

10/20/2006

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

RIGHT NUMBER: 73-206

NAME AND ADDRESS: NORMAN H WALLIS
1971 PAHSIMEROI RD
MAY ID 83253

SOURCE: MAHOGANY CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 0.800 CFS

PRIORITY DATE: 05/08/1899

POINT OF DIVERSION:

T14N R23E S16 NWNW 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	0.800 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R23E S18	SWNE	38.00	T14N R23E S18	SENE	39.00
T14N R23E S18	NESW	28.00	T14N R23E S18	SESW	36.00
T14N R23E S18	NESE	40.00	T14N R23E S18	NWSE	40.00
T14N R23E S18	SWSE	35.00	T14N R23E S18	SESE	15.00

271 ACRES TOTAL

Right Nos. 73-205 and 73-206 are limited to the irrigation of a combined total of 157 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 271 acres in a single irrigation season. Combined Right Nos.: 73-205, 73-206, 73-2041, 73-2130.

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

10/07/2006

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

RIGHT NUMBER: 73-206

NAME AND ADDRESS: NORMAN H WALLIS
1971 PAHSIMEROI RD
MAY ID 83253

SOURCE: MAHOGANY CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 0.800 CFS

PRIORITY DATE: 05/08/1899

POINT OF DIVERSION:

T14N R23E S16 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.800 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R23E S18	SWNE	38.00	T14N R23E S18	SENE	39.00
T14N R23E S18	NESE	40.00	T14N R23E S18	NWSE	40.00
T14N R23E S18	SWSE	35.00	T14N R23E S18	SESE	15.00

207 ACRES TOTAL

Right Nos. 73-205 and 73-206 are limited to the irrigation of a combined total of 157 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

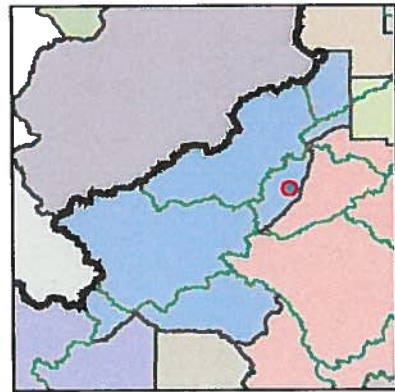


Idaho Department of Water Resources

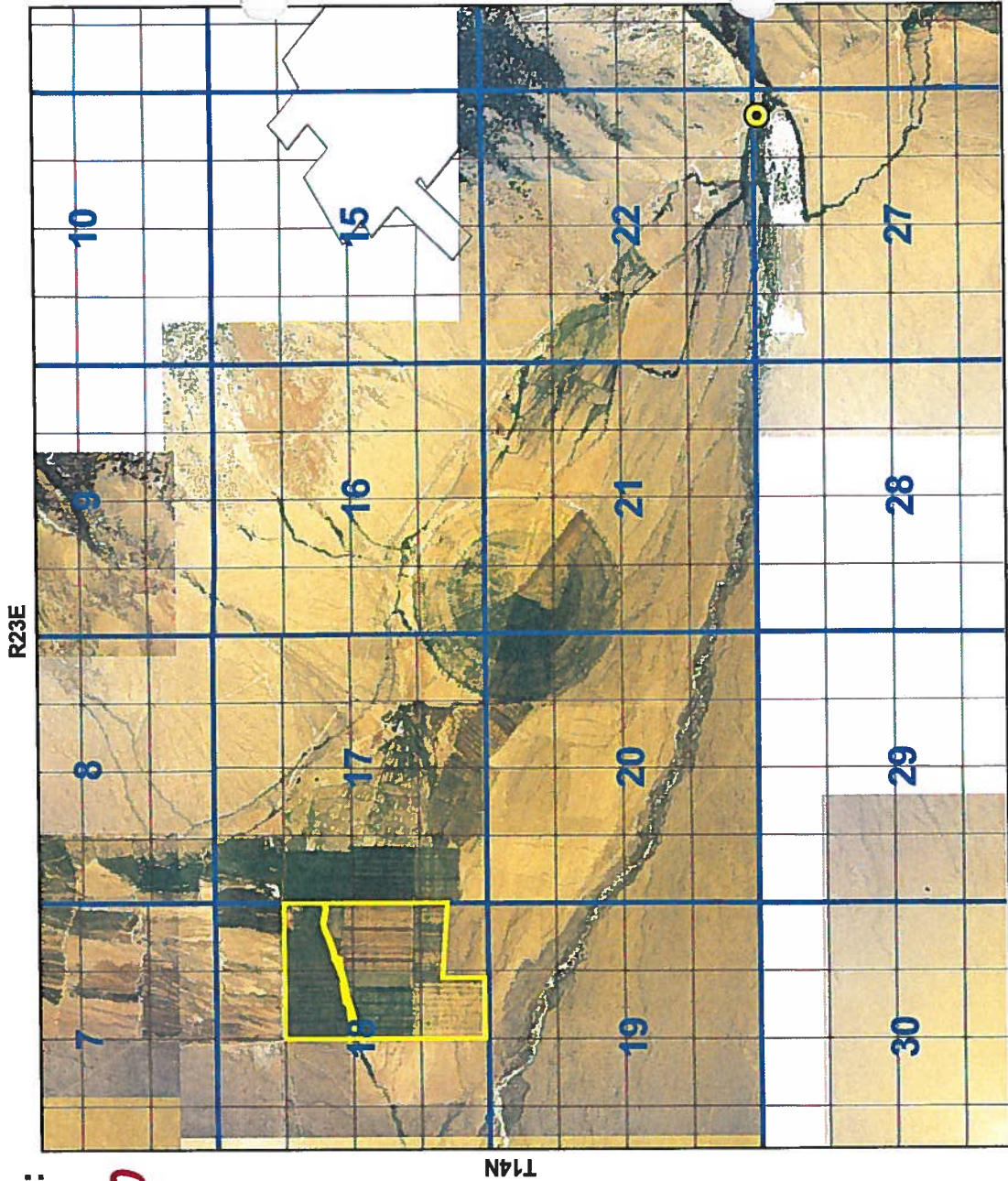
SRBA Recommendation:
73-205, 73-206
73-2041, 73-2130
 (Irrigation)

