

10/20/2006

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	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

DOMESTIC same as IRRIGATION

271 ACRES TOTAL

This right is limited to the irrigation of 90 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 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 - License

08/15/2006

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2041
NAME AND ADDRESS: NORMAN H WALLIS
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MAY ID 83253

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

Recommended as Right No. 73-205.

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.

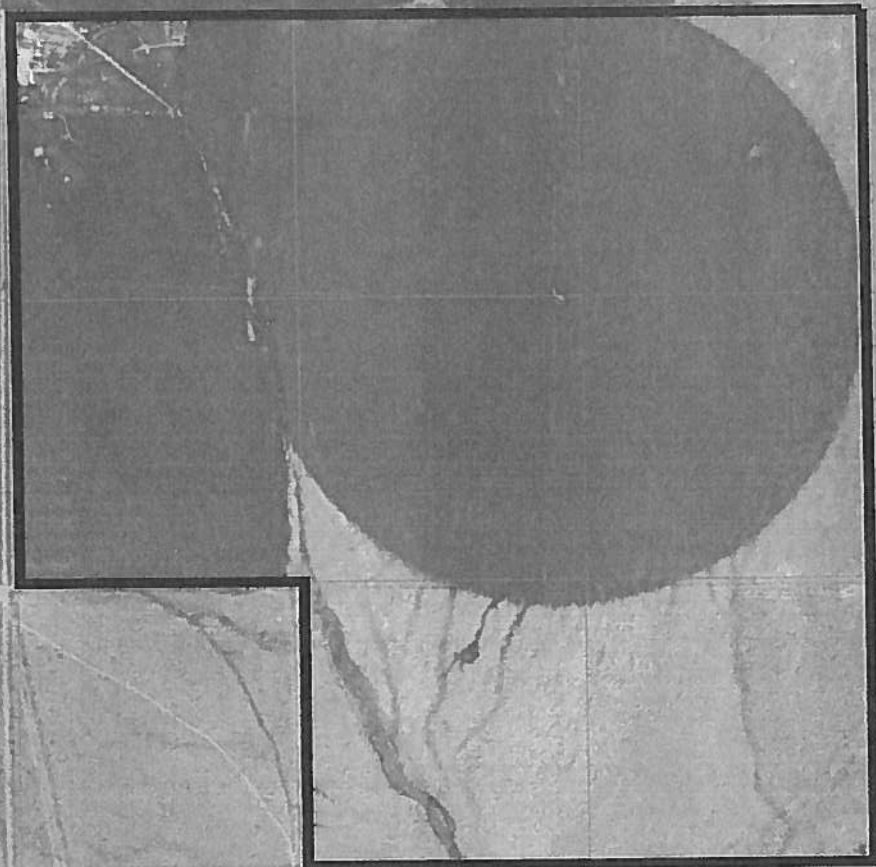
*in addition to 73-205;
check priority date*

