

12/19/2006

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

RIGHT NUMBER: 75-10330

NAME AND ADDRESS: WILLIAM ROBERT MAXWELL  
PO BOX 256  
CARMEN ID 83462

SOURCE: WALLACE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T22N R21E S1 NESE Lot 6 Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

0.090 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S06 Lot 7 NWSW 3.00

3 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



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

December 19, 2006

William Maxwell  
Box 256  
Carmen, ID 83462

RE: 75-10330

Dear Mr. Maxwell:

Enclosed is the preliminary recommendation reflecting the comments you made on the Notice of Error Reply. This is the recommendation we will be sending the court shortly.

Sincerely,

A handwritten signature in dark ink, appearing to read 'K. Knoblock', is written over a horizontal line.

Kenneth Knoblock  
Water Resources Agent

11/20/2006

NOTICE OF ERROR  
REPLY

10/31/2006

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: 12/13/2006

Water right number: 75-10330

WILLIAM ROBERT MAXWELL

PO BOX 256

CARMEN ID 83462

Telephone Number: (208)756-2616

RECEIVED  
DEC 07 2006  
IDWR/North

RECEIVED  
DEC 04 2006  
DEPARTMENT  
OF AGRICULTURE

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

That this water right for irrigation has been disallowed.

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

disallowed → decreed

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: 10/31/06

SIGNATURE: William Robert Maxwell

Please print your name: William Robert Maxwell

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

My mother and I held the original 29" of 1898 & 40" of 1902 water rights to Wallace Creek. Currently these rights are being adjudicated to the property owners in the subdivision of the original ranch. We still own 20 irrigated acres of the property to which these rights were originally decreed in 1898 and 1902. We have received no such notice of any water rights. If this unfair →

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situation becomes reality we at least need high water rights to irrigate our pasture and hay land.

P.S. the following is confusing:

Original

1898 - 29"

1902 - 40"

Current adjudication

1898 - 71"

1902 101"

\* the 1898 water is being adjudicated to land that was not part of the ranch in 1898.

Thank you

Bill Maxwell

Phone. # 1-208-940-0507

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

| W.R. NUMBER | NAME AND ADDRESS                                                                                                                              | CLAIM DISPOSITION | REASON                                                                                                                                                                                                                                                            |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 75-10326    | JOHN A NEAL<br>PO BOX 135<br>CARMEN ID 83462<br><br>JANICE G NEAL<br>PO BOX 135<br>CARMEN ID 83462                                            | Disallowed        | Recommended as Right No.<br>75-4330.                                                                                                                                                                                                                              |
| 75-10330    | WILLIAM ROBERT MAXWELL<br>PO BOX 256<br>CARMEN ID 83462                                                                                       | Disallowed        | No beneficial use found.                                                                                                                                                                                                                                          |
| 75-10332    | SALMON RIVER PROPERTIES<br>INC<br>BOX 4495<br>CHATSWORTH CA 91313                                                                             | Disallowed        | No lawful appropriation shown.                                                                                                                                                                                                                                    |
| 75-10336    | LARRY T GAUTIER<br>BOX 413<br>SALMON ID 83467                                                                                                 | Disallowed        | No lawful appropriation shown.                                                                                                                                                                                                                                    |
| 75-10340    | BIG FLAT DITCH CO<br>C/O KATIE SLAVIN<br>PO BOX 255<br>CARMEN ID 83462                                                                        | Disallowed        | NO BENEFICIAL USE FOUND: This<br>is included for a claim based on<br>beneficial use that is PROPOSED<br>to be disallowed because<br>beneficial use of water was not<br>confirmed by IDWRs field<br>examination or by other evidence<br>submitted by the claimant. |
| 75-10342    | MARRUE K SIMMONS<br>SIMMONS FAMILY TRUST<br>245 E THREE FOUNTAINS DR<br>PROVO UT 84604<br><br>BOYD K SIMMONS<br>PO BOX 207<br>CARMEN ID 83462 | Disallowed        | No beneficial use found.                                                                                                                                                                                                                                          |
| 75-10389    | TIM PILKERTON<br>PO BOX 196<br>CARMEN ID 83462                                                                                                | Disallowed        | No beneficial use found.                                                                                                                                                                                                                                          |
| 75-10417    | A YVONNE JAKICH<br>118 S SAINT CHARLES RD<br>SALMON ID 83467-5224<br><br>LEONARD JAKICH<br>118 S SAINT CHARLES RD<br>SALMON ID 83467-5224     | Disallowed        | No beneficial use found.                                                                                                                                                                                                                                          |
| 75-10489    | KATHY SUE SMITH<br>BOX 1416<br>SALMON ID 83467<br><br>JAMES A SMITH<br>5621 E AMITY<br>NAMPA ID 83687                                         | Disallowed        | No lawful appropriation shown.                                                                                                                                                                                                                                    |