Legend

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



Lemhi County
IDWR Basin 73



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

08/15/2006

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

RIGHT NUMBER: 73-206

NAME AND ADDRESS: NORMAN H WALLIS
1971 PAHSIMEROI RD
MAY ID 83253

SOURCE: MAHOGANY SPRINGS CREEK

TRIBUTARY: SINKS

QUANTITY: 0.800 CFS

PRIORITY DATE: 05/08/1899

POINT OF DIVERSION:

T14N R23E S16 NWNW 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	0.800 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R23E S18	SWNE	38.00	T14N R23E S18	SENE	39.00
T14N R23E S18	NESE	40.00	T14N R23E S18	NWSE	40.00

157 ACRES TOTAL

Right Nos. 73-205 and 73-206 are limited to the irrigation of a combined total of 157 acres in a single irrigation season.

This right is limited to the irrigation of 40 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

DRAFT

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO.:

73-206

T14N R23E Sec. 18,16

LEGEND

Point(s) of Diversion

Place(s) of Use

Lot Numbers

Quarter Quarter Lines

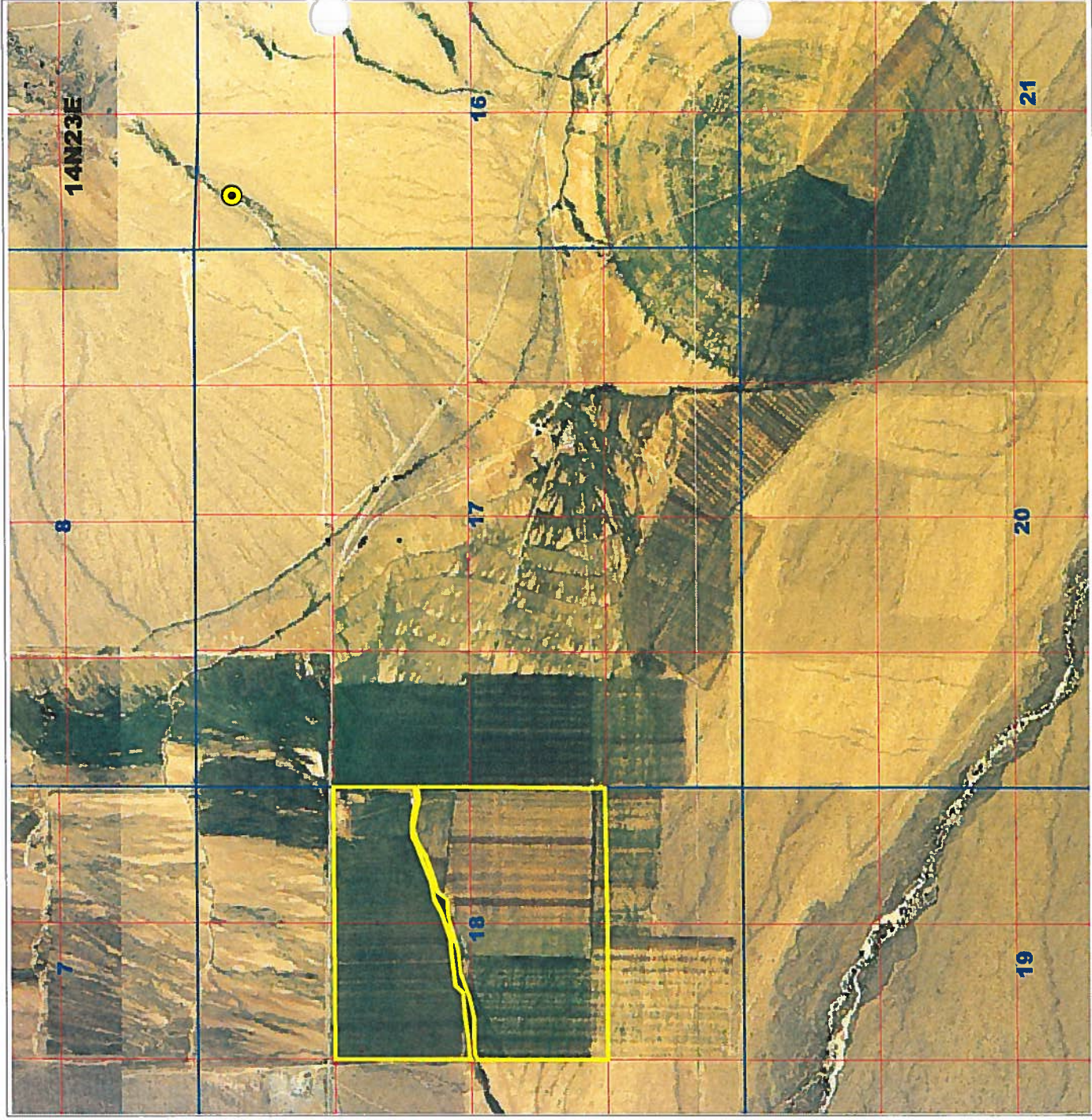
Section Lines

1988 True Color

IMAGE



Prepared By: Danielle Favreau
November 2, 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
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 73-206
Date Received: 5/3/1990
Receipt No: M006879
Received By:

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

1. Name of Claimant(s)

NORMAN H WALLIS Phone: (208) 876-4461
1971 PAHSIMEROI RD
MAY ID USA 83253

2. Date of Priority: 05/08/1899

3. Source: MAHOGANY SPRINGS CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	23E	16	NW NW	LEMHI	

5. Description of diverting works:

LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.8	

