

12/06/2006

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

RIGHT NUMBER: 73-214

NAME AND ADDRESS: GEORGE MILLER
50 P MILLER RD
MAY ID 83253

PHILIP R MILLER
50 P MILLER RD
MAY ID 83253

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 06/01/1901

POINT OF DIVERSION:

T14N R23E S27 NENENE 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 in LEMHI County

T14N R23E S26	NWSW	15.00	T14N R23E S26	SWSW	39.00
T14N R23E S26	SESW	37.00	T14N R23E S34	SENE	37.00
T14N R23E S34	NESE	36.00	T14N R23E S34	NWSE	38.00
T14N R23E S34	SWSE	38.00	T14N R23E S35	NWNE	12.00
T14N R23E S35	SWNE	6.90	T14N R23E S35	NENW	40.00
T14N R23E S35	NWNW	39.00	T14N R23E S35	SWNW	40.00
T14N R23E S35	SENW	40.00	T14N R23E S35	NESW	31.00
T14N R23E S35	NWSW	38.00			

486.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 518.9 acres in a single irrigation season. Combined Right Nos.: 73-171, 73-214, 73-216, 73-2152, 73-4092, 73-10086, 73-12044.

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

Right Nos. 73-214, 73-216, 73-4092, 73-10086, 73-12044 are limited to the irrigation of a combined total of 486.9 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

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: 73-214

GEORGE MILLER
50 P MILLER RD
MAY ID 83253
Telephone Number: (208)876-4228

PHILIP R MILLER
50 P MILLER RD
MAY ID 83253
Telephone Number: (208)876-4228

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

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9-20-06 SIGNATURE: George Miller

Please print your name: _____

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

08/21/2006

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TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.800 CFS

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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 S26	NWSW	15.00	T14N R23E S26	SWSW	39.00
T14N R23E S26	SESW	37.00	T14N R23E S34	SENE	37.00
T14N R23E S34	NESE	36.00	T14N R23E S34	NWSE	38.00
T14N R23E S34	SWSE	38.00	T14N R23E S35	NWNE	12.00
T14N R23E S35	SWNE	6.90	T14N R23E S35	NENW	40.00
T14N R23E S35	NWNW	39.00	T14N R23E S35	SWNW	40.00
T14N R23E S35	SENW	40.00	T14N R23E S35	NESW	31.00
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486.9 ACRES TOTAL

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



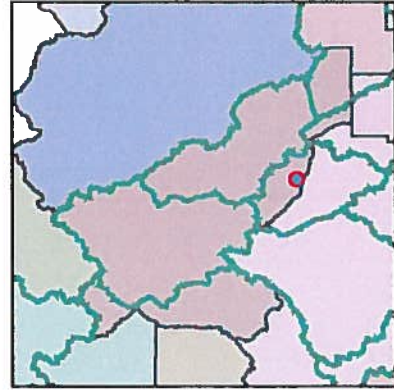
Idaho Department of Water Resources

SRBA Recommendation:

