

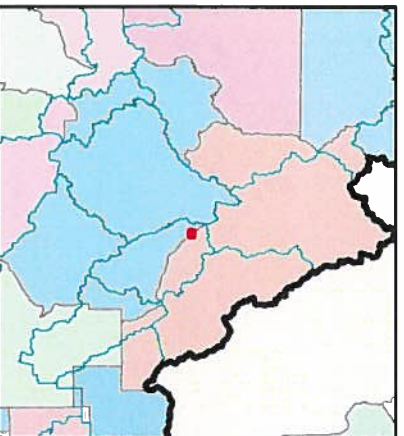
Idaho Department of Water Resources



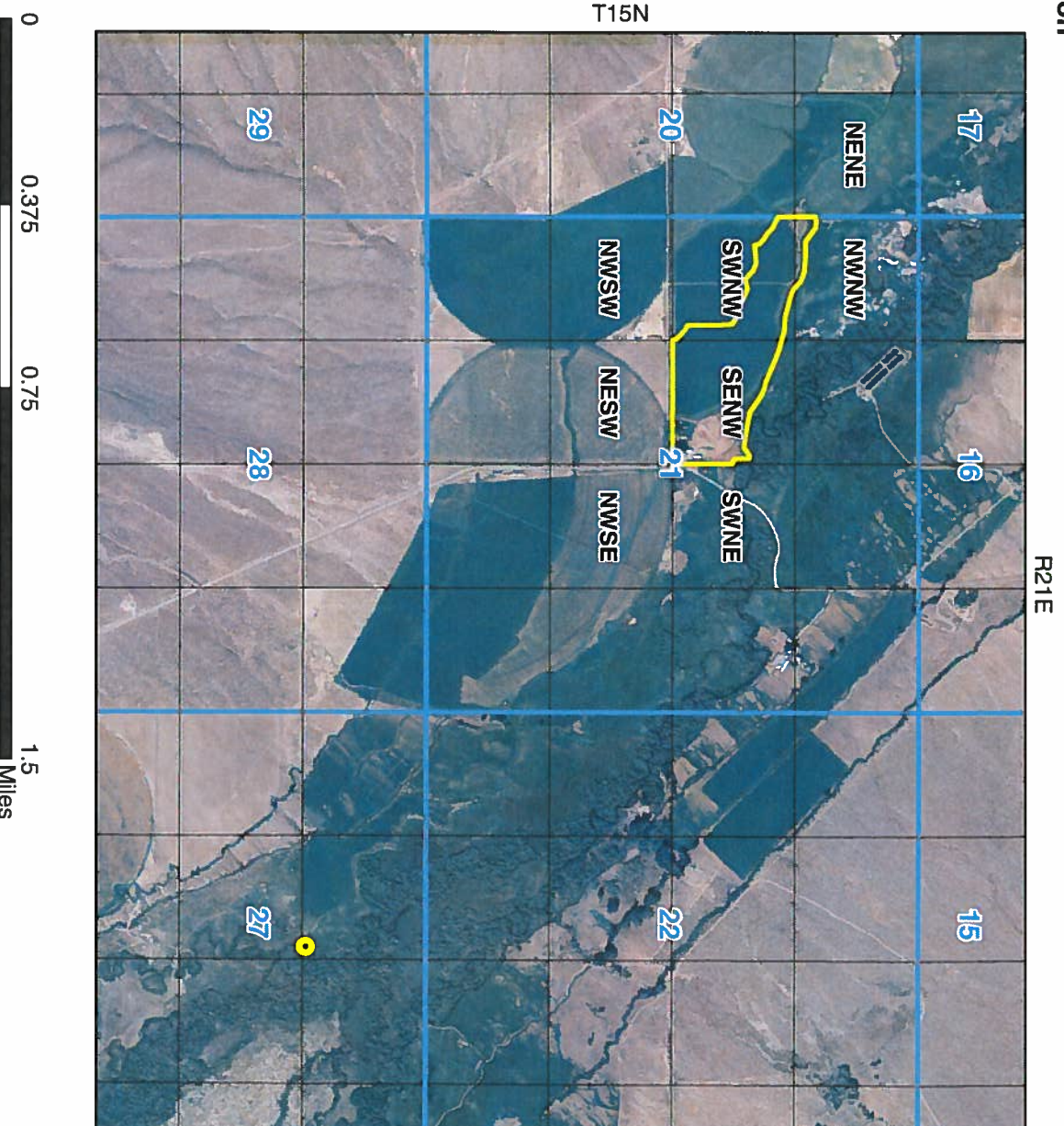
Adjudication Recommendation
73-4007B
(IRRIGATION)

Legend

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



Custer, Lemhi Counties
IDWR Basin 73



Prepared by Craig Saxton
On August 18, 2009
2004 Aerial Photography

8/7/2009

73-4007B

disallowed; recommended as 73-87

Comment from Roxanne in proof report: This appears to be an additional point of diversion & source developed during the pendency of the Hamilton v. Swendson decree. This claim is recommended as 73-87. The point of diversion & source are added to 73-87 to deliver water to the same POU.