7. Total Quantity Appropriated is:
0.8 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
14N	23E	18	SW NE	IRRIGATION	40
			SE NE	IRRIGATION	40
			NE SE	IRRIGATION	40
			NW SE	IRRIGATION	40

Section Acres 160

Total Acres 160

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:

14. Remarks: —————

P/D NOT GIVEN IN DECREE.

15. Basis of Claim: Decreed



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

Norman Wallis
1971 Pahsimeroi Rd.
May, ID 83253

Re: Snake River Basin Adjudication (SRBA)
Notice of Error Reply – Subcase No. 73-205, 73-206, 73-2130, 73-2041

Dear Mr. Wallis,

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).

73-205, 73-206 Many of the historic decrees in your area were issued without reference to actual irrigated acreage. We only know a general description of land owned by the water user at the time of the decree of 73-205 and 73-206. These rights were decreed in *Hammond v. Miller* with the following land description: “ appurtenant to the s $\frac{1}{2}$ of the ne $\frac{1}{4}$ and the n $\frac{1}{2}$ of the se $\frac{1}{4}$ of sec 18, tp 14 n r 23 East of the Boise Meridian, in Idaho.” We believe the maximum number of irrigated acres is limited to 160 by the old decree. From the old decree we also know 73-205 and 73-206 were used on the same ground.

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. Only the acres irrigated in 1988 are 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 360 acres you own was irrigated at that time.

We have also attached a copy of 2006 NAIP photography. Although the irrigation practice has changed, it still does not appear that irrigation occurs on the west side of your property. With this evidence, we are unable to change our recommendation to 360 acres, as requested.