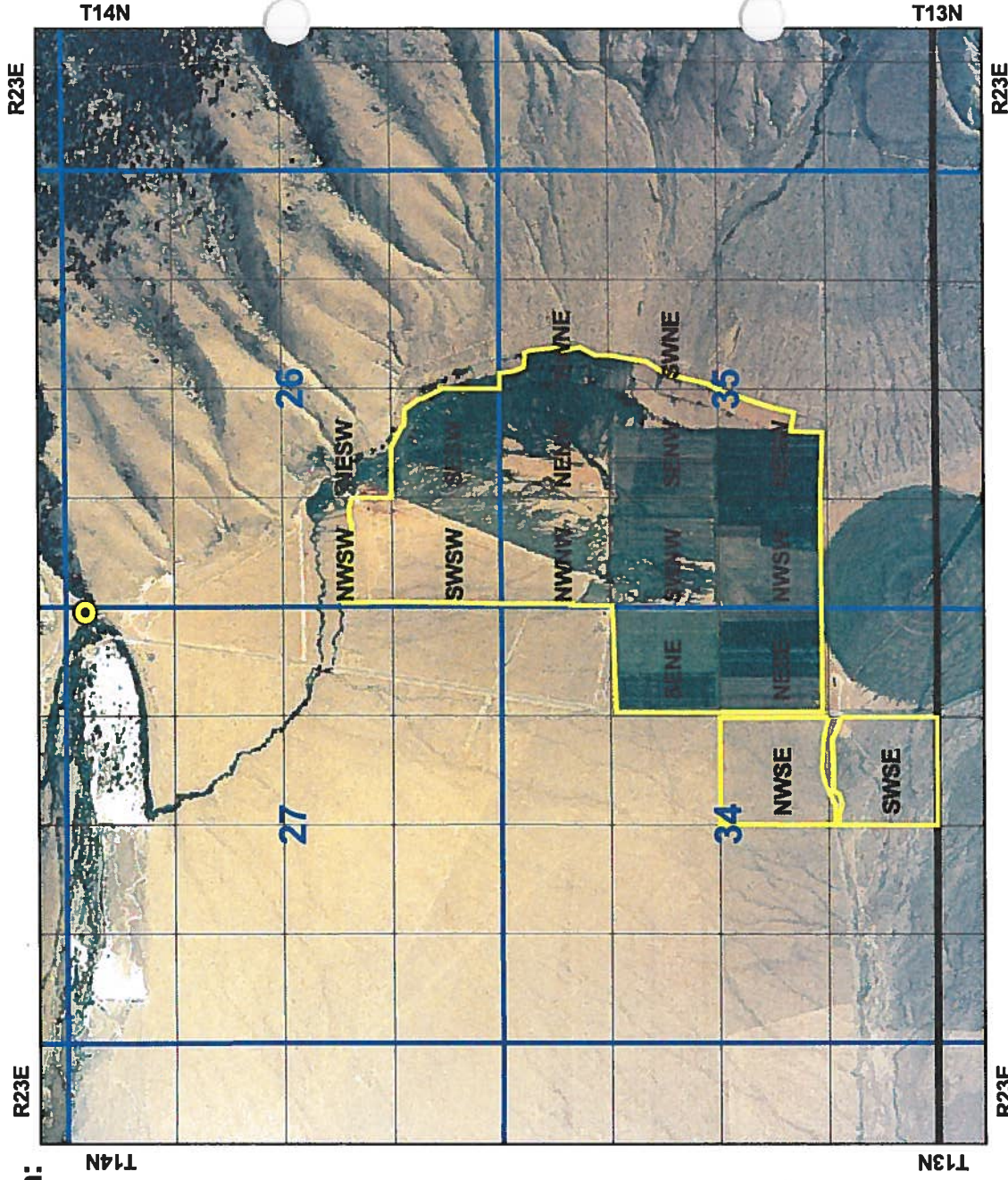
73-214

Legend

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



Lemhi County
IDWR Basin 73



0 0.8 1.6 Miles

Prepared by R. Brown
On Monday, August 21, 2006
1987/88 Aerial Photography

Overlap Analysis

George Miller

Reviewer Name: R. Brown
Date: 8/20/2006

Acreage Analysis

[illegible]

489.7 acres

Total acreage = 486.9 + 32 = 518.9 acreage

Miller

Patterson Creek

73-214 6/1/1901 0.8 cfs 655.0 ac.

73-216 8/1/1902 0.8 cfs 655.0 ac.

73-2152 12/10/1959 0.4 cfs 20.0 ac.

73-4092 5/1/1913 3.4 cfs 655.0 ac.

73-10084 4/1/1918 3.4 cfs 655.0 ac.

⁷³⁻²¹²⁴
73-213A 73-10086 2/22/1888 5.6 cfs 655.0 ac.

73-10087 7/14/1960 2.4 cfs 655.0 ac.

"high water" 73-12044 3/1/1940 7.0 cfs 655.0 ac.