9/20/06

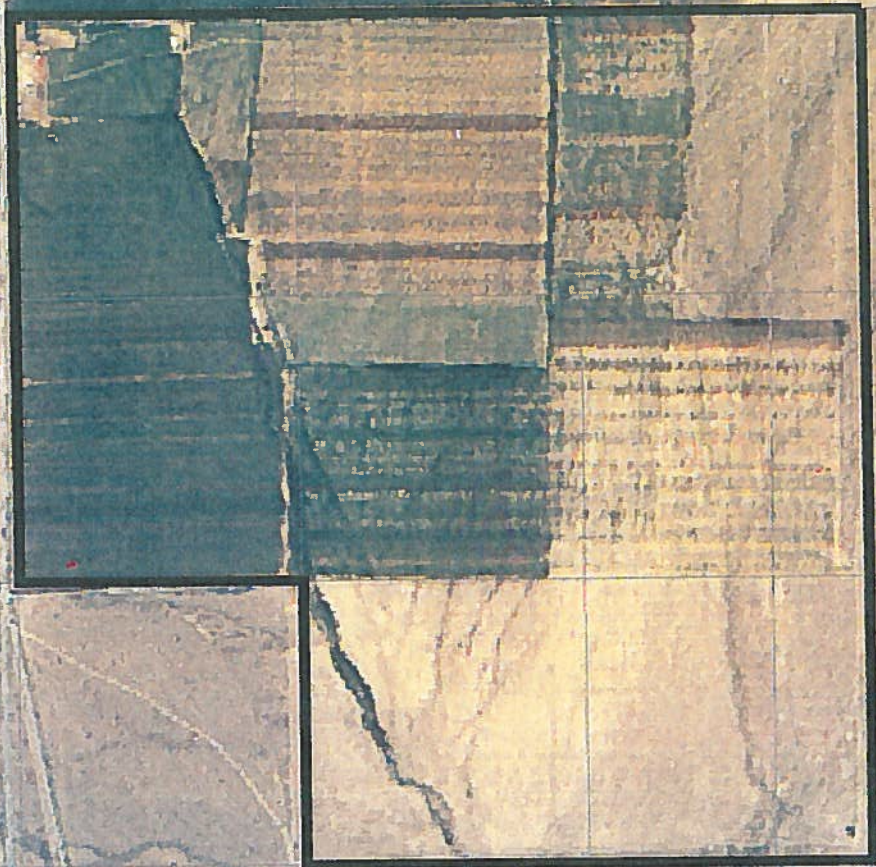
*Conversation w/ N. Wallis
may be PPL.*

domestic should be stockwater

2006



8861



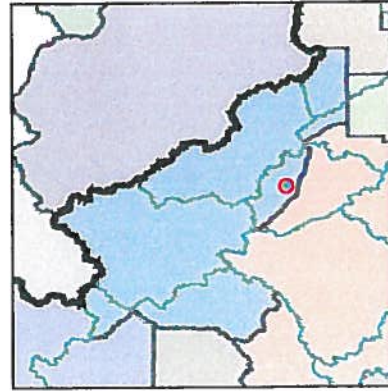


Idaho Department of Water Resources

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

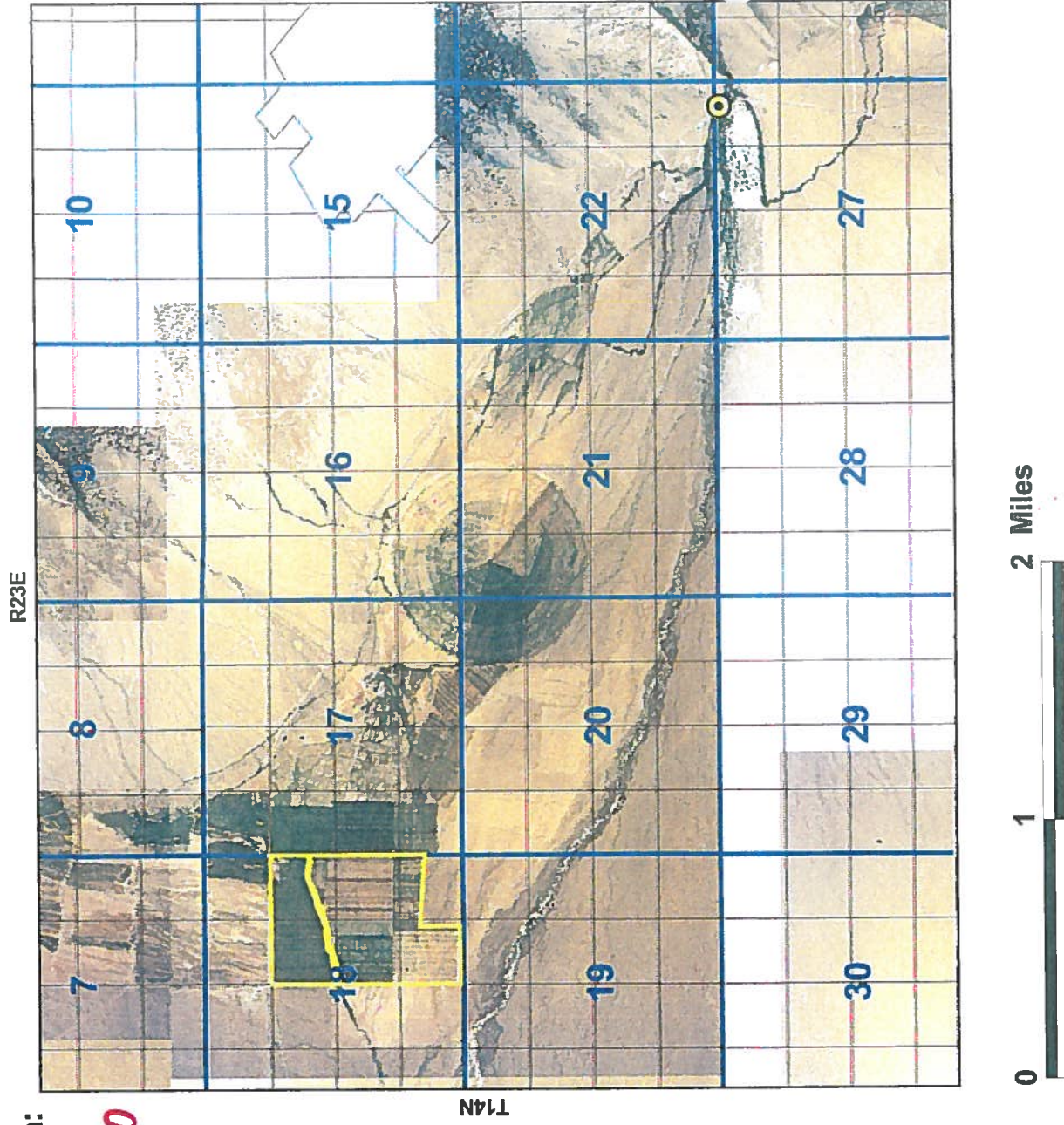
Legend

- 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



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:

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 - License



Idaho Department of Water Resources

SRBA Recommendation:

73-2041

(Irrigation)