73-2041 This old license was issued in 1915 for most of the same land listed in the later license: 73-2130. Given this ambiguity and your belief that this water has in fact been used, we have adjusted our recommendation to allow this right.

73-2130 This old license was issued for 80 acres of irrigation, although 120 acres was claimed. A maximum of 80 acres can be recommended for this right.

We have adjusted our recommendation to indicate the use of all your water rights on the acres irrigated in 1988. We are limiting 73-205 and 73-206 to a total of 160 acres. 73-2041 is limited to the 90 acres originally licensed. 73-2130 is limited to the 80 acres originally licensed.

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.

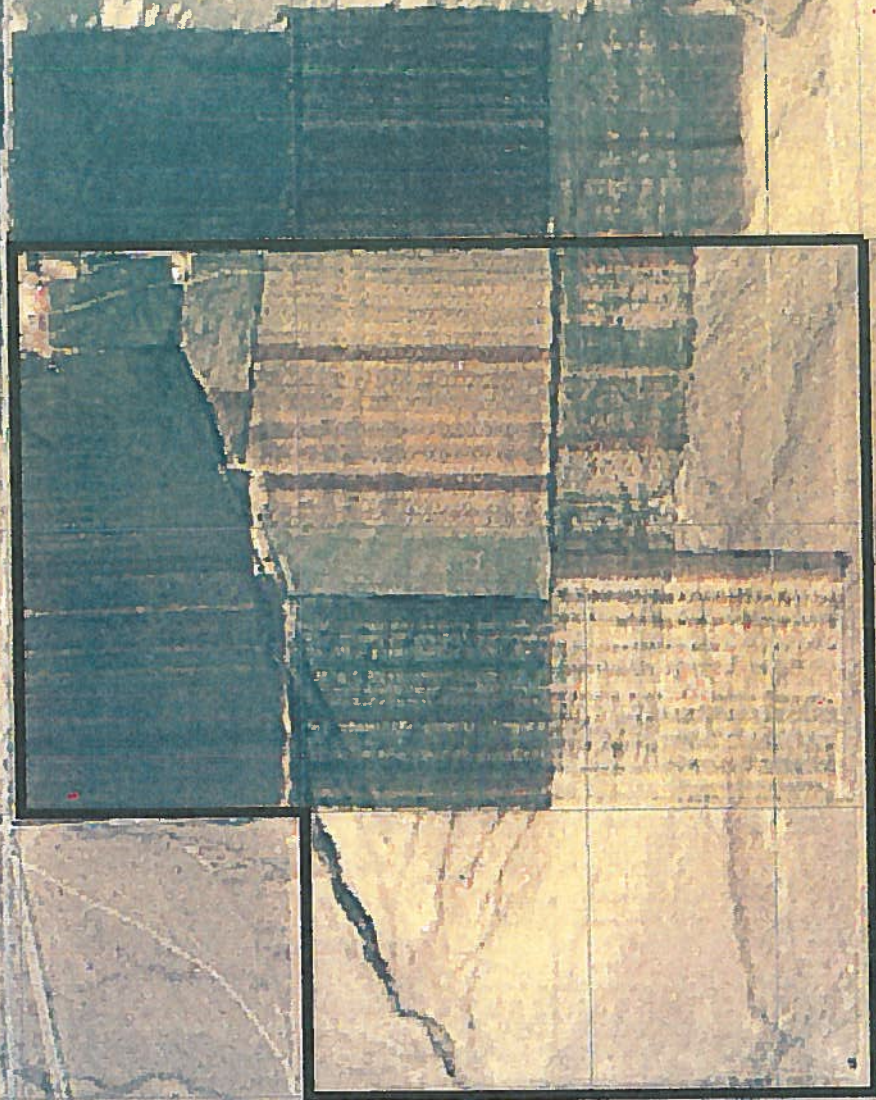
Sincerely,

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

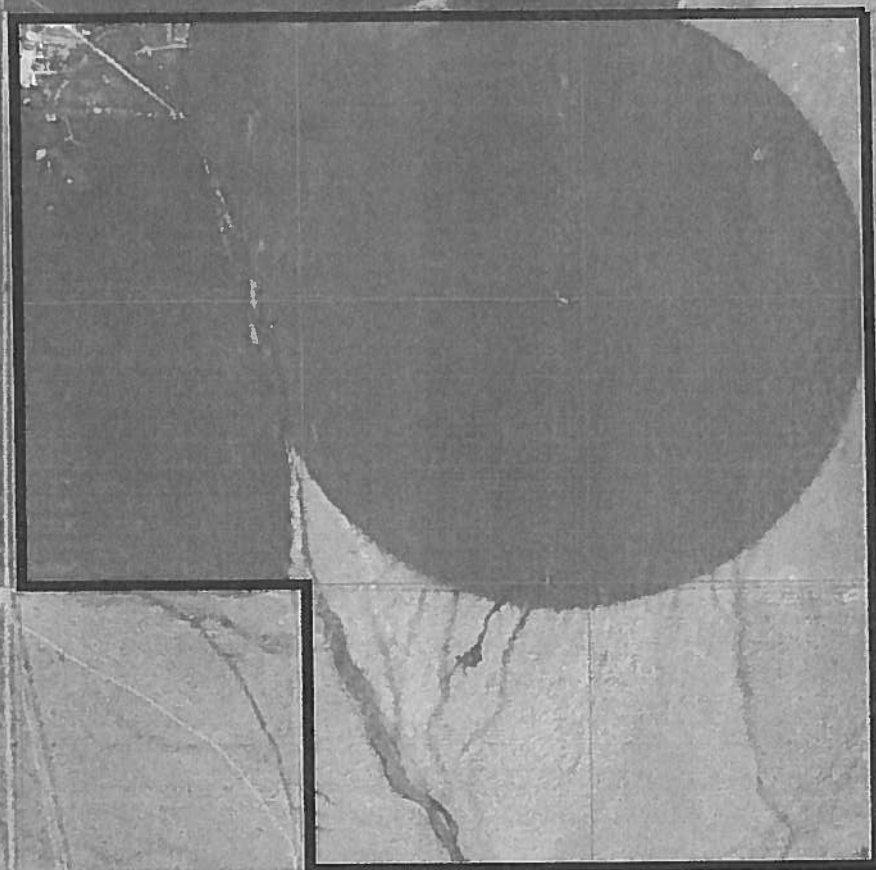
Roxanne Brown
Adjudication Bureau
Idaho Department of Water Resources

Enclosures

8861



2006



10/07/2006

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

RIGHT NUMBER: 73-205
NAME AND ADDRESS: NORMAN H WALLIS
1971 PAHSIMEROI RD
MAY ID 83253
SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 2.400 CFS
PRIORITY DATE: 05/08/1899
POINT OF DIVERSION:
T14N R23E S27 NENE 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 R23E S18	SWNE	38.00	T14N R23E S18	SENE	39.00
T14N R23E S18	NESE	40.00	T14N R23E S18	NWSE	40.00
T14N R23E S18	SWSE	35.00	T14N R23E S18	SESE	15.00

207 ACRES TOTAL