73-212 through 73-216 decreed at
1" per acre on April 7, 1910.

73-212 160 acres *73-171 69 ac.

73-213A 120 acres

73-214 40 acres

73-216 40 acres

360 acres

POU = 486.9 acres in 1987
* 37 acre overlap with others

73-4092: Beneficial use claim for land not covered by Hammond v Miller decree. Affidavit in statutory claim file supports 1913 priority date. Decree signed 4/7/1910.

Claim is for land below the ditch from Patterson Creek, a total of 129.7 acres.

73-10084: Beneficial use claim for lands under 73-4092 which were also represented by lapsed permit 73-2097.

Recommended as 73-4092

73-10087: No evidence of priority or other support was submitted for this claim. All lands irrigated in 1988 photo are covered by other claims.

No lawful appropriation shown.

5-28-2023

**DIVERSION INFORMATION, WATER DISTRICT 73
PAHSIMEROI RIVER AND TRIBUTARIES**

GENERAL INFORMATION

RANCH NAME (IF APPLICABLE) _____
LAST NAME MULLER
FIRST NAME GEORGE PHONE _____
STREET ADDRESS _____
CITY _____ ZIP _____

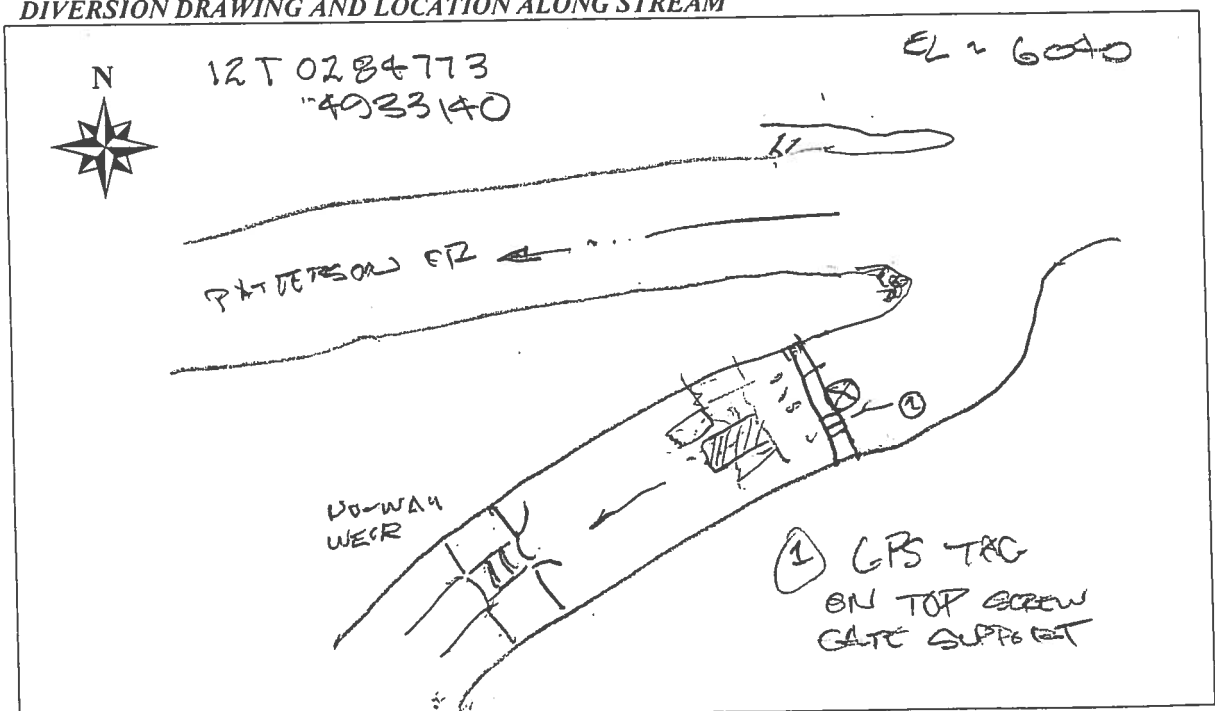
DIVERSION INFORMATION

STREAM, DITCH OR CANAL NAME PATTERSON CR
DIVERSION NAME P-2 FOG
GPS TAG, IDWR TAG A0013560 / 10000718 @ NU-WAY RDC
PLEASE LIST ANY TAGS OR MARKERS ON OR NEAR DIVERSION
DIVERSION CO-USERS NONE
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 GATE, 4' CHP
PLEASE LIST CONDITION, DIMENSIONS AND CONSTRUCTION TYPE
MEASURING DEVICE DESCRIPTION NU-WAY 10 fts
PLEASE LIST CONDITION, TYPE AND MAKE OF DEVICE

DIVERSION DRAWING AND LOCATION ALONG STREAM



WALLS

WATER DISTRICT # 73 -WATER RIGHTS PLAN INFORMATION SURVEY

DECEMBER 2002

PHONE NUMBER

ADDRESS

USERS NAME

Harley Walls

2057 Palsimer Rd., May, Idaho

876-4421

Norman Walls

1957 Palsimer Rd., May, Idaho

876-4461

LIST OF ALL WATER RIGHTS

STREAM NAME

WAT. RIGHT #

POINT OF

DIVERSION

LEGAL DESCRIPTION

LOCKABLE

HEADGATE

YES

NO

WEIR OR

MEASURING DEVICE

YES

NO

DESCRIPTION

OF GENERAL

TYPE / MAKE

DIMENSIONS

HEADGATE

LOCATION

MEASURING

DEVICE

OTHER

INFORMATION

Patterson 137-73-211

Patterson 137-73-205

Patterson 137-73-218

Patterson 137-73-2041

Patterson 137-73-2143

Patterson 137-73-2130

NWN 1/4 Sec 26 Township 14N Range 23E

(Same) Lemhi County

(as above)

