjudication (SRBA)
Notice of Error Reply – Subcase No. 73-84, 73-4101

Dear Judy,

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).

73-84

Source The original decree for this right lists the source as “O’Neil or Spring Creek”. We understand the right is delivered down the Cotter (or Carter) ditch. It is not unusual for the name of a stream to change over time; for consistency in our records, IDWR uses the current USGS topographic map as a standard for naming. In this case, your source of water is listed as “Patterson Creek” to conform with the map. We have added the Remark, “Source is also known as Big Spring Creek, Spring Creek or O’Neal Creek” to clarify the source. This will not effect your delivery in any way.

Irrigated area We have adjusted the irrigated area to clarify your actual use. Our calculation indicates a total of 243.8 acres.

73-4101

We are unable to recommend this claim without additional information. Since the claim now appears to be for water in addition to 73-84, 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,

A handwritten signature in cursive script that reads "Roxanne".

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

Enclosures

10/07/2006

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

RIGHT NUMBER: 73-84
NAME AND ADDRESS: JUDITH MADSEN
248 PAHSIMEROI RD
ELLIS ID 83235
SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 4.000 CFS
PRIORITY DATE: 07/27/1900
POINT OF DIVERSION:

T15N R21E S26 SWSE 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	4.000 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R21E S05 Lot 4 NWNW	31.00	T15N R21E S05	SWNW	37.00	
T15N R21E S05	SENW	28.00	T15N R21E S05	NWSW	26.00
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T15N R21E S06	SENE	32.00	T15N R21E S06	NESE	18.00
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243.8 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source is also known as Big Spring Creek, Spring Creek or O Neal Creek.

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Idaho Department of Water Resources

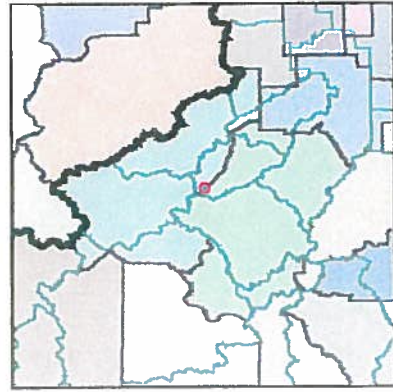
SRBA Recommendation:

73-84

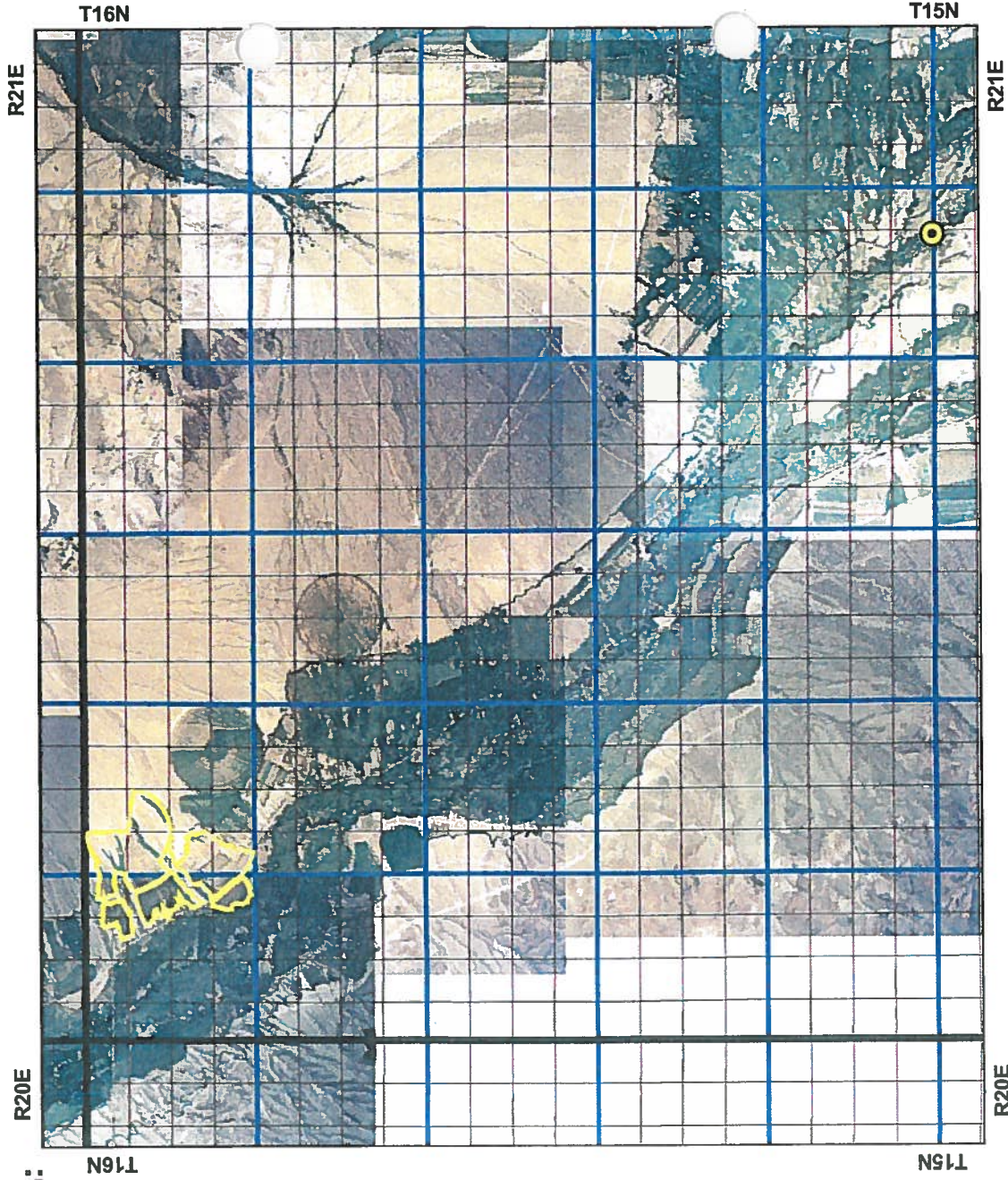
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