Legend

● Point of Diversion



Place of Use



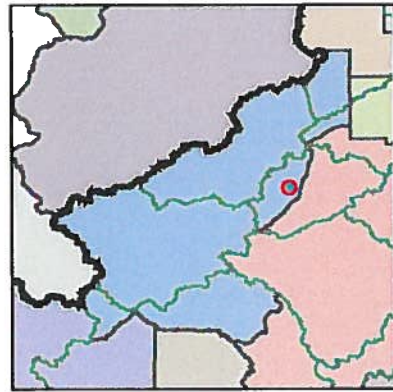
Townships



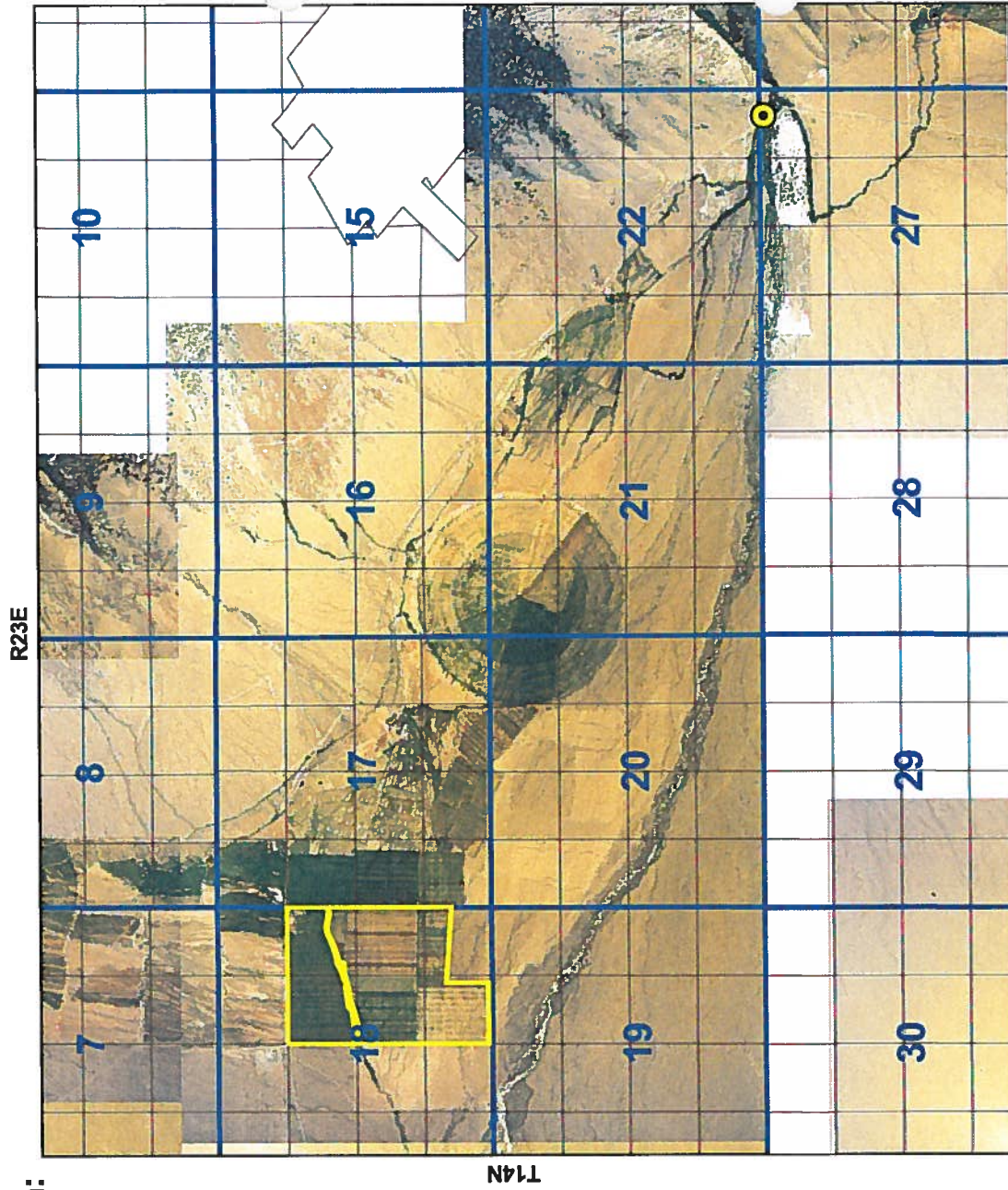
PLS Sections



Quarter Quarters



Lemhi County
IDWR Basin 73



0 1 2 Miles

Prepared by R. Brown
On Saturday, October 7, 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

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 s½ of the ne¼ and the n½ of the se¼ 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

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 73-2041
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: 07/24/1908

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	23E	26	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	1.8	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
1.8 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	NE SW	IRRIGATION	40
			NE SE	IRRIGATION	40
			NW SE	IRRIGATION	40

Section Acres 120

Total Acres 120

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:

15. Basis of Claim: License