Plans for a lockable

Headgate and Diversion

is planned to be constructed

through the soil conservation District

Dipalatti Weir: 4 ft

4 ft below Diversion

established in Decree

RETURN BY DECEMBER 18, 2002

MAIL FORM BACK TO ONE OF THE FOLLOWING :

DOUG PARKINSON

GEORGE MILLER

P.O. BOX 86

60 P MILLER ROAD

ELLIS, ID 83236

MAY, ID 83263

876-4460

876-4280

JERRY HAWKINS

HC 61 BOX 3060

CHALLIS, ID 83226

879-2068



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Snake River Fish and Wildlife Office
1387 South Vinnell Way, Room 368
Boise, Idaho 83709

JAN 28 2003

Harley Wallis
HC 62 Box 2060
May, ID 83253

Subject: Patterson Creek Fish Screen, Head Gate, and Measuring Device

Dear Mr. Wallis:

Per your request, we are writing to express U.S. Fish and Wildlife Service's interest in working with you to install a fish screen, along with ensuring the existence of a properly functioning head gate and measuring device on the Patterson Creek point of diversion. The point of diversion is on Patterson Creek, which is located on lands administered by the Bureau of Land Management. We have obtained Fisheries Restoration Irrigation Mitigation Act (FRIMA) funding to install a fish screen this year. We intend to measure flow rates this spring after turn on to determine cfs for screening purposes. We will complete design, construction, and implementation of the fish screen, head gate, and measuring device as soon as possible with a target date of summer or fall of this year. Actual engineering designs are currently underway for the head gate, measuring device, and fish screen, and we will provide you with copies when they are completed. We hope this letter serves your needs to document that you are working with us to design and install a screen and associated diversion structures as soon as possible. We appreciate your cooperation in conserving bull trout and other species.

We understand you may use this information concerning communications with Idaho Department of Water Resources (IDWR). If you have any questions, please contact Tamara Wagner of my staff at (208) 685-6958.

Sincerely,

Jeff Foss, Acting Field Office Supervisor

cc: IDWR, Boise (Tim Luke)
IDFG, Salmon (Mike Larkin)