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**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION SECTION  
CLAIM VERIFICATION FIELD EXAM SHEET  
(Use with the ECVR)**

CLAIM NO(s). 75-10330

1. ☐ No Change NAME IS SAME *See remarks*

☐ NEW OWNER: \_\_\_\_\_

☐ No Change ADDRESS \_\_\_\_\_

☐ NEW ADDRESS: \_\_\_\_\_

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: \_\_\_\_\_

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☐ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: \_\_\_\_\_

4. ☐ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

6. ☐ No Change - WATER USES  
☐ Different uses, (list uses found):

|           |            |          |              |           |           |
|-----------|------------|----------|--------------|-----------|-----------|
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: \_\_\_\_\_ Stock # \_\_\_\_\_ List types: \_\_\_\_\_

Additional comments: \_\_\_\_\_

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

|            |                |             |               |           |           |
|------------|----------------|-------------|---------------|-----------|-----------|
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

*Water from Wallace Creek is no longer diverted from this  
pool to these lands per Bill Maxwell 6-29-05.*

☐ SYSTEM DIAGRAM INCLUDED ☒ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: *6-29-05*

FIELD EXAMINER:

*Bob Foster*  
Print Name

*Bob Foster*  
Signature

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JUL 19 2005  
DEPARTMENT OF  
WATER RESOURCES

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10330

WATER RIGHT NUMBER: 75-10330

|                   |                                                                           |
|-------------------|---------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                   |
| Current Owner     | WILLIAM ROBERT MAXWELL<br>PO BOX 256<br>CARMEN, ID 83462<br>(208)756-2616 |

Priority Date: 04/01/1949  
Basis: Beneficial Use  
Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| WALLACE CREEK | SALMON RIVER     |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 4/01 to 11/01           | 0.090 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.090 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |         |          |               |
|---------------|-----------------|---------|----------|---------------|
| WALLACE CREEK | SW1/4SW1/4NE1/4 | Sec. 1, | Twp 22N, | Rge 21E, B.M. |
| LEMHI County  |                 |         |          |               |

Place of UseIRRIGATION Within LEMHI County

T23N R21E S36   SESE   3.0

Total Acres: 3

Conditions of Approval:

- PRIORITY DATE IS BASED UPON THE FIRST YEAR I IRRIGATED THIS PROPERTY, IT HAD BEEN IRRIGATED PRIOR TO THAT.

Remarks:

My father William Maxwell Sr. purchased the property from Myrtle Reynolds in 1954. I received the land in 1975. This water right has been used since before ~~1954~~ 1949. The Reynolds irrigated hayground for their horses and milk cows.

SCANNED

AUG 09 2005

Thank you  
William Robert Maxwell

SCANNED

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: A75-10330  
Date Received: 4/26/1990  
Receipt No: MOU6778  
Received By: B

*Gone*

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM R. MAXWELL, SR. 208-756-3429  
Address: P.O. BOX 1016  
SALMON, ID 83467

2. Date of Priority: APR 01, 1949

3. Source: WALLACE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

|          |       |         |        |        |     |     |        |
|----------|-------|---------|--------|--------|-----|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 22N      | 21E   | 1       | SW     | SW     | NE  |     | LEMHI  |

5. Description of diverting works:  
HEADGATE, DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

|            |       |       |        |      |        |
|------------|-------|-------|--------|------|--------|
| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 04/01 | 11/01 | 0.090  |      |        |

7. Total Quantity Appropriated is:  
0.090 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

|          |       |         |        |     |     |     |       |
|----------|-------|---------|--------|-----|-----|-----|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
| 23N      | 21E   | 36      | SE     | SE  |     | IRR | 3.0   |

Section Acres 3.0

Total Acres 3.0

A75-10330

Page 1

Date: 04/26/90

A7510330



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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:

NONE

14. Remarks:

PRIORITY DATE IS BASED UPON THE FIRST YEAR I IRRIGATED THIS PROPERTY, IT HAD BEEN IRRIGATED PRIOR TO THAT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

William R. Maxwell

Date: 4-26-90

Date: \_\_\_\_\_

State of Idaho )

County of Lemhi )

SS.

Subscribed and sworn (or affirmed) before me this 26<sup>th</sup> day

of April 19 90

Anna Baumhoff  
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public

Residing at Boise, Idaho

My Commission Expires My Commission Expires December 7, 1994

21E 22F

T23  
T22

50 15000m. N.

45°15'

2 73000m. E.

113°52'30"

MICROFILMED  
DEC 15 1992

1 MILE

0 1 2