Right Nos. 73-205 and 73-206 are limited to the irrigation of a combined total of 157 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

10/07/2006

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

RIGHT NUMBER: 73-206

NAME AND ADDRESS: NORMAN H WALLIS
1971 PAHSIMEROI RD
MAY ID 83253

SOURCE: MAHOGANY CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 0.800 CFS

PRIORITY DATE: 05/08/1899

POINT OF DIVERSION:

T14N R23E S16 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.800 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R23E S18	SWNE	38.00	T14N R23E S18	SENE	39.00
T14N R23E S18	NESE	40.00	T14N R23E S18	NWSE	40.00
T14N R23E S18	SWSE	35.00	T14N R23E S18	SESE	15.00

207 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

10/07/2006

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

RIGHT NUMBER: 73-2041

NAME AND ADDRESS: NORMAN H WALLIS
1971 PAHSIMEROI RD
MAY ID 83253

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.800 CFS

PRIORITY DATE: 07/24/1908

POINT OF DIVERSION:

T14N R23E S26 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/01 10/31	1.800 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R23E S18	SWNE	38.00	T14N R23E S18	SENE	39.00
T14N R23E S18	NESE	40.00	T14N R23E S18	NWSE	40.00
T14N R23E S18	SWSE	35.00	T14N R23E S18	SESE	15.00

DOMESTIC same as IRRIGATION

207 ACRES TOTAL

This right is limited to the irrigation of 90 acres within the place of use described above in a single irrigation season.

