

12/19/2006

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

RIGHT NUMBER: 75-10342

NAME AND ADDRESS: MARRUE K SIMMONS
SIMMONS FAMILY TRUST
245 E THREE FOUNTAINS DR
PROVO UT 84604

BOYD K SIMMONS
PO BOX 207
CARMEN ID 83462

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.360 CFS

This right when combined with Right No. 75-14137 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 04/01/1958

POINT OF DIVERSION:

T23N R22E S31 NWSWE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.360 CFS
		170.00 AFY
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S31 Lot 13

STOCKWATER in LEMHI County

T23N R22E S31 Lot 13 SWSE

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

11/05/2006

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

RIGHT NUMBER: 75-10342

NAME AND ADDRESS: MARRUE K SIMMONS
SIMMONS FAMILY TRUST
245 E THREE FOUNTAINS DR
PROVO UT 84604

BOYD K SIMMONS
PO BOX 207
CARMEN ID 83462

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.360 CFS

PRIORITY DATE: 06/01/1952

POINT OF DIVERSION:

T23N R22E S31 SWNWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.050 CFS
IRRIGATION	4/01 11/01	1.360 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S31 Lot 13 SWNE	14.00	T22N R22E S31 Lot 13 SENE	3.00
T22N R22E S31 Lot 13 NESE	12.00	T22N R22E S31 Lot 13 NWSE	29.00
T22N R22E S31 Lot 13 SWSE	10.00		
<u>STOCKWATER same as IRRIGATION</u>			

68 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

11/20/2006

RECEIVED

DEC 12 2006

DEPARTMENT OF
WATER RESOURCES

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: 12/13/2006

Water right number: 75-10342

MARRUE K SIMMONS
SIMMONS FAMILY TRUST
245 E THREE FOUNTAINS DR
PROVO UT 84604
Telephone Number: (801)221-7644

BOYD K SIMMONS
PO BOX 207
CARMEN ID 83462
Telephone Number: (208)756-3006

T22 No R22E
Sec 31

SCANNED

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:

Please do not disallow this tract -
On the far East side there is a Spring used for
livestock in Western Pasture in summer.

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

Is used.

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

DATE: Dec 3, '06 SIGNATURE: Marrue K. Simmons

Please print your name: MARRUE K. SIMMONS

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

Please Call - The legal
description does not seem to
fit the ground irrigation well
Boof Foster described as the disallowed
water use.

Marrue Simmons
801-221-7644 Justin
Simmons 406-375-1192

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

11/20/2006

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



File Name : IMG_1591.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/640
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 7.3 mm
 White Balance : Auto

Active Power to house



File Name : IMG_1592.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/250
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 21.7 mm
 White Balance : Auto

*Live Wires
on Right*



File Name : IMG_1593.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/125
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 21.7 mm
 White Balance : Auto

*inactivated
wires*



File Name : IMG_1594.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/60
 Av (Aperture Value) : 3.5
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 7.3 mm
 White Balance : Auto

*House meter
Active*



File Name : IMG_1595.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/640
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 7.3 mm
 White Balance : Auto

*Wires from
house to
pump house*

Ken Knoblock/Dept. of Water Resources Personnel
7600 Mineral Drive
Suite 100
Coeur d'Alene ID 83815

RECEIVED

DEC 19 2006

IDWR/North

12-10-2006

RE: Water Rights 75-10342

Dear Ken Knoblock or other Dept. of Water Resources Personnel,

I am writing in regard to our water right for the Simmons Family Trust (MarRue Simmons) that had been disallowed (75-10342) for our irrigation pump. I am in the process of purchasing the family ranch and Grandma Simmons turned this over to me at the last minute. We have found the well was drilled by Charlie Dahle August 17, 1957 and it was a 20 inch diameter, 24 feet deep irrigation well. Charlie drilled the well for Bill Silbaugh who was the owner of the land at the time. Dick Dahle now owns and runs the family company that drilled the well and this information can be verified with him at (208) 756-2757. Dick will be sending the well log and a copy of his fathers notes because the well log did not require much information that long ago. If there is any other information needed please notify me as soon as possible. But according to what we learned at the meeting in Salmon this well cannot be disallowed.

Bob Foster said the power boxes on the pump house were gutted and so the pump had not been used. The boxes are no longer in use. If he had looked up he would have seen the live power lines coming from the house. I have provided pictures showing the live power to the pump house. We have approx. \$70k in irrigation lines that are used later in the season when our other water right from the river is insufficient. This pump is being used currently and has been in use since 1957. No other information should be necessary and I will look forward to your reversal on the disallowment.

Pictures are included and written on for your viewing and understanding. If you have any questions please notify me as soon as possible.

Sincerely,



Justin D. Simmons RDH, DDS
2831 Foxtrotter Trail
Victor, MT 59875

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

CLAIM NO(s). 75-10342

1. ☒ No Change NAME IS SAME
☐ 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.: A0017458

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:

see remarks

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

it does not appear this well has been used for a considerable amount of time. No pump or well depth info available. land is covered under 75.14137

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-16-06

FIELD EXAMINER:

Bob Foster

Print Name

Bob Foster

Signature

RECEIVED

DEC 21 2006

IDWR/North

75-10342

Order No. _____ Date _____ 19__

Address Bill Silbaugh Aug 17-57
Ship To SalmonAt _____
Ship When Charles Dahle
Terms Salmon

17th	Move in + setup	5 hrs	
19 "	toe rigging + welding	5	
20	peppering + welding	6	
21	scoring	4 1/2	
22	scoring	7	
24	1 hr	6	
	take down + move out	5	
	Scoring 12 1/2 hrs		150.00