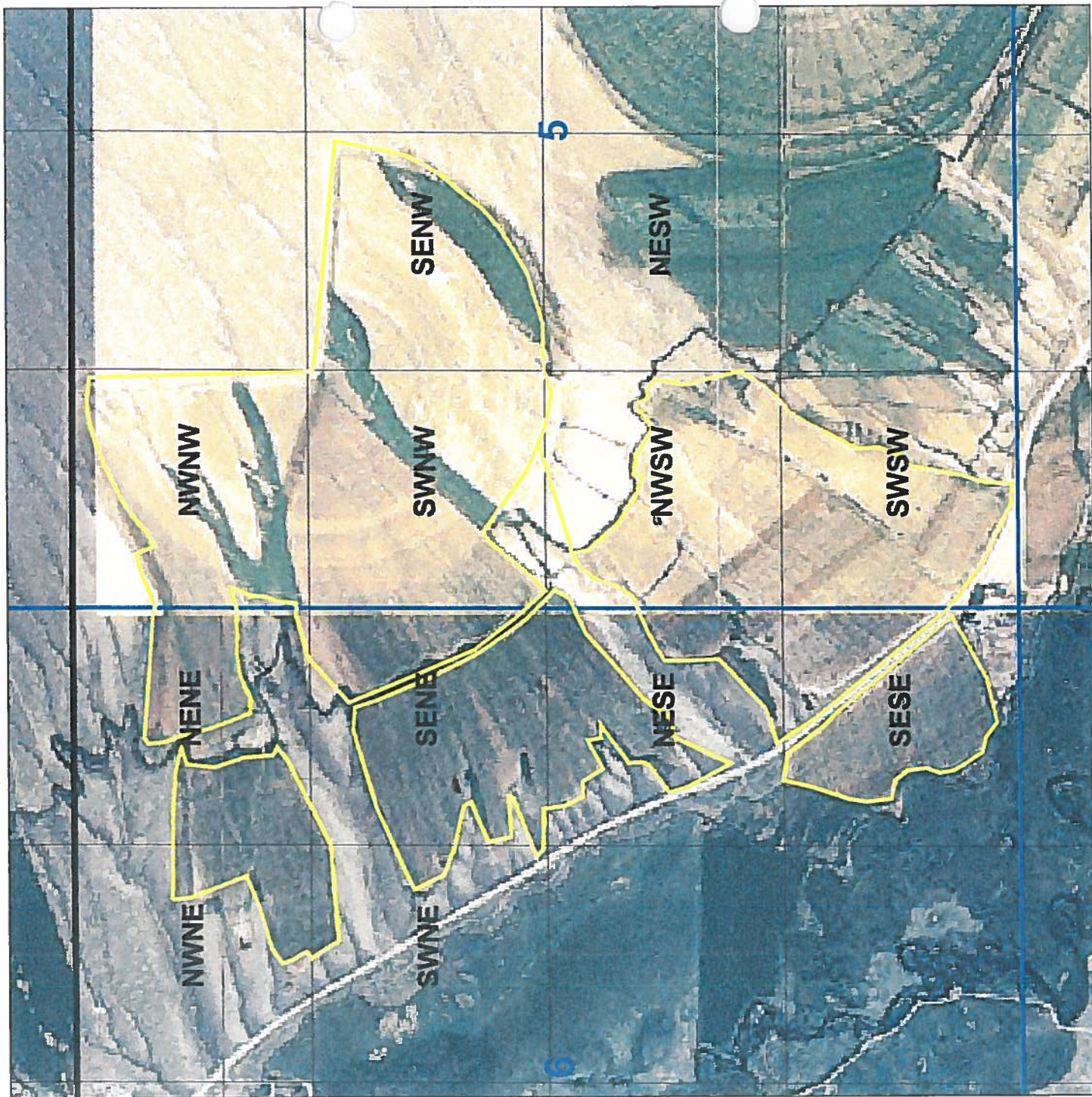
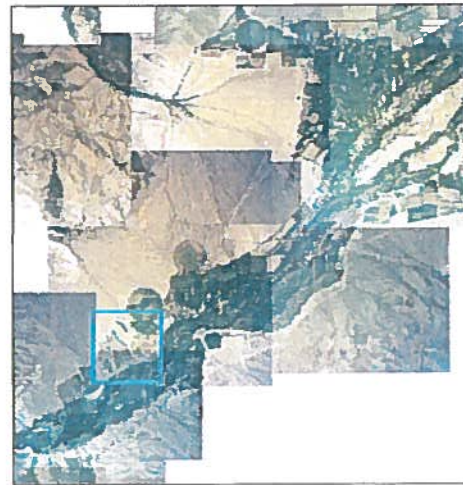
Lemhi, Custer Counties
IDWR Basin 73



0 2 4 Miles

Prepared by R. Brown
On Saturday, October 7, 2006
1987/88 Aerial Photography

73-84





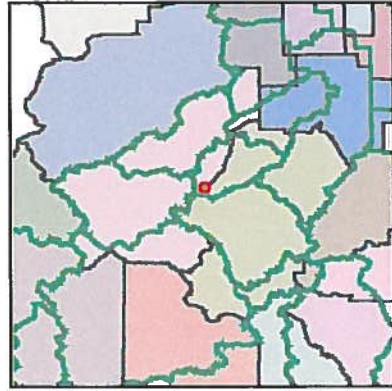
Idaho Department of Water Resources

SRBA Recommendation:

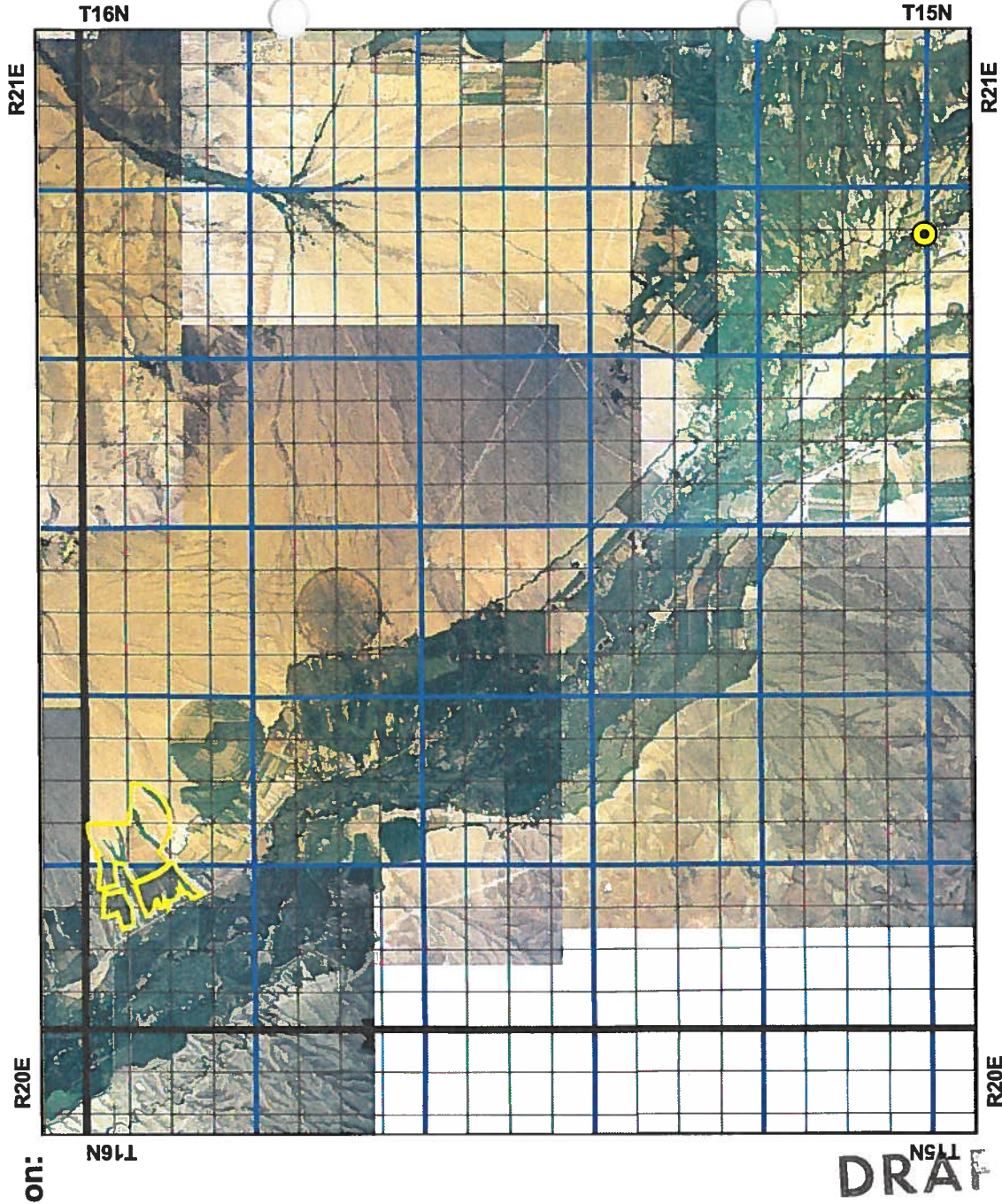
73-84

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