Convo. w/ Roxanne^{sh}: 4007A was settled by affidavit from Downton - actually, 12030
- SFS changes priority date to 2-18-1926

We might be able to resolve same way
Mud Ditch?
SFS @ Di/Basin 75/SF5ts

SFS in Monica's file

8/11/09: SFS filed 8-11-09

Shaff, Don

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Thursday, February 07, 2008 4:12 PM
To: Shaff, Don
Subject: RE: Basin 73 Elzinga

Don,

Of immediate concern to Glen Elzinga and IDWR is the disallowed right 73-12030. It's wrapped up in a conservation deal that Morgan is trying to finalize. We need to know if it is likely to be recommended given the additional information provided with the objection. Please let me know if you did not receive the affidavit and photos, or need more information.

*Please call
claim file.*
*Don't fret over it,
I may have this one in
my office.*

As to the BLM ground, the ink is now dry on an ag lease for that ground. Glen will send me a copy of the lease and I'll work with Al Bittner to resolve the issues.

Does IDWR want to do SF5s, or can we help by preparing them?

860, 964

Thanks. Don't forget the 73-12030 objection is tied to Jimmie Dowton's objection to 73-4007B (same root statutory claim, same ditch). Jim and Glen are the only users of this old ditch. Could be two birds with one stone!

Roxanne Brown

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600 E. River Park Ln., Ste. 105

(208) 383-4140 x216

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From: Shaff, Don [mailto:Don.Shaff@idwr.idaho.gov]
Sent: Thursday, January 24, 2008 3:54 PM

12/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
73-4007B	MARIA ELENA DOWTON HC 62 BOX 2320 MAY ID 83253 JIMMIE L DOWTON HC 62 BOX 2320 MAY ID 83253	Disallowed	Recommended as Right No. 73-87.

08/23/2006

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

RIGHT NUMBER: 73-4007B
NAME AND ADDRESS: MARIA ELENE DOWTON
HC 62 BOX 2320
MAY ID 83253

JIMMIE L DOWTON
HC 62 BOX 2320
MAY ID 83253

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

Recommended as Right No. 73-87.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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.

Brown, Roxanne

From: Bromley, Chris
Sent: December 21, 2004 4:12 PM
To: Kelly, Vicki; Brown, Roxanne
Subject: RE: Recommendation in Basin 73

I looked at the Hamilton decree and think it's possible that "Dowton" could be "Doeyton" from the Hamilton decree. The pronunciation is close enough that I could see someone thinking it was spelled phonetically.

I'm not sure what the relevance of the Hamilton decree is to this claim since it's being claimed as a beneficial use.

If it is in fact a beneficial use claim, then I would presume the correct priority would be one day after the Hamilton decree, February 18, 1926.

However, if it is a decreed right (statement that claimants are predecessors to Dowton/Doeyton) then the decreed priority date, May 10, 1901 should be recognized.

Not sure how Sweeney fits into the equation. I can't seem to find any name in the Hamilton decree that's close to Sweeney like Dowton is to Doeyton.

Chris

-----Original Message-----

From: Kelly, Vicki
Sent: Tuesday, December 21, 2004 3:08 PM
To: Bromley, Chris
Subject: Recommendation in Basin 73

Roxanne is working on a recommendation on a beneficial use claim in Basin 73 (well, actually split rights 73-12030 & 31). Her question "is what priority date can we use for a beneficial use claim with a 1925 priority date?" The claimants are successors to parties in the Hamilton v. Swendsen decree dated 2/17/1926. There was a correction to that decree filed a few years later but that doesn't appear to relate to these rights at all. Roxanne said the related rights in the decree are rights 73-96 & 73-97 for W. L. Doeyton (although the names shown as original owners Dowton and Sweeney on our claim report). Roxanne said Sweeney isn't in the decree at all. Rights 73-96 & 73-97 have a priority date of 5/10/1901. Anyway, could you look at this and see what you think? I have the decree file (but they have been scanned). Thanks -- V

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12/21/2004