

12/10/2006

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

RIGHT NUMBER: 73-4013A

NAME AND ADDRESS: STANLEY M DOWTON
HC 62 BOX 1180
ELLIS ID 83235

PATRICIA DOWTON
HC 62 BOX 1180
ELLIS ID 83235

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 4.680 CFS

PRIORITY DATE: 04/01/1875

POINT OF DIVERSION:

T15N R21E S7 NENE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.680 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R20E S01	NENE	25.00	T15N R20E S01	NWNE	12.00
T15N R21E S06	NWNW	2.00	T16N R20E S36	NESW	10.00
T16N R20E S36	NWSE	25.00	T16N R20E S36	SWSE	38.00
T16N R20E S36	SESE	5.00			

117 ACRES TOTAL

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 - Beneficial Use

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: 73-4013A

STANLEY M DOWTON
HC 62 BOX 1180
ELLIS ID 83235
Telephone Number: (208)876-4200

PATRICIA DOWTON
HC 62 BOX 1180
ELLIS ID 83235
Telephone Number: (208)876-4200

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

Priority date
Quantity
Beneficial Use

2. Describe the changes you wish to make in the proposed recommendation:

Priority date should be 04/01/1870 not 4/1/1875 - we will accept 4/1/1875 in order to see that all rights from this ditch are the same, Latimer? Furey
Quantity should be 4.68 cfs not 2.34
It was previously a statutory claim and not beneficial use.

3. Give a brief explanation as to why you disagree with these portions:

Other pieces of property in the area were decreed quantities of 2"/A or even more (73-109 for instance) because of the lengths of the delivery ditches and types of soil. The previous statutory claims stated (allocated) 2"/A. These water rights on this end of the valley have remained statutory claims and have never

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

DATE:

9/19/06

SIGNATURE:

Trish A. Dowton

Please print your name:

Trish A. Dowton

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

been decreed because there has always been plenty of water and therefore there has never been any arguments or court proceedings to justify decrees.

While researching this water right I found that 4013D filed by Doug & Ganiel Parkinson is invalid. The property descriptions do not fit and some of them lie within our property. Additionally, Parkinsons do not have any water in this ditch (Weller-Shoup-Ellis).

Another problem is water right #73-11962 for 3.48 cfs - which states it is a split from 4013C. Is this part of this same claim? Why are there several active numbers for the same pieces of ground?

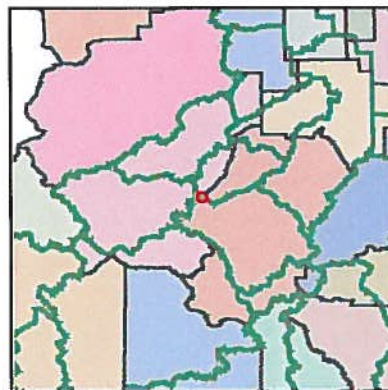


SRBA Recommendation:

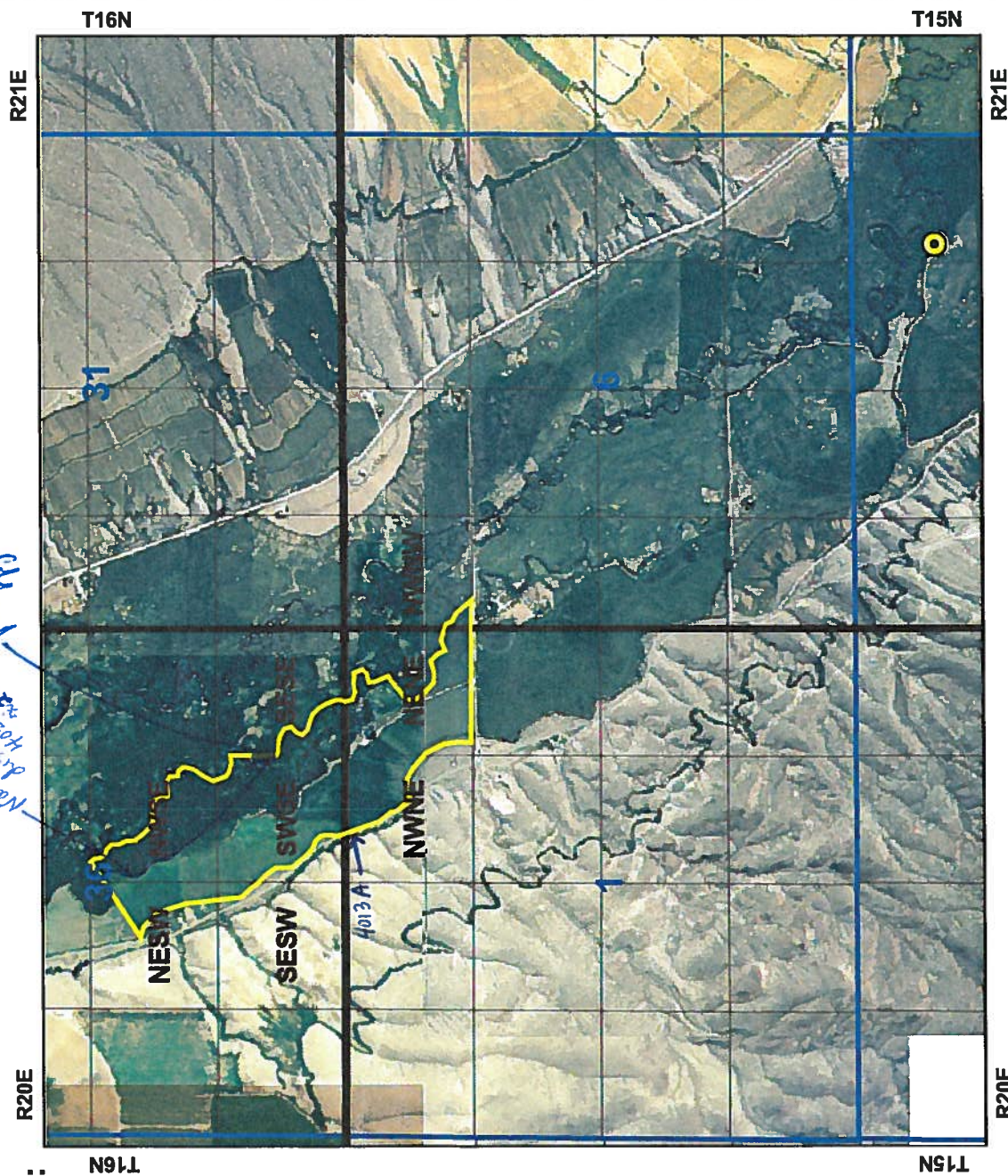
73-4013A

Legend

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



**Lemhi, Custer Counties
IDWR Basin 73**



1.4 Miles

2.0

**Prepared by D. Favreau
On Tuesday, May 16, 2006
1987/88 Aerial Photography**

08/29/2006

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-4013A

NAME AND ADDRESS: STANLEY M DOWTON
HC 62 BOX 1180
ELLIS ID 83235

PATRICIA DOWTON
HC 62 BOX 1180
ELLIS ID 83235

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 2.340 CFS

PRIORITY DATE: 04/01/1875

POINT OF DIVERSION:

T15N R21E S7 NENE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2.340 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T15N R20E S01	NENE	25.00	T15N R20E S01	NWNE	12.00
T15N R21E S06	NWNW	2.00	T16N R20E S36	NESW	10.00
T16N R20E S36	NWSE	25.00	T16N R20E S36	SWSE	38.00
T16N R20E S36	SESE	5.00			

117 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

*maybe copy of 73-11962?
duplicate
73-4033A may
be additional POD*

*check C.O. for
73-4033A
should be
standfish*

MEMORANDUM

TO: FILE
FROM: ROXANNE BROWN
SUBJECT: PRIORITY DATE FOR THE WELLER-SHOUPPE-ELLIS DITCH (P-5)
DATE: 8/29/2006

An affidavit signed by Boise H. Ellis in 1977 is found in the files. Mr. Ellis was 89 years old at the time of the affidavit and recalls the ditch from his childhood (age 6). He was born in 1888.

Mr. Ellis' specific memory of the Weller-Shoupe-Ellis ditch was at the age of six (1894), at which point he knew the location of the ditch, but not specific irrigation from the ditch. He also states a priority date in the late 1870's would be consistent with discussions he had with his father concerning irrigation of the ranches in question. The following priority dates were claimed from the Wells-Shoupe-Ellis ditch:

Claim No.	Priority Date
73-4008	June 1, 1875
73-4013A	April 1, 1870
73-11962	April 1, 1870
73-11963	April 1, 1870
73-4077	April 1, 1870
73-12027	April 1, 1874
73-12028	April 1, 1874

There has been no adjudication of these water rights, and no administration of the rights. This reach of the Pahsimeroi River is widely believed to be a gaining reach. Based on this information, the recommended priority date for all of the claims from this ditch is April 1, 1875.