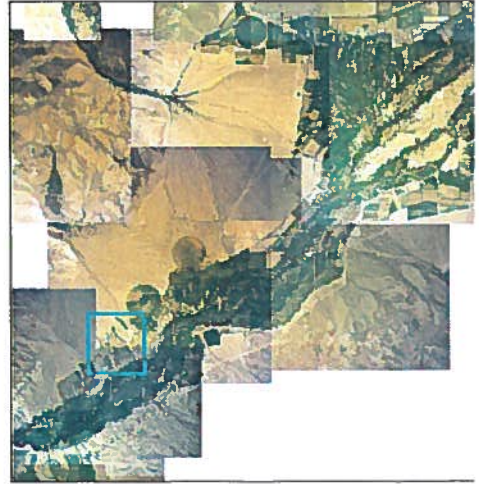
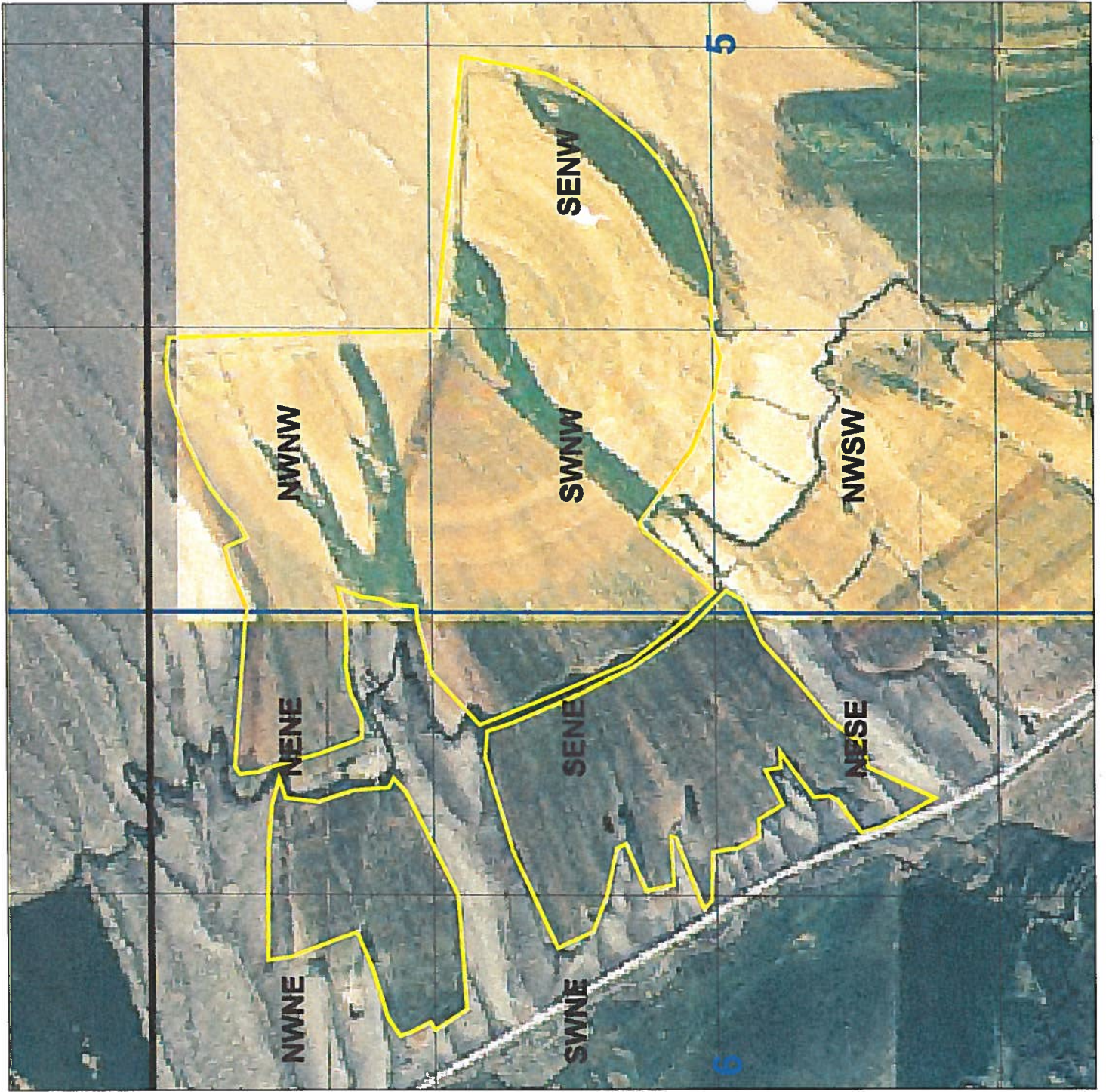


