

12/06/2006

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

RIGHT NUMBER: 73-4092

NAME AND ADDRESS: PHILIP R MILLER
50 P MILLER RD
MAY ID 83253

GEORGE MILLER
50 P MILLER RD
MAY ID 83253

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.590 CFS

PRIORITY DATE: 05/01/1913

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	2.590 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

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.

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 129.7 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 - 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: 73-4092

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

GEORGE 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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PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.590 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

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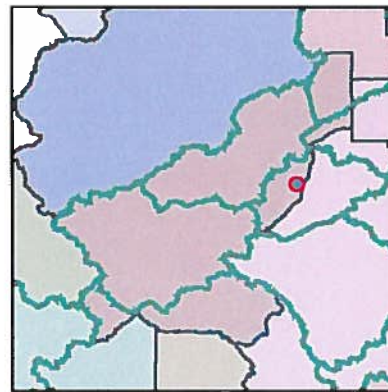
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



**73-214, 73-216,
73-4092, 73-10086**
T14N



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

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



73-4092

Q measured (2005) = 16.0 cfs

Decreed rts: 73-214 0.8 cfs

73-216 0.8 cfs

73-10086 5.6 cfs

Licensed rt: 73-2152 0.4 cfs

7.6 cfs

16.0 cfs
- 7.6 cfs
8.4 cfs

73-4092 developed 129.7 acres
(per 1988 photography & field exam
conducted by J. Mortiny in 2005).

$(129.7 \text{ acres})(0.02 \text{ cfs/acre}) = 2.59 \text{ cfs}$

Additional water claimed as
"high flow" under 73-12044.
Hubble info. requested 8/21/06.

Miller

Patterson Creek

73-214 6/1/1901 0.8 cfs 655.0 acres

73-216 8/1/1902 0.8 cfs 655.0 acres

73-2152 12/10/1959 0.4 cfs 20.0 acres

73-4092 5/1/1913 3.4 cfs 655.0 acres

73-10084 4/1/1918 3.4 cfs 655.0 acres

73-2124
73-213A

73-10086 2/22/1888 5.6 cfs 655.0 acres

73-10087 7/14/1960 2.4 cfs 655.0 acres

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

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

POLL = 486.9 acres in 1987

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.

A7304092

Owner

George Miller

Local Name of Ditch

Miller Ditch

No Other Users

Point of Diversion:

A0013500

16 CFS measured

Four wheel lines and
Three new pivots since
photo-