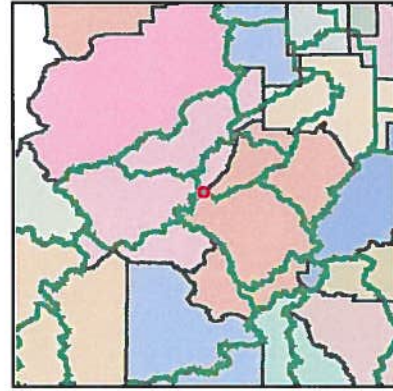
Idaho Department of Water Resources

SRBA Recommendation:

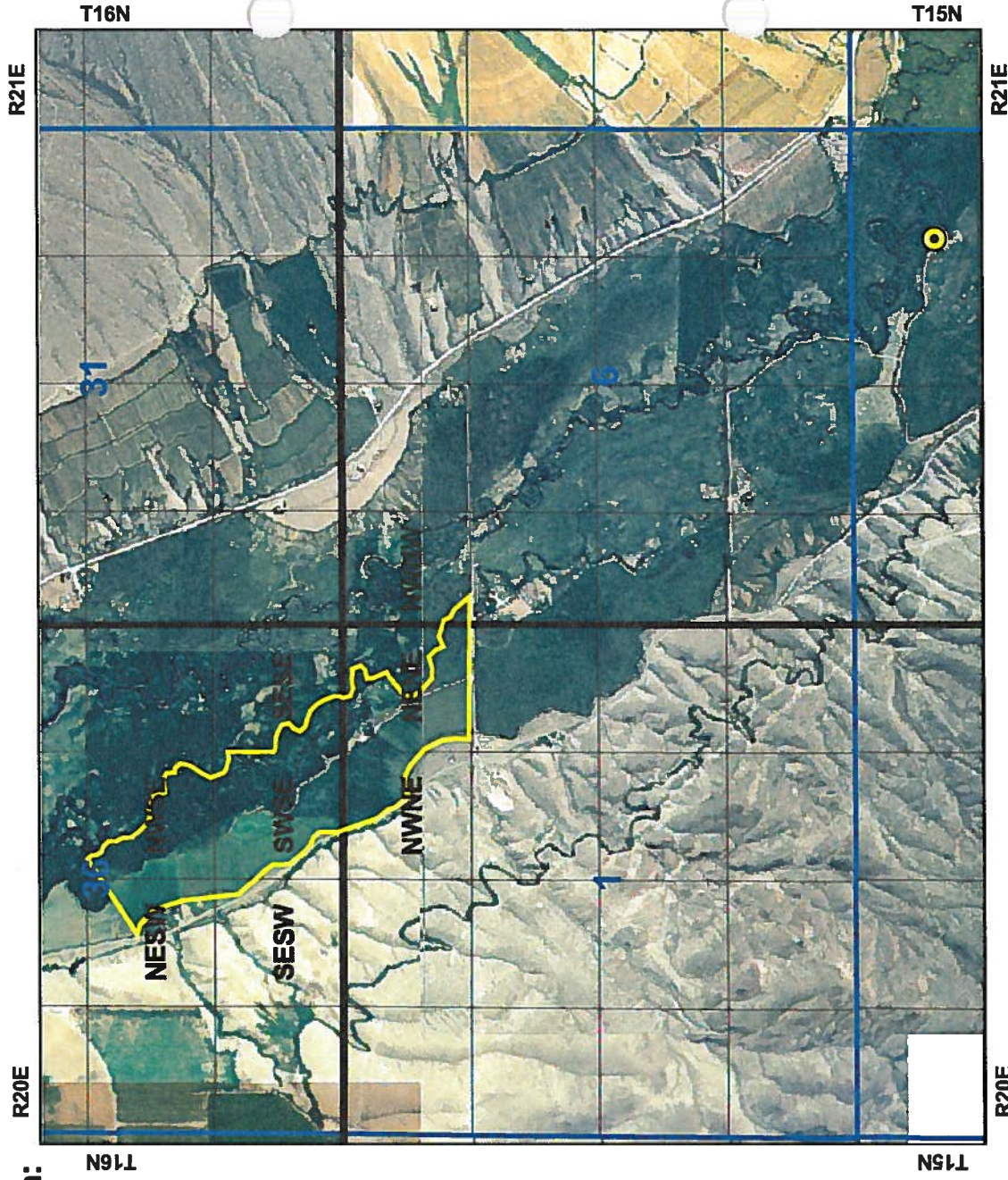
73-4013A

Legend

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



Lemhi, Custer Counties
IDWR Basin 73



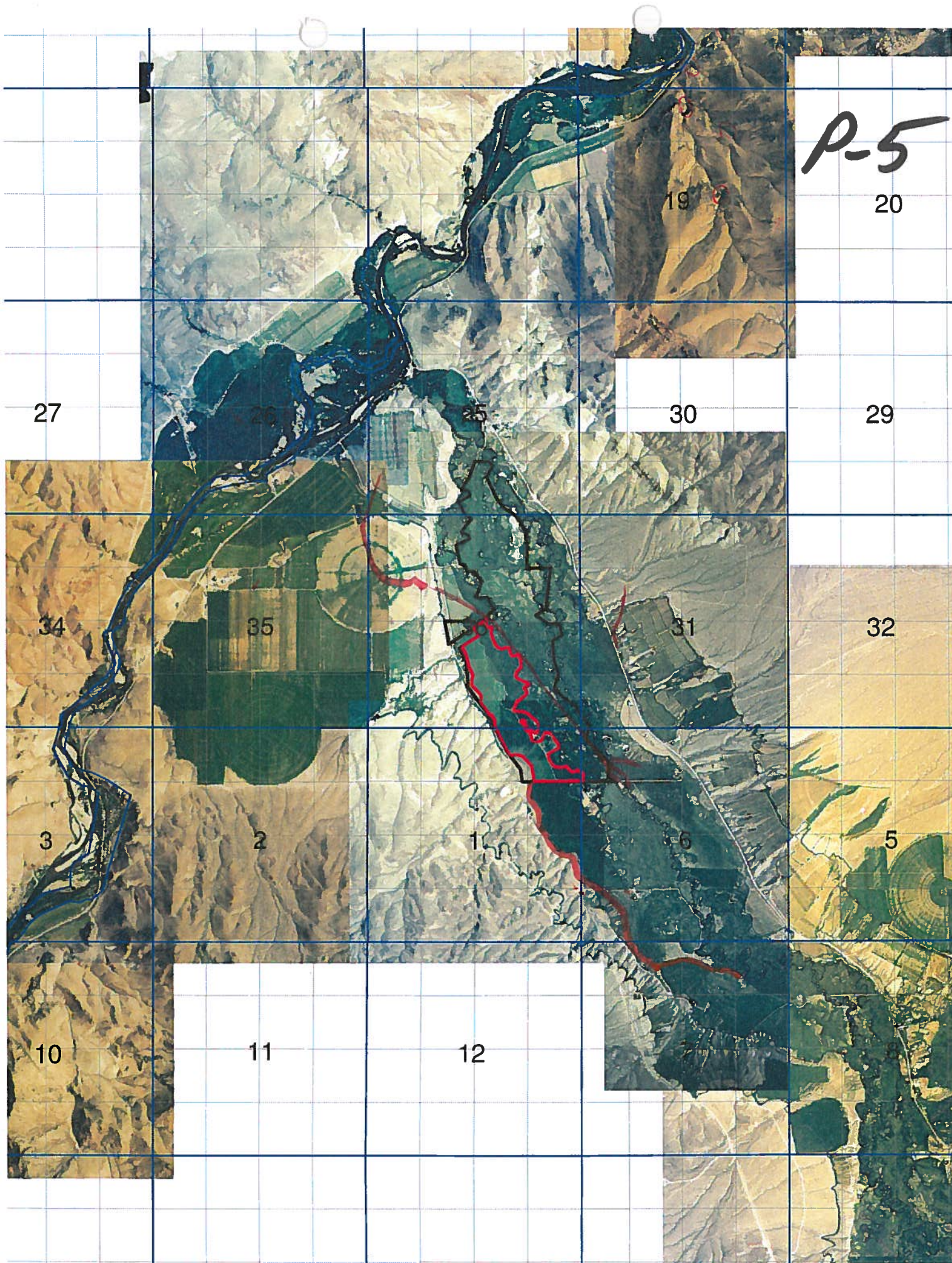
1.4 Miles

0.7

0

Prepared by D. Favreau
On Tuesday, May 16, 2006
1987/88 Aerial Photography

[illegible]



A73-04013A

OWNERS: Stan + Trish Downton
Point of Diversion:

Local Name of Ditch:

Boggeman Ditch

USERS:

E.L. Latimer

4008

Stan Downton

12028 + 4013A

Wilda Hill

11963

Evon Pierson

7034?

Jim + Lou Hess

2577

Jack Furey

avg. 4013

Sydney Downton

12028

Troy Ziegler

12028

Brian Bush

12027