Lemhi, Custer Counties
IDWR Basin 73



Prepared by R. Brown
On Monday, July 10, 2006
1987/88 Aerial Photography

73-84



07/10/2006

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

RIGHT NUMBER: 73-84

NAME AND ADDRESS: KENNETH MADSEN
248 PAHSIMEROI RD
ELLIS ID 83235

JUDITH MADSEN
248 PAHSIMEROI RD
ELLIS ID 83235

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 07/27/1900

POINT OF DIVERSION:

T15N R21E S26 SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

04/01 10/31

QUANTITY

4.000 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R21E S05 Lot 4 NWNW	31.00	T15N R21E S05	SWNW	37.00	
T15N R21E S05	SENW	28.00	T15N R21E S05	NWSW	0.40
T15N R21E S06 Lot 1 NENE	16.00	T15N R21E S06 Lot 2 NWNE	6.70		
T15N R21E S06	SWNE	3.10	T15N R21E S06	SENE	32.00
T15N R21E S06	NESE	12.00			

166.2 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source is also known as Big Spring Creek, Spring Creek or O Neal Creek.

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

DRA

6-10-2003

DIVERSION INFORMATION, WATER DISTRICT 73
PAHSIMEROI RIVER AND TRIBUTARIES

00057
98
4097

GENERAL INFORMATION

RANCH NAME (IF APPLICABLE) _____

LAST NAME CUTLER

FIRST NAME BRENT PHONE _____

STREET ADDRESS _____

CITY _____ ZIP _____

DIVERSION INFORMATION

STREAM, DITCH OR CANAL NAME BIG SPRING CR. (PBGC-3)

DIVERSION NAME CARTER DITCH / HARD SCRAPER
A0011365

GPS TAG, IDWR TAG A0011344 / A00113023 = FILE
PLEASE LIST ANY TAGS OR MARKERS ON OR NEAR DIVERSION

DIVERSION CO-USERS Ralph Hatch, Roy Ellis, Kenny Hansen,
PLEASE LIST ALL OTHER WATER USERS USING THIS DIVERSION