368.00

only 30 paid on acct 150.00

Salesman _____

Buyer _____

Order No. _____ Date _____ 19__

Address Mr. Bill Silbaugh
Ship To Salmon, Aug 17-57At _____
Ship When Charles Dahle
Terms Salmon

	Scoring 20" perforated 8'	
	Setup + take down	100.00
	Scoring 14 hrs	168.00
	toe rent + transportation	50.00
	6 hrs peppering + welding	30.00
		<u>\$348.00</u>
	paid on acct 150.00	
	Balance	198.00

Salesman _____

Buyer _____

OCT 15 1992

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: A75-10342
Date Received: 4/27/1990
Receipt No: 1000796
Received By: JPL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOYD K. SIMMONS 208-756-3006
Address: P.O. BOX 207
CARMEN, ID 83462

AND/OR

Name: MARRUE K. SIMMONS 208-756-3006
Address: P.O. BOX 207
CARMEN, ID 83462

2. Date of Priority: JUN 01, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	22E	31	SW	NW	SW		LEMHI

5. Description of diverting works:
30" CASING 10' AND 8" CASING 20' DEEPER WITH 15 HP MOTOR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.360		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 170.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 200 HD. BEEF CATTLE.

A75-10342

Page 1

Date: 04/27/90

A7510342



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
22N	22E	31	SW		NE	13	IRR	14.0
			SE		NE	13	IRR	3.0
			NE		SE	13	IRR	12.0
			NW		SE	13	IRR	29.0
			SW		SE	13	IRR	10.0

Section Acres 68.0

Total Acres 68.0

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:
A7504123

14. Remarks:

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 ☒ 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): Wayne K. Simmons Date: _____

Mar Rene K. Simmons Date: 4-27-90

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 27 day

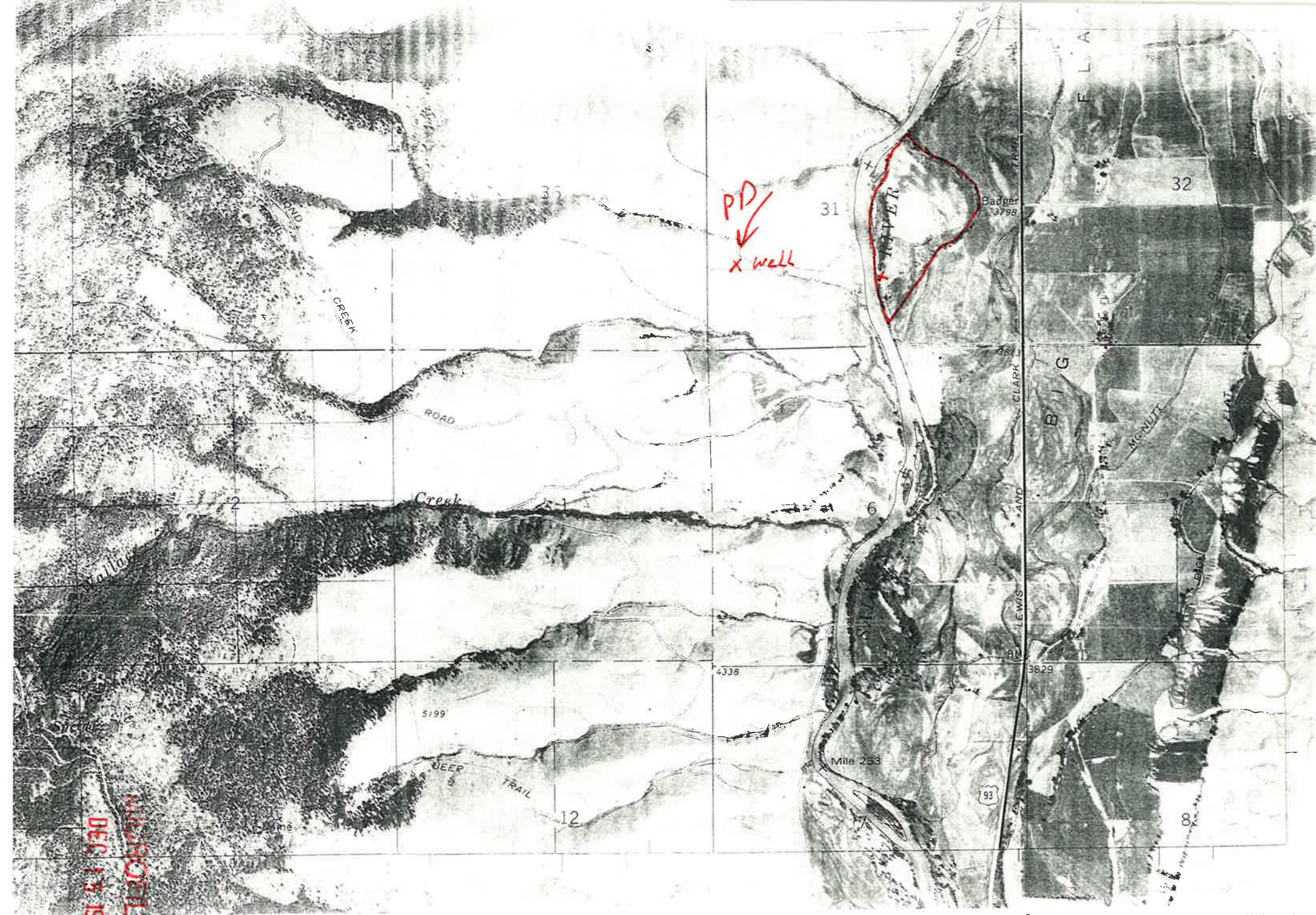
of April 19 90

John Dale Carlson
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/2/94



PD
X well

UNRECORDED
DEC 13 1992

273000m. E.