

September 13, 2008

Ms. Sharla Cox
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402

Re: Application for 75-14462 - Tendoy Spring

Dear Sharla,

In reference to your letter of September 4, 2008, I would like to offer the following information:

Water from Tendoy Spring flows through Gertrude Maxwell's property in Section 13. After leaving Maxwell property, it flows under the Diamond Creek Lane road into the river. Between the road and the river, it flows across Fredde Howarth's property for about sixty feet. It has no effect on Arden Arrington's or Larry Shiley's property and does not effect water rights from Wallace Creek.

Arden Arrington's protest is that no water from Wallace Creek be carried in an upstream ditch to this property. The ditch in question was used from 1949 to 1983 when the Challis earthquake rendered it unusable.

There never was any intention of trying to use the ditch to divert water from Wallace Creek as noted in 6A of Mr. Arrington's protest.

In light of the above, I would appreciate you proceeding with advertising.

Sincerely,



Bill R. Maxwell
For Gertrude Maxwell

Cc: Robert Foster

RECEIVED
SEP 16 2008

Department of Water Resources
Eastern Region

November 26, 1999

RECEIVED

MAY 11 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Department of Water Resources
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested APPLICATION FOR WATER RIGHTS 75-14462 TENDY CREEK
IN THE NAME OF GERTRUDE WILLIAM MAXWELL
2. Name of protestant L. ARDEN ARRINGTON
3. Protestant's Representative for service (If different than protestant)
DONALD F. CARY, QUANE SMITH LLP
4. Service mailing address 2325 W. BROADWAY Suite B, IDAHO FALLS, ID
5. Service telephone no. 208 529 0000 83402-2913
6. Basis of protest (including statement of facts and law upon which the protest is based)

→ IF APPLICATION GRANTED, IT SHOULD CONTAIN A REQUIREMENT
THAT THERE WILL BE NO DIVERSION FROM WALLACE CREEK
THAT NO WATER FROM WALLACE CREEK BEING CARRIED IN
AN UPSTREAM DITCH MAY BE DIVERTED INTO TENDY CR.
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? ADMONITION IN APPLICATION/PERMIT
APPROVAL BY IDWR AGAINST DIVERSION OF WATER CARRIED IN
DITCH FROM WALLACE CREEK SOURCE INTO TENDY CREEK.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this

day of

May

2000.

2007

Protestant

Protestant's Representative

RECEIVED

SEP 16 2008

Department of Water Resources
Eastern Region

JUL 09 2007

Receipt
#E032879

RECEIVED

FORM 202
12/99

APR 27 2007

Ident. No.

75-14462

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Gertrude I. Maxwell Phone 756-3429
Mailing address P.O. Box 1016 Salmon, Idaho 83467
2. Source of water supply Tendoy Springs which is a tributary of Salmon River
3. Location of point of diversion is Township 22N Range 22E Sec. 6, in the _____
SW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot 8, B.M., Lemhi County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 10 for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 10 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source pre-existing ditch to property
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

→ The ditch referred to is a short ditch out of Tendoy Gulch that carries water from Tendoy Springs to the property.

MUALEM, CHARLES

SIMMONS FAMILY TRUST

SIMMONS FAMILY TRUST

UBERUAGA, JULIA M

MUALEM, CHARLES W

EMMONS, DAVE

YANOVAC, EVELYN

MUALEM, CHARLES

MUALEM, CHARLES W

SANDSTROM, EMILY

BOURDON, GREG

FARLEY, DANNY E

WAITE, JEFF V

BOURDON, GREG

KRASKE, JERRY ALAN TRUST

WONG-MCCLEAN FAMILY TRUST

PETERSON, AARON SCENY

SHEFTS, GREGORY M

KRASKE, JERRY ALAN TRUST

GEIDEL, JAMES R

WAITE, JEFF V

OLSEN, NORMAN C

LEWIS, VANCE EDWARD

YANOFF, DAVID REVOCABLE TRUST

GOODY, DALE

STATE OF IDAHO

YANOFF, DAVID

SLAUGH, WILLIAM G

OLSEN, NORMAN C

SNEED, RUSSELL

ANDERSON, ROBERT

GREY DOG LLC

GOSACK, LAWRENCE E

ARRINGTON, LOUIS ARDEN

GREY DOG LLC

HEFFNER, LISA

PENSCO TRUST COMPANY CUSTODIAN

WALLACE
MAXWELL, WILLIAM ROBERT

MAXWELL, GERTRUDE

CABELL, LAWRENCE E

CABELL, TERRY

ARRINGTON, LOUIS ARDEN

LADY WESTOCK INC

NOTT, FREDERICK BOWMAN SEPARATE
SHILEY, LAWRENCE L

WILEY, JAY

MAXWELL, GERTRUDE

Ditch
not used
any more

WALLACE
MAXWELL, WILLIAM ROBERT

sluff

Tender Springs

Area to 13
be irrigated

1
12
6
7

SCALE 2 IN. - 1 MILE

FOR SALE BY

CHAS. F. METSKER
514 S. W. OAK STREET, PORTLAND OREGON
111 SOUTH 10TH ST., TACOMA, WASHINGTON
1020 THIRD AVE., SEATTLE, WASHINGTON

TOWNSHIP 22 N., RANGE 7 E.

LEMHI COUNTY, IDAHO

(46)