HEADGATE AND MEASURING DEVICE DESCRIPTION

EXISTING HEADGATE-YES ☒ NO _____ HEADGATE PLANNED-YES _____

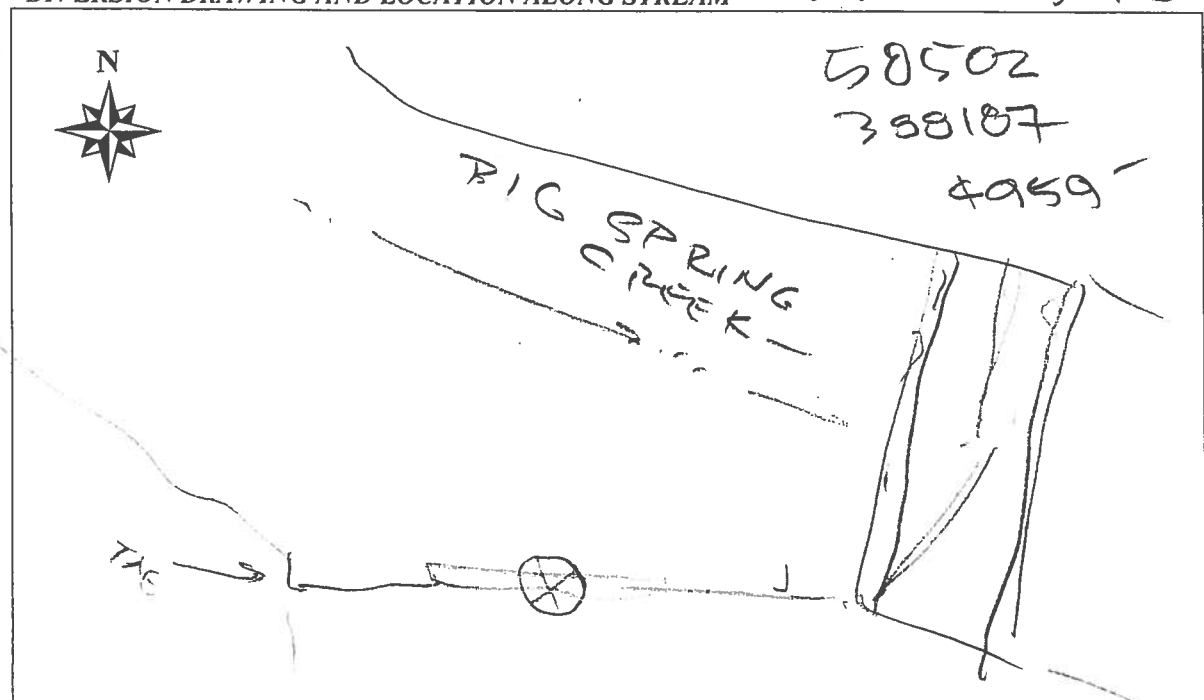
EXISTING MEASURING DEVICE-YES ☒ NO _____ MEASURING DEVICE PLANNED-YES _____

HEADGATE DESCRIPTION 4' SCREW SLIDE, STEEL
PLEASE LIST CONDITION, DIMENSIONS AND CONSTRUCTION TYPE

MEASURING DEVICE DESCRIPTION 4' CONCRETE PARSHALL FLUME
PLEASE LIST CONDITION, TYPE AND MAKE OF DEVICE

DIVERSION DRAWING AND LOCATION ALONG STREAM

DITTO 5+6



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 73-84
Date Received: 5/1/1990
Receipt No: M006816
Received By:

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

1. Name of Claimant(s)

KENNETH MADSEN Phone: (208)876-4218
248 PAHSIMEROI RD
ELLIS ID USA 83235

JUDITH MADSEN Phone: (208)876-4218
248 PAHSIMEROI RD
ELLIS ID USA 83235

2. Date of Priority: 07/27/1900

3. Source: O NEIL CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	22E	6	NW SW	LEMHI	

5. Description of diverting works:

HARDSCRABBLE DITCH, PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	4	

7. Total Quantity Appropriated is:
4 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
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15N	21E	5	NW	NW	4	IRRIGATION	15
			SW	NW		IRRIGATION	32
			NW	SW		IRRIGATION	27
			SW	SW		IRRIGATION	25
						Section Acres	99
15N	21E	6	NE	NE	1	IRRIGATION	15
			NW	NE	2	IRRIGATION	11
			SW	NE		IRRIGATION	8
			SE	NE		IRRIGATION	33
			NE	SE		IRRIGATION	23
			SE	SE		IRRIGATION	11
						Section Acres	101
						Total Acres	200

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: 73-4101

14. Remarks:

CHANGED OWNERSHIP PER REQUEST/JH/1-19-99

15. Basis of Claim: Decreed

DATE: 01/19/99
PAGE: 1

0	1	2	3	4	5	6	7	8	9
10	11	12	13	14	15	16	17	18	19
20	21	22	23	24	25	26	27	28	29
30	31	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	48	49
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60	61	62	63	64	65	66	67	68	69
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