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

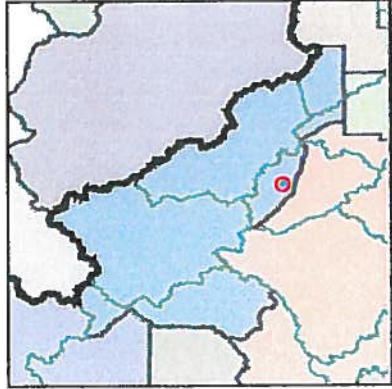


Idaho Department of Water Resources

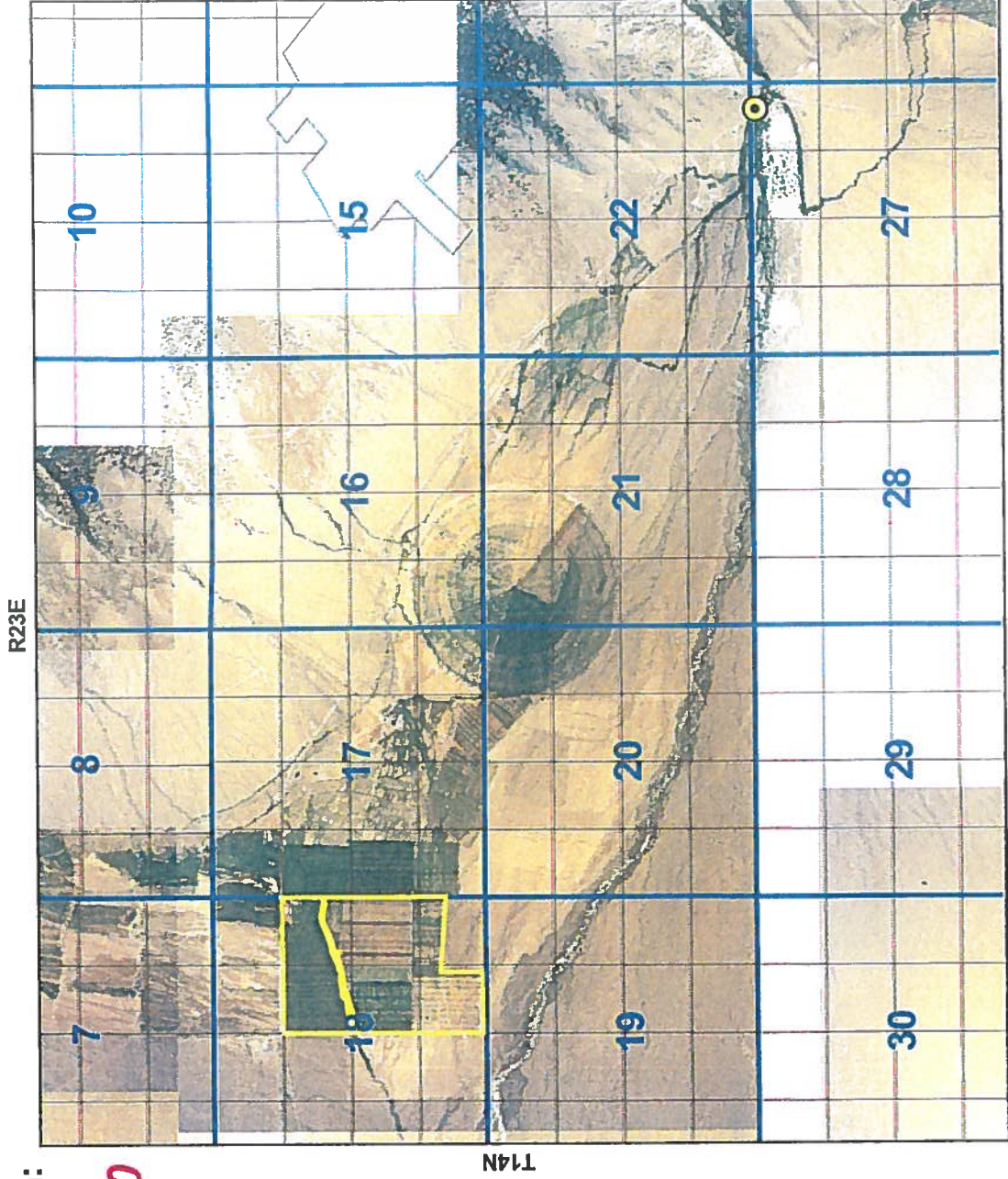
SRBA Recommendation:
73-205, 73-206
73-2041, 73-2130
 (Irrigation)

Legend

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



Lemhi County
 IDWR Basin